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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

HEARINGS BEFORE THE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD EIGHTY-FIFTH CONGRESS FIRST SESSION

PURSUANT TO SENATE RESOLUTION 74, 85TH CONGRESS

APRIL 29, NOVEMBER 12, 13, 14, 15, AND 16, 1957

PART 17

Printed for the use of the Select Committee on Improper Activities in the
Labor or Management Field



345

Investigation of improper activities in the labor or management field

**INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD**

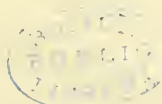
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**May be found in the printed report.

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, APRIL 29, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 4:30 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan; Senator Karl E. Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel of the select committee; Lavern J. Duffy, investigator; Ruth Young Watt, chief clerk. (Members present at the convening of the session: Senators McClellan, Ives, McNamara, and Mundt.)

The CHAIRMAN. The committee will be in order.

Mr. KENNEDY. Mr. Adelstein.

The CHAIRMAN. You will be sworn, please, sir.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADELSTEIN. I do.

TESTIMONY OF BERNARD ADELSTEIN, ACCOMPANIED BY COUNSEL, DAVID I. SHIVITZ

Mr. SHIVITZ. Mr. Chairman, may the witness remain in the seat he is in now? His right ear has no eardrum, and he cannot hear on that side. The only ear I can speak into is the left ear.

The CHAIRMAN. If it is all right with the witness, you may occupy that seat.

Mr. SHIVITZ. May I also say to the chairman that I understood from my conversation with counsel that this was going to be an executive session and not an open session.

Mr. KENNEDY. I said I thought it would be. I have nothing to do with it.

The CHAIRMAN. The counsel does not make that determination. I have no objection to an executive session.

Mr. SHIVITZ. I think we can close much faster in an executive session than we can in an open hearing, Mr. Chairman, and I re-

spectfully ask the Chair and the committee to indulge us to that extent.

The CHAIRMAN. I am going to ask a few questions in public of your client.

You testified before the subcommittee in New York last Friday, did you not, sir?

Mr. ADELSTEIN. I did.

The CHAIRMAN. For the record, will you state your name, your place of residence, and your business or occupation?

Mr. ADELSTEIN. Bernard Adelstein. I live at 60 Grist Mill Lane, Great Neck, N. Y. I am secretary-treasurer of local 813, Private Sanitation Union, affiliated with the International Brotherhood of Teamsters and affiliated with the AFL-CIO. The offices are at 147 Fourth Avenue, New York City.

The CHAIRMAN. Thank you.

Counsel, would you again identify yourself for the record?

Mr. SHIVITZ. My name is David I. Shivitz, an attorney, 271 Madison Avenue, New York City, of the firm of Halperin, Natanson, Shivitz, Scholer & Steingut.

The CHAIRMAN. Mr. Adelstein, you have been previously served with subpoenas to deliver certain records to the committee; is that correct?

Mr. ADELSTEIN. That is true.

(At this point, Senator Goldwater entered the hearing room.)

The CHAIRMAN. We discussed these subpoenas and the records in your testimony in New York last Friday?

Mr. ADELSTEIN. We did.

The CHAIRMAN. You are, of course, familiar with the subject matter of the investigation and the records and documents that the committee seeks to secure?

Mr. ADELSTEIN. That I am.

The CHAIRMAN. You were ordered last Friday to bring those records called for in the subpoenas, to bring those records and present them here to the committee today. Have you complied with the request, with the order, to bring your records here?

(The witness conferred with his counsel.)

Mr. SHIVITZ. May I interrupt?

The CHAIRMAN. No, sir. The question is directed to the witness. You may confer with him.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, the records that you have requested are all downstairs in an automobile. We were asked to be present here at about a quarter to 3, in room 101. We waited there up until a little while ago, when we were informed that we should come up here. The records are in a car downstairs.

The CHAIRMAN. That is all right. Then, are you prepared to turn them over to the committee?

Mr. SHIVITZ. At this time, Mr. Chairman, may I make a statement?

The CHAIRMAN. I am asking the witness a question. He can answer whether he is prepared to turn them over.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, at this time I would like to answer you in the form of a statement.

The CHAIRMAN. The Chair will permit you to make a statement, but answer first, if you can, whether you are going to turn over the records as you have been directed. The Chair then will permit you to make a statement of explanation.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, I know that you will receive your reply in the form of a statement.

The CHAIRMAN. All right. Proceed. I will see what it is.

Mr. SHIVITZ. Mr. Chairman, if I may, before the witness reads the statement, I would like to say that this is the exact same statement that was read to the Chair, sitting as a subcommittee of one, on Monday. But, in addition to that, and that was the reason that I felt that a closed session might be more efficient, practical, and timesaving, I have some additional suggestions to make which I think will be acceptable to counsel and the committee.

The CHAIRMAN. Let us get the witness' testimony and then we will see whether we are going to get the records or not.

Mr. ADELSTEIN. On Monday, March 11, 1957, Robert Greene and James P. Kelly, employees of this committee, called at the offices of our union at 147 Fourth Avenue, New York City. They told us they were investigators from this committee, and served subpoenas on the union, the welfare fund, and on me, personally. They conferred with Michael Wolpert, attorney for the union, and with me. They asked to see various documents and records and correspondence, all of which were shown to them.

They took certain correspondence from the files and asked permission to take it from our office in order to photostat it, saying they would return it the following day. Not until at least 2 weeks later were the papers returned, and then only after Mr. Shivitz made repeated requests for them.

In the course of this visit, which lasted for several hours, Mr. Greene and Mr. Kelly examined, among other things, a personal telephone index belonging to me, which I had kept for many, many years. Prior to leaving the office, they said they wanted to take that book with them, also. I told them I did not wish them to take it; that they could look at it as they had been doing, but I did not feel they should take it with them. They were free to copy anything they looked at.

After that, additional subpoenas were served, and the union, the welfare fund, and I, as well as my wife, retained the services of the firm of Halperin, Natanson, Shivitz, Scholer & Steingut to advise us in this matter. Mr. David I. Shivitz is the partner in charge of this matter for the firm.

After Mr. Shivitz arranged with the representatives of the committee for service to be made on Mrs. Adelstein at his offices, blanket subpoenas and subpoenas duces tecum were served on Mrs. Adelstein, individually and as an officer of Shapco Corp., for all books and records, et cetera.

After further consultation with representatives of your committee, Mr. Shivitz advised us that he had arranged with the representatives of the committee to have all the books and records requested brought to our attorney's offices, where a room would be made available to the committee representatives to examine the same. Melville Wolpert, a certified public accountant who has been the accountant for all of the

witnesses and is familiar with their books and records, was present with the books and records while they were being examined by representatives of the committee. Committee representatives attended at the offices of our attorneys for a period of a little more than 1 week, and all the material requested by them was produced for their examination.

I am now advised by my counsel that the committee representatives are not satisfied with this arrangement, but wish to have the committee representatives remain alone with all our books and records. Our attorneys advise us that we are within our rights in placing a representative with this material while representatives of the committee examine it.

We desire to assert these rights. While we are informed that no reason need to be given to support our assertion of rights, I should like the committee to understand my reasons for doing so. I have been interrogated and investigated by the district attorney's office in New York County and Nassau County as well as by the attorney general of the State of New York. As a union official I anticipate that this will not be the end of such investigations or interrogations. The business of our union is substantial. We have over 1,800 members. The welfare and pension funds have assets of more than \$1½ million. I am in a position of trust with respect to the records of the union, and am responsible for the same.

I feel that the only proper safeguards of these books and records is the continued exercise of the right to retain custody over this property.

My attorney advises me that the committee may require the production of this material and compel me to testify with respect thereto. This I am ready to do. I have already done more than this. I have made this material available in the manner heretofore stated.

Another reason for me to insist on exercising my rights is that I desire to know what material the committee wishes to copy or photostat in order that I may be prepared to testify with respect to such material as I may be called upon to do so.

Since the material called for here covers several years and numerous transactions too numerous for me to inform myself about in its entirety, I feel that I have a right and obligation to ascertain by proper means the subject of any future questioning which the committee may have for me, so that I may be an informed, intelligent and cooperative witness.

The CHAIRMAN. Then I understand that you are refusing to turn over your records?

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, as outlined in this statement, I am willing to comply, as outlined in the statement, and as my counsel would also request.

The CHAIRMAN. If I understand you correctly, you want to name all the conditions upon which the records can be looked at. The Chair is not going to do that, unless the committee requires him to do so. He is not going to adopt any such policy. We discussed this quite extensively in New York last Friday. I ordered you to bring your records here so that the committee can determine whether it is going to let you name all the conditions or whether we are going to receive the records.

I think it is a pretty vital thing for the committee to decide. We have the authority under the law, under the resolution, to get the records from others, and I do not know any reason why we should show some favoritism to you. I will submit the matter to the committee.

Mr. SHIVITZ. Mr. Chairman, before the matter is submitted to the committee, may I respectfully ask the Chair and the committee's indulgence to explore this further, if it is possible to do so, at a closed session? I am ready to go into one at this point. If you feel you would like to have it aired at a public hearing, where I don't think we can be nearly as effective, I am ready for that.

Senator MUNDT. Mr. Chairman, I think this is a very vital public point, and I think the public is entitled to know whatever reasons Mr. Shivitz has. I would like to hear them, but I do think it is public business.

There would be no purpose served in going into executive session.

Mr. SHIVITZ. As I stated at the outset, Senator Mundt, counsel informed me that we were going into executive session. He has explained that he assumed that. He does not, of course, run the committee.

Mr. KENNEDY. Say what I told you, that I thought that the session would be held in executive session. I did not say that the committee would hold an executive session on it.

Straighten it out.

Mr. SHIVITZ. I think there is a difference without any distinction.

But in any event, Senator Mundt, I am only saying this because of the great patience with which your chairman indulged me on Friday, and we made a great deal of progress on it. I felt if we continued on that vein, we would close the matter to everybody's satisfaction. I am perfectly ready to go ahead in an open hearing.

Senator MUNDT. I am hoping for the same eventuality, but I do not see any purpose to be served in going into executive session. This is a public session, and you should have your reasons spread on the record in public.

Mr. SHIVITZ. May I be heard, Mr. Chairman?

The CHAIRMAN. The Chair will listen to you, but I do not want a long statement.

Mr. SHIVITZ. Mr. Chairman, the facts as outlined by the witness, I think, speak for themselves.

In addition to that, as you stated a moment ago, this Senate committee, this select committee, is vested with very broad powers. From the resolution granting the powers and which gave birth to the committee, we find in section 4 the power to issue subpoenas. That power, in subdivision 4 of section 4, is specifically enumerated as follows: "Require by subpoena or otherwise the attendance of such witness" and here are the important words "and production of such correspondence, books, papers, and documents." That is what it requires.

It can require the production of books, records, and documents.

The courts have spoken on the interpretation of the word "production" in civil and criminal cases, with prosecutors, attorneys general, complainants, and parties to litigation. The courts have repeatedly held that the right of a party, or body, to call for the production of books and records does not carry with it the right to obtain or retain possession thereof. In order to do that, under our form of Govern-

ment a warrant of attachment must issue from a court of competent jurisdiction.

That the Congress, except in cases where it sits as a trial court, has no power to issue.

A subpoena for the production of books and records is for just that.

(At this point, Senator McNamara withdrew from the hearing room.)

Mr. SHIVITZ. We have gone further. We have gone further to the point where we are ready, and we have made available, and those books and records have been examined for a period of several weeks.

I would like to point this out, Mr. Chairman, and gentlemen: The only thing, the only thing that distinguishes our Government from practically every other government in the world is the fact that the state itself is the servant of the people.

The CHAIRMAN. Mr. Counsel, I do not believe the committee needs a lecture on our form of Government. I believe we are pretty familiar with it.

The question is: Are you going to turn over the records? That is all I want to know.

Mr. SHIVITZ. I think, Mr. Chairman, that that question lends itself to an oversimplification. I would like to say this—

The CHAIRMAN. Just a moment. We are going to keep it simplified. Are you going to deliver the records or not?

Mr. SHIVITZ. We are here to produce them, to testify from them. In default of that being acceptable, except as the witness has testified, we assert the right to retain possession of them. We will exhibit them as we have, to a representative of the committee, who can make copies from them at will, who can examine them at great length. I have just been informed by Mr. Adelstein that his office in the union offices in New York City, where I am told your investigation is being conducted, which is an airconditioned office, four times the size of the room that they are now working in, will be made available to them.

The CHAIRMAN. Again let the Chair determine. You give the answer, but I want your client to answer. I suppose he is answering on your advice.

All I want to know now and all the committee wants to know, and you say you have the records here, is: Are you going to deliver them to the committee?

The question is directed to your client. He may say yes or no.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, as I and my counsel have indicated, that I am prepared to do, based on the statement I read, and I am, as a result of that, prepared to testify.

The CHAIRMAN. I think we can get this concluded a little quicker by this. The Chair, with the permission of the committee, with its approval, now orders and directs you to deliver the records that you have brought here in response to the subpoena, to the custody of the committee.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Chairman, I cannot do so for the reasons that I have already stated. I will produce them and am prepared to testify—

The CHAIRMAN. The Chair will accept your answer as a refusal. Unless you immediately indicate otherwise the Chair accepts your

answer as a refusal to comply with the subpoena and to comply with the order of the Chair, with the approval of the committee, at this time, that those records that you have brought in response to the subpoena, be physically delivered to the custody of this committee. That is the order of the Chair and of the committee.

Senator MUNDT. Before you answer, may I say that there was a slight inaccuracy in the grammar that you used a moment ago. You said "I cannot do so." You may say correctly that you will not do so. You can do so, because you now have the records in an automobile parked just outside the Senate Office Building. But you elect not to do so, in which case your answer should be "I will not do so." You can if you want to.

The CHAIRMAN. All right. The order of the Chair stands, the order of the committee remains in effect.

The Chair would like to ask you 2 or 3 questions.

You were asked in New York last Friday at the executive session the question, "Did you receive any moneys directly or indirectly from any employer?" And that question you refused to answer, saying "On advice of counsel I have been advised that I have been here for no other purpose but to produce books and records."

The Chair at that time pointed out to you that the subpoena called for your presence and for you to testify. I need not reread the subpoena. I now propound the question to you: Did you receive any moneys directly or indirectly from any employer?

Mr. SHIVITZ. Mr. Chairman, may I make a statement, a very short statement, addressed to any questions? I will not be long.

The CHAIRMAN. Make it very brief.

Mr. SHIVITZ. Mr. Chairman and gentlemen of the committee, the status of this witness at the present time is clear to each and every one of you. He has, in our opinion, up to this point, been a cooperative witness, in that each and every document that he has been asked to produce has been produced and turned over to the committee staff. He is prepared to testify before this committee and answer all the questions that the committee or its counsel propound to him.

I feel, however, from a sense of fairness alone, that in the present posture of this hearing, with the record condition as it is, that it is unfair to press this witness to make answers. We are ready to have you examine our records and then question the witness as is usual. That is usual procedure. But in this present position, I submit that to have the witness in this present position of not having produced the records and then being asked to answer questions, puts him in a position of conflict which I do not think is proper when the witness has indicated his readiness and willingness to cooperate.

In the event the Chair will press for answers, this witness is ready to testify. He has nothing to fear. But out of a sense of fairness, I believe that it would be improper to proceed with the questioning of the witness while the question of the books and records is undisposed of.

The CHAIRMAN. The question of the books and records has already been disposed of. I am asking a question which is wholly unrelated to books, documents, and records.

It is simply: Did you receive any moneys directly or indirectly from any employer?

Mr. SHIVITZ. May I ask the Chair to poll the committee, please, on my objection?

The CHAIRMAN. If there is any member of this committee that agrees with counsel, speak up.

All right. The question is still directed to you.

(The witness conferred with his counsel.)

Mr. SHIVITZ. May we have the question read again, please?

The CHAIRMAN. Did you receive any moneys directly or indirectly from any employer?

Mr. SHIVITZ. Mr. Chairman?

The CHAIRMAN. The Chair has indulged counsel. If you want to consult with your clients, you may do so. In fact, the Chair has been very indulgent all day, and also last Friday, trying to work this thing out.

Mr. ADELSTEIN. Mr. Chairman, I would just like that qualified to the extent, and I believe you do mean, as a representative of the local union and from employers in the industry.

Is that what you mean?

The CHAIRMAN. I mean did you receive any moneys directly or indirectly from an employer. I say you, meaning you a person, one human individual. Did you receive any?

Mr. ADELSTEIN. Now, Mr. Chairman, the reason why I ask that this be qualified is I am very active in various organizations where I am on committees and raising funds, and there are employers out of our industry that make contributions to these organizations. I would like to have your question qualified.

The CHAIRMAN. You know what I mean by this question.

Mr. ADELSTEIN. I don't, Mr. Chairman.

The CHAIRMAN. Everyone present in the sound of my voice knows what I mean.

The collection of money for some charity is not implied in the question at all. The question is did you receive?

Mr. ADELSTEIN. I personally have never received any money from any employers.

The CHAIRMAN. Directly or indirectly?

Mr. ADELSTEIN. Directly, indirectly, or in any form or way.

The CHAIRMAN. Thank you very much.

You were asked another question in the hearing last Friday. "I want to know what his relationship has been with Anthony Corallo, who is known as Tony 'Ducks' Corallo." That is a question you also refused to answer last Friday. The Chair now asks you that question.

Mr. ADELSTEIN. Mr. Corallo is a member and an officer of a local union.

The CHAIRMAN. Which local?

Mr. ADELSTEIN. Offhand, I don't remember the number, but I know it happens to be a teamster local union.

The CHAIRMAN. Is that union located in New York?

Mr. ADELSTEIN. It is in New York City, and do——

The CHAIRMAN. In that capacity or in any other, what relationship have you had with him?

Mr. ADELSTEIN. As an officer of the Joint Council of Teamsters in New York, I would meet many of the officers of local unions, and so I have met Mr. Corallo.

Aside from that, I have had no other relations with him.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Not at this time.

Senator MUNDT. Mr. Chairman?

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Mr. Adelstein, in your responses to the last two questions, it would seem to me that you indicated willingness to be a cooperative rather than a recalcitrant witness. But in our earlier colloquy, I came to a different conclusion. I would now like to ask you specifically this question: Will you now in response to the subpoena which has been served upon you today deliver to room 101 the records covered in that subpoena?

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. ADELSTEIN. Senator, I can't—

Senator MUNDT. You cannot? I asked you whether you will or not.

Mr. ADELSTEIN. I have the records present. I am willing to produce them, providing a representative on behalf of myself and the local union is present with the investigators who will investigate the records.

Senator MUNDT. Do I interpret that to mean that you will produce them, turn them over to the custody of our committee in room 101, provided somebody representing you can stay there. Is that what you care to tell me?

(The witness conferred with his counsel.)

Senator MUNDT. In substance, that is what you said in your statement?

Mr. ADELSTEIN. Senator, we, for over a week, had the books and records—

Senator MUNDT. Do not give me a lot of history. I want to know the answer to the question. You said you would turn them over if you could have somebody present with the committee. If we accept that, will you, under those terms, deliver them to our committee in room 101 now, leaving with them as custodian whomever you please?

(The witness conferred with his counsel.)

Mr. SHIVITZ. Senator, may I speak?

Senator MUNDT. You may talk to your client.

Mr. SHIVITZ. May I respond for him?

Senator MUNDT. I want the witness to respond.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Senator, I am willing to produce the books and records as we have done in New York City.

Senator MUNDT. I know what you have been doing. But you said a little while ago, and it is in the written record now, you were willing to deliver them to room 101 and give them to the custody of our committee, provided you could have somebody representing you be present in the room. We will accept that. If you want to quibble and back away from that, that is another thing. We accept that. Are you prepared to produce them now?

Mr. ADELSTEIN. Senator, I am not here to quibble. I would like to get this over with. We are prepared to continue, to have our books and records produced in New York as we have—

Senator MUNDT. That is a quibble, because you are backing away from what you said earlier.

Mr. ADELSTEIN. Senator, I am sorry. You misunderstood me.

Senator MUNDT. We will let the record speak for itself on that.

Mr. ADELSTEIN. That was a misunderstanding.

Senator MUNDT. Mr. Reporter, will you go back and read your record, the agreement that I understood Mr. Adelstein to make?

He will go back and examine the transcript.

(The reporter read from his notes, as requested, as follows:)

Senator MUNDT. Mr. Adelstein, in your responses to the last two questions, it would seem to me that you indicated willingness to be a cooperative rather than a recalcitrant witness. But in our earlier colloquy I came to a different conclusion. I would now like to ask you specifically this question: Will you now, in response to the subpoena which has been served upon you today, deliver to room 101 the records covered in that subpoena?

(At this point, Senator McClellan withdrew from the hearing room.)

Mr. ADELSTEIN. Senator, I can't—

Senator MUNDT. You cannot? I asked you whether you will or not.

Mr. ADELSTEIN. I have the records present. I am willing to produce them, providing a representative on behalf of myself and the local union is present with the investigators who will investigate the records.

Senator MUNDT. I did not misunderstand you. I understood you correctly as to what the record says.

Mr. ADELSTEIN. Senator, I said it before, and I will say it again. I am willing to produce the records as we have in the past, in an office in New York City.

Senator MUNDT. Mr. Adelstein, that has no relationship whatever to do with my question. We have just read the question that we just asked you. We have just read your answer. Your answer said you would produce them in room 101 if you could have a representative of your teamsters union or a representative of yours present.

If you want to back away from that answer, of course, it is your privilege. But you cannot change what you have already said. That is in the record.

(At this point, Senator McClellan entered the hearing room.)

Mr. ADELSTEIN. I am sorry. There is a misunderstanding here, Senator. I am ready to produce the records. Your investigators have had them, and investigated them, for over a week.

One of our representatives has been present during that investigation. It wasn't I, or my representative, that broke off that relationship. Your investigators stated—

Senator MUNDT. We have heard you say that many times. It has no relationship to my question. It has nothing to do with my question.

Mr. ADELSTEIN. I am ready to go on with that investigator, Senator. But I am not quibbling. I would like you to know that I would like to get this over with.

Senator MUNDT. There is an easy way. Just deliver the records to room 101.

Mr. ADELSTEIN. What do we do, close up our union office and go out of business? Mr. Senator, it so happens you have done this for other people. Why not for us?

The CHAIRMAN. Counsel I will make a brief statement about the problems we have had on this.

Mr. KENNEDY. As Mr. Adelstein says, we have done this in other instances. We have allowed the people whose books we are examining to keep the books and have an investigator in the office.

Mr. Adelstein and his—or I believe it is Mr. Adelstein, personally—had made the conditions so difficult working in his office as to make it impossible for our investigators to work. There has been an accountant looking over the shoulder of our investigators as they write anything down, as they take any notes. It is completely impossible.

Where we made the arrangements in prior cases, it is where we have gone into an office and we have been allowed to stay in that office. They have set an office aside with the records; we have been allowed to stay in that office by ourselves, examine the records and make copies of anything that we want. We wanted to continue that arrangement with Mr. Adelstein. He wants to keep his office open from 9 o'clock or 9:30 in the morning until 4:30 in the afternoon. We are not allowed to go in there after that, or Saturdays and Sundays. It makes an impossible situation. As I said, we have tried to make some arrangements, but it has been back and forth over the period of the past 4 or 5 weeks. This is a very important investigation, dealing with collusion between management and labor.

Mr. SHIVITZ. Mr. Chairman, may I say something at this point, a brief statement?

The CHAIRMAN. The Chair will bring this to a pretty sudden conclusion.

Mr. SHIVITZ. Mr. Chairman, the counsel has made a statement based on statements given to him not of his own knowledge. These records were in my office. I would like to say first that we were informed today that the books and records of the International Teamsters Union here in Washington have been under investigation by this committee, but that a representative of the international has been present with the investigators with these records at all times, which is all that we are asking for.

(At this point, Senator Ives withdrew from the hearing room.)

Mr. KENNEDY. You are wrong.

Mr. SHIVITZ. I am only telling you that that is what I have been told. So we have both been misinformed, apparently, Mr. Counsel.

I would also like to say this. We are ready to correct the working conditions as I have outlined them. I submit that that can be done, the men can have complete freedom of action, and the books can stay where they belong, in the offices of the union.

The CHAIRMAN. May I say this: I think we are going to get the books one way or another. I think we will.

Mr. SHIVITZ. I am sure the chairman means only by proper methods.

The CHAIRMAN. Well, yes; and there are proper methods. I think this committee knows what proper methods are. I think it is its purpose to observe them.

Mr. SHIVITZ. No; I said that I knew the Chair meant that.

The CHAIRMAN. All right. There is no misunderstanding. Are there any further questions?

Mr. KENNEDY. That is all.

The CHAIRMAN. You may stand aside.

Are there any further witnesses?

If not, the committee will stand in recess until the call of the Chair.

(Whereupon, at 4:55 p. m., the committee recessed, subject to the call of the Chair.)

(Present at the taking of the recess: Senators McClellan, Mundt, and Goldwater.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, NOVEMBER 12, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York.

Also present: Robert F. Kennedy, chief counsel; Jerome Adleman, assistant chief counsel; Robert W. Greene, investigator; James P. Kelly, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at convening of the session: Senators McClellan and Ives.)

The CHAIRMAN. We begin this morning a new series of public hearings, in a new area of the field of management-labor relations. As has been the practice heretofore, as we start this new series, the Chair will make a brief opening statement. The subject of these hearings primarily will be private carting industry hearings, New York and Los Angeles.

The private sanitation industry—collection of refuse from homes and businesses by private cartingmen—is an important but little heralded industry in the United States. This industry has grown particularly large in Los Angeles and the Greater New York area. With the growth of this industry, both Los Angeles and New York are faced with similar problems arising from attempts to create monopoly situations by association and union factions.

In the Greater New York area alone, the annual volume of the private carting industry has been estimated in excess of \$50 million; private cartmen in this area serve 122,000 individual businessmen and nearly 500,000 private homeowners. The New York picture is repeated on a smaller scale throughout the country.

The importance of this industry cannot be equated in financial volume alone. For health and business reasons, the removal of commercial and private refuse is a vital, everyday function in all communities. Any arbitrary halt in such collections can become a serious menace not only to the individual businessman but to the general welfare of the community as a whole.

This hearing shall attempt to show how individuals, some of them underworld hoodlums, have attempted to build business empires in the private carting industry through a system of monopoly enforced by trade associations and cooperative labor unions. Illustrative of the hoodlum control in this industry is the fact that the names of at least more than 40 underworld figures will be mentioned during the course of committee hearings this week.

In particular, these hearings will chart the activities of labor-relations man Vincent J. Squillante, a person with an underworld background and no previous experience in the labor-management field. Squillante used his position as a "labor expert" in the New York private carting industry to establish a stranglehold on industry trade associations for his own personal profit and that of his associates, a number of them being prominent hoodlums.

These hearings will attempt to present the details of Squillante's rise to power and the methods that he employed to set up this business empire with the assistance of both management and labor factions. The hearings shall also demonstrate that private cartmen who sought to break with Squillante-controlled trade associations were penalized by the union and forced back into line by "whip" companies operated by Squillante and his relatives.

The committee shall also attempt to show that certain underworld characters, by virtue of their association with Squillante or the union he dealt with, were able to escape union and/or association restrictions and were thereby put in an advantageous competitive position with respect to the rest of the industry.

The hearings shall also demonstrate that the natural result of such a situation were outbreaks of violence and eventually coercion, extortion, and fraud.

Is there any statement, Senator Ives?

Senator IVES. No, Mr. Chairman. I fully concur in your statement.

The CHAIRMAN. All right, Mr. Kennedy, call the first witness.

Mr. KENNEDY. Captain James Hamilton of the Los Angeles Police Department.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God.

Captain HAMILTON. I do.

TESTIMONY OF CAPT. JAMES E. HAMILTON

The CHAIRMAN. Will you state your name, your place of residence, and your business or occupation or official position?

Captain HAMILTON. James E. Hamilton, 1314 Roseway Street, West Lovenia, captain of police, Los Angeles Police Department, commanding the intelligence division.

The CHAIRMAN. How long have you been with the police department, Captain?

Captain HAMILTON. About 21 years.

The CHAIRMAN. How long have you held your present position of commanding the intelligence division?

Captain HAMILTON. Since April of 1950.

The CHAIRMAN. You are familiar with the rules of the committee, of course, with respect to counsel. Do you waive counsel?

Captain HAMILTON. I do.

The CHAIRMAN. Thank you.

Mr. KENNEDY. Captain, could you tell us a little about the intelligence division, and what the purpose of it is?

Captain HAMILTON. Well, the responsibility of the intelligence division is the investigation of organized crime. We are a nonenforcement unit, rather, an intelligence investigative unit. Perhaps it is somewhat similar to the military intelligence, except that we do not infiltrate our own ranks, and we are not responsible for the conduct of the men of the department. That is the responsibility of another division of the department. Otherwise, our job is to obtain the information and channel it to the enforcement section.

Mr. KENNEDY. Approximately how many men do you have working under you in the intelligence division?

Captain HAMILTON. About 40 sworn employees. There are six civilians, clerical help.

Mr. KENNEDY. You chiefly deal with organized crime, is that right?

Captain HAMILTON. That is correct.

Mr. KENNEDY. In the course of the work that you have done, and the people under you, did you make an investigation or a study of the carting industry in Los Angeles?

Captain HAMILTON. Yes, we did.

Mr. KENNEDY. Could you tell us when that started, and how it was brought to your attention?

Captain HAMILTON. We started on that investigation in 1954. It first came to our attention by complaints being received in 2 or 3 departments of the city government, from householders concerning the pickup of the combustible rubbish. I might explain that in Los Angeles or in the city of Los Angeles for a number of years the city government has picked up the wet garbage, and the noncombustibles, or cans and ashes. That is a free city service which is absorbed in the tax rate. However, the combustible rubbish, which includes the waste paper and yard trimmings, and so forth, has been with the householder and with a number of business and industrial establishments, burned in their own incinerators. The householders have had a small single chamber incinerator, and of course the larger the business, the larger the incinerator. Some have burned that way; others have hired private collectors to collect the combustible rubbish.

The complaints that came in were from primarily householders who were dissatisfied with their pickup service of combustible rubbish. As an example, one of the first complaints that we received was from the San Fernando Valley area where a man complained that he had contracted with a rubbish pickup service to pick up rubbish from his home, that when he talked to this company over the telephone they said, "We will deliver a barrel and start pickup immediately."

After several phone calls, and some 3 weeks later, a barrel was finally left at this place, and in the meantime his yard trimmings had piled up, and they charged him \$7.50 to pick up the accumulated clippings, although they had agreed that they would start the service immediately. I believe in that case it was a monthly charge or approximately \$3 a month.

We found other complaints such as 1 service station that complained that their weekly pickup had been at a price of \$2 a week, and

in 3 raises, over about a 4-month period, the price had jumped to \$8 per week.

When they attempted, in both cases when they were dissatisfied with the service and attempted to locate, shall we say, a competitor to bid on the job, they were told that there was no competitor in the area, that the zone in which the individual lived or was in business belonged to a specific rubbish company, and that was the only rubbish company that could pick up in that area.

Mr. KENNEDY. If a person was dissatisfied with the service that he was receiving and wanted to change his rubbish collector, he wasn't allowed to do so? Is that right?

Captain HAMILTON. He could not do that.

Mr. KENNEDY. He could only use the particular rubbish collector that had been assigned or had the rights in his particular area?

Captain HAMILTON. That is correct.

The CHAIRMAN. I have just one question.

That assignment had not been made by government?

Captain HAMILTON. No; there was no government involved. The only control or regulation by government in this business at that time was the licensing of the trucks and the collectors by the department of public works of the city of Los Angeles.

Now, we had then approximately 900 collectors licensed. The sole interest of the board of public works was that the truck was properly built so that it would not let debris fall on the public streets. That was the only interest they had.

The CHAIRMAN. There was no monopoly of the business or in any area of the city emanating from governmental authority?

Captain HAMILTON. No.

Mr. KENNEDY. What is the potential value, would you think, of the industry in the city of Los Angeles, in and around the city of Los Angeles?

Captain HAMILTON. We have divided that into two general classes. One is the household pickup, and the other is commercial, which includes both business and manufacturing. In the household pickup it is estimated from the number of water meters. We have approximately 750,000 water meters in the city of Los Angeles. So we would have 750,000 residential pickups.

I cannot estimate the volume or the number of counts of commercial pickups. It is rather difficult, but a very conservative estimate of the value of the pickup service, or the gross cost of pickup would be \$20 million a year. That is a very conservative estimate.

Mr. KENNEDY. So it is an industry of some volume monetarily? Isn't that right?

Captain HAMILTON. It is not only an industry of considerable volume, both monetarily and so far as the service that they are rendering, but it is also one that is vital to public health and safety.

Let us take a department store, as an example. A large department store in the course of 1 day's business casts off several tons of waste-paper, cardboard cartons, and so on. Now if that is not picked up daily, I think it doesn't take much imagination to figure the size of a pile that will be in an alley in the course of 3 or 4 days. So one of the easiest ways to close the doors of a department store is to stop the rubbish collection. It is the same with the householder. He has no

way to get rid of the combustible rubbish unless he can burn it, and now that we have stopped burning in the Los Angeles area, what is he going to do with that rubbish? He must dispose of it, it is a fire hazard, and the fire inspectors would soon declare a violation there, and it is a health problem as well. The accumulation of combustible rubbish in any location for a week's time is not dangerous insofar as the householder is concerned, but spread that over about 3 weeks and you will have a health problem.

Mr. KENNEDY. So it is a potential position of power to control the rubbish collection in a city, isn't that correct?

Captain HAMILTON. Well, certainly it is an emergency service, although it has never been so classified. But I would say that it is.

Mr. KENNEDY. If you ran a department store or a restaurant and the rubbish collector refused to come around and pick up the trash, they could close that department store, or that restaurant within a period of 2 or 3 or 4 days, isn't that right?

Captain HAMILTON. As soon as that rubbish started to smell, I don't think you would have any customers coming into the front door.

Mr. KENNEDY. And then the health authorities would come in also, would they not?

Captain HAMILTON. Yes, sir.

Mr. KENNEDY. So it has a great potential and a necessary service for the individual store owner, or for the individual that owns a home and has to get rid of his garbage.

Captain HAMILTON. And the same way with a manufacturing plant. Some of the plants pay—oh, there may be some that pay into the thousands per month to have their rubbish hauled off, because they have got to keep their area clear in order to manufacture.

Mr. KENNEDY. For that reason, when you received these complaints that people couldn't change their rubbish collector, or were dissatisfied with the service and could not get a new rubbish collector, their rubbish collectors could arbitrarily lift the price and it was a matter of some concern?

Captain HAMILTON. Yes, that combined with one other phase that we soon identified in our original investigation, and that was what appeared to be a collusion between the local union, that is, local 396 of the teamsters union that had the rubbish industry and an association of owner operators that was formed in the San Fernando Valley. That is where we first got into it and later we went into the rest of the city, or other parts of the city, but first we started in the San Fernando Valley.

There were some complaints of, you might say, some independent owner-operators. We found that the association, San Fernando Valley Rubbish Association, and that is not quite the correct name, had organized and allotted this territory and split up the valley like pieces of pie, and if an independent went into an area to try and solicit accounts, he was cut off at the dump by a union business agent. So, in effect, it appeared that the business agent was the enforcer for the association.

The CHAIRMAN. Who owned the dump, and who had control of it?

Captain HAMILTON. They are privately owned, Senator, but the dumps are again under contract with the same local that the drivers

belonged to. So that the contract, and I have a copy of it here, is such that only union drivers should dump there.

Then, as our investigation into that phase of it progressed, we found in talking to some of the industries that had attempted to start in business out there—we have one to give you a specific case, one ex-GI from World War II said he thought it was a good business to get into, and he got himself a truck and fixed up a bunch of barrels and he started to soliciting in a new residential tract, where there was no pickup service. He had built his route up to about 1,500 customers, all primarily home pickups, when he was stopped at the dump one day and told by the checker at the dump that he would have to see Matula.

Mr. KENNEDY. Who was Matula?

Captain HAMILTON. That is Frank Matula, Jr., who is secretary-treasurer of local 396.

So the checker told him that only union drivers could dump there. So this man told us that he went over to see Mr. Matula and he gave Mr. Matula a check for \$25 as his initiation fee to join the union and Mr. Matula told him that he would have to go over and see Mr. Visco of the San Fernando Rubbish Collectors Association and make peace with Mr. Visco.

Mr. KENNEDY. That is V-i-s-c-o?

Captain HAMILTON. Yes, sir.

Mr. KENNEDY. Do you know what his first name is, Mr. Visco's first name?

Captain HAMILTON. Not offhand I do not.

Mr. KENNEDY. But Matula told him he had to go to see the association?

Captain HAMILTON. Yes, he had to see Visco.

Well, he said he went over and saw Mr. Visco, and Mr. Visco told him, "You can't pick up in that territory, that belongs to a specific rubbish company."

He said, after some discussion of the matter, "We might let you in the association, but you are going to have to give 1,000 of your accounts to this collector that has that territory. Now we will give you a piece of territory and you can keep 500 of your accounts and we will give you a piece of territory over here."

Well, this party said that he just couldn't see that, because he had worked hard to get this route or develop this route and he wasn't going to give up his accounts. So he told Mr. Visco that he thought he would get along without the association.

He went back to Mr. Matula to pick up his membership in the union and Mr. Matula told him, "You did not make peace with Mr. Visco, we don't want you in the union," and he gave him back his \$25.

Now, I have here a photostatic copy of a check. The maker of the check is the Package and General Utilities Drivers Local 396, pay to the order of William L. Crowder, \$25. The check is dated January 28, 1955, and signed by Fred Ferrier and Frank J. Matula, Jr., secretary-treasurer.

The CHAIRMAN. Is that the check that was not cashed?

Captain HAMILTON. He gave Mr. Matula's check, which they in the interim had apparently put through the bank, and so they gave him their union check.

The CHAIRMAN. This is a refund check?

Captain HAMILTON. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 1.

(The document referred to was marked "Exhibit No. 1" for reference and will be found in the appendix on p. 7025.)

Mr. KENNEDY. So this was an example of an individual that tried to get into the union who was told by the head of the union, Frank Matula, to see the association. The head of the association told him that he could only come into the association if he gave up two-thirds of his business. He refused to do that. He went back to the union and the union would not allow him to come in. Is that correct?

Captain HAMILTON. That is right.

Mr. KENNEDY. And would not allow him to become a member of the union?

Captain HAMILTON. That is right.

Mr. KENNEDY. So after that he could not dump any of his refuse, is that right?

Captain HAMILTON. Well, he was barred at the dump that he had been using, but arrangements were made for him to dump at another dump. By that time, as I say, the police department was in an investigation and we made arrangements for him to dump at another dump.

Mr. KENNEDY. That was just because of the intervention of the police department?

Captain HAMILTON. Yes.

Mr. KENNEDY. But otherwise, he wouldn't have been able to dump his refuse?

Captain HAMILTON. No.

Mr. KENNEDY. And the reason was because he was not a member of the union and they would not allow him to become a member of the union?

Captain HAMILTON. Yes. The dump that stopped him originally was the BKK dump. I have a copy here of the contract between local 396 and BKK, which states specifically that only union drivers shall dump there, and the union may picket if other than union drivers are permitted to dump.

Mr. KENNEDY. How did the association operate within the association as far as its members were concerned? Was there disciplinary action? Were they told about their particular areas, that they could pick up garbage in?

Captain HAMILTON. You see, the San Fernando Valley area of the city of Los Angeles is an area of approximately 220 square miles, with some 700,000 people, at least. The association had taken this area and divided it up among their members, giving each member of the association a specific territory limited by boundaries, and he had the exclusive right to pick up within that area.

Later on in our investigation we found another association in Los Angeles, in metropolitan Los Angeles, known as the State Rubbish Association, that was similar in setup except that they did not allocate territory. The board of directors sat as sort of a determining board in disputes between members.

In the San Fernando Valley that wasn't particularly necessary because there were not the disputes. The only dispute would be if a member infringed on the territory of another. But in both associations, any disputes were handled by their so-called board of directors. They sat as a mediating board.

Mr. KENNEDY. Were there stipulations and rules about jumping another association member's territory?

Captain HAMILTON. Yes. In fact, that was the basic purpose of the association, to allocate territory, and each member shall abide by the rules of the association. That was in their bylaws. Their bylaws are rather extensive.

Mr. KENNEDY. I have here a copy of the bylaws of the State Rubbish Collectors Association. I would like to have you look at that and identify it, and particularly article 15, section 1.

(Document handed to witness.)

The CHAIRMAN. Do you identify the document presented to you?

Captain HAMILTON. Yes. This is a copy, a printed copy of the bylaws of the State Rubbish Association. Article 15, entitled "Duties of Members, Section 1," reads as follows:

It is the duty of all members of this association to at all times work for the best interests of the said association, and they shall not in any manner whatsoever encroach upon the territory of any member, and in case they discover that any member is encroaching upon their territory, or is about to, they shall immediately notify the secretary in writing, and the association shall take steps to prevent any interference with their route.

The CHAIRMAN. That document may be made exhibit No. 2 for reference only.

(The document referred to was marked "Exhibit No. 2" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. What steps would be taken if one member encroached upon the territorial rights of another member?

Captain HAMILTON. I have with me copies of minutes of board meeting of several meetings of the State Rubbish Association. As an example, if I may read to you from the minutes of the board meeting of December 6, 1954—

The CHAIRMAN. That document may be made exhibit No. 3 for reference. You may read the pertinent parts of it.

(The document referred to was marked "Exhibit No. 3" for reference and may be found in the files of the Select Labor Committee.)

Captain HAMILTON. As an example, item 7 in the minutes says—

Case No. 450, Sam Sukissian versus Phillip Schorr. Follow up this job with the union and see what the situation is.

To interpret that, apparently Sam Sukissian made a complaint to the association that Phillip Schorr had jumped an account. In other words, another pickup truck had taken one of his accounts. John Andikian, who was the inspector, as they termed it, for the State Rubbish Association, when a case such as this case 450 was called to their attention, his action would be to notify Frank Matula of the teamsters union that Phillip Schorr had taken an account away from Sam Sukissian and Matula in turn would have the business agent handling the dump that Schorr was using notify the checker at the dump not to accept rubbish from Schorr, that he was out of line, and to refer him to either Matula or the association. Then the board of the association would get the two collectors together, the one that had lost the account and the one that had gained an account, and they would enter into a negotiation as to whether the man picking up the account, in this case Mr. Schorr, should pay the other collector for taking his account, or should give the other collector another account of his to balance off having taken one from him.

Mr. KENNEDY. Was there also a penalty clause if somebody was found guilty of jumping another man's route?

Captain HAMILTON. Yes. There, again, it was dependent upon the ruling of the board. Whatever finding the board of directors made was supposed to be abided by by both members of the association.

One of the best examples of that is the Baldwin Hills Village, which is a privately owned housing development. The monthly pickup charge for the village was about \$800 a month. The account belonged to a Mr. Pick. A man by the name of S. T. Agajinian obtained that account. In our investigation we were told that the Baldwin Hills Village was dissatisfied and that is why they got a new collector.

This came to the attention of the board of the State Rubbish Association, and they found that Mr. Agajinian should pay Dave Pick \$7,200 for taking that account.

Mr. KENNEDY. So he was forced to pay this penalty of \$7,200?

Captain HAMILTON. He was. The agreement on how that was to be paid was made in Mr. Matula's office, according to witnesses.

Mr. KENNEDY. So the union acted as an enforcement arm of the association; is that right?

Captain HAMILTON. Yes. It was very simple. At the union office they would tell him, "You either get in line or we will run you out of the business."

Mr. KENNEDY. And they could run them out of the business by either picketing their stops or refusing to allow them to dump?

Captain HAMILTON. We never ran into any case where they picketed the stops. They just refused to allow them to dump. Prior to 1954, there had been several picket lines on, particularly, Kazarian's dumps. He had a couple of them that had picket lines. In no case did we find that the picket lines were put on there because of wages or working conditions or the normal things that a union is involved in.

Mr. KENNEDY. Did you find that he would also refuse to handle the material and the garbage of even concerns that were union, if the association made a request that they refuse to handle the company's refuse?

Captain HAMILTON. Yes. Well, we are back to the same thing. If a customer was dissatisfied with the service and attempted to obtain another pickup service, in some instances they did and were forced to go back to the old pickup service, whether they liked it or not.

Mr. KENNEDY. What I am thinking of is the example you gave a few minutes ago, where one association member jumped another association member's pickup or stop, and then the union would be notified. Then Matula would notify the dump and say, "Don't handle any of this individual's refuse when he brings his trucks in." Did you find examples where they would refuse to handle the refuse of individuals who were union?

Captain HAMILTON. Many examples. In fact, the so-called hot sheets, which was the term applied to the lists of names sent over by John N. Andikian, of State Rubbish, to Matula, a list of 10 or 12 names would have, maybe, half of them union members in good standing and half of them that were independents. The list would either be given to the business agent handling the dumps involved, or in many cases the girls in the office, according to their testimony, under Matula's instructions would call the dump and just give them

the list of names and say, "Do not accept any rubbish from," and then read off the names.

Mr. KENNEDY. And those people might be members in good standing?

Captain HAMILTON. Yes.

Mr. KENNEDY. So, the union activities had nothing to do with increasing wages or bettering the working conditions of the employee, but were just an enforcement arm of the association, to make sure that the members stayed in line; is that right?

Captain HAMILTON. Yes. That was the finding. Mr. Matula, in testifying before the State assembly committee in Los Angeles, denied this repeatedly. Witnesses were put on that contradicted his testimony. As a result of his testimony before that committee, he has since been convicted of perjury in the superior court of Los Angeles and is now awaiting sentence on that.

Mr. KENNEDY. Do you have any of those lists?

Captain HAMILTON. The hot sheets?

Mr. KENNEDY. The hot sheets.

Captain HAMILTON. Yes; I have some here.

As an example, here is a letter of transmittal dated May 14, 1953, on the letterhead of the State Rubbish Collectors Association, 5710 East Beverly Boulevard, Los Angeles 22, addressed to Frank Matula, 840 Union Avenue, Los Angeles.

DEAR MR. MATULA: Enclosed please find a list of names of the people whose cases have not been settled. Your cooperation will be greatly appreciated on this matter.

Attached to that would be a list, such as I have here, which is a list of names, and starts with Don Kardashian versus Yasuki Mitsueda, and it has a figure at the right-hand side of the paper of \$22. This is a sample of the lists that would be sent over by Mr. Andikian.

The CHAIRMAN. The letter and the list may be made exhibits 4-A and B for reference.

(Documents referred to were marked "Exhibits 4-A and 4-B" for reference, and may be found in the files of the Select Labor Committee.)

Captain HAMILTON. Here is a second letter dated October 14, 1953, on the same letterhead, addressed to the same individual:

Enclosed please find a list of names of the people taking jobs, and we will appreciate it if you would give a list to the field agents when they work at the dumps. Yours very truly.

There would be a list accompanying that.

The CHAIRMAN. That may be exhibit 4-C.

(The document referred to was marked "Exhibit 4-C" for reference, and may be found in the files of the Select Labor Committee.)

Mr. KENNEDY. Captain, generally, could the union be much help or assistance to the employees in this kind of an industry?

Captain HAMILTON. Well, since we had about 900 licensed collectors, many of them, in fact, the majority of them, are owner-operators of their own trucks, the small 1-man operation. All of these men had to be members of the union. I question what value a union can have to an owner-operator situation. How can he improve his salary?

The CHAIRMAN. In other words, they were self-employed?

Captain HAMILTON. That is right.

The CHAIRMAN. But the thing they had to do was to belong to that association in order to have a place to dump?

Captain HAMILTON. And belong to the union, too.

The CHAIRMAN. I know; they had to belong to the union, but, aside from their being forced to belong to the union where they got no benefit, they were self-employed, the other requirement was, of course, that they had to belong to the association to have a place to dump.

Captain HAMILTON. That is right.

The CHAIRMAN. That might be a legitimate requirement for the people who join an association and who have a common place to dump. I do not know, unless an individual could provide his own dumping place, in his independent operation. But, from the standpoint of the union, I am trying to evaluate this situation; the union actually performed no service as far as the individual operator, the independent operator, was concerned, other than to take his dues, and serve the association in making him comply with the association requirements.

Captain HAMILTON. That is right. I can't visualize any service that the union could perform to an owner-operator. We tried to figure that out, but we came to the same conclusion. The union had nothing to offer the owner-operator except to take his dues.

The CHAIRMAN. Did the union have anything to do with the contract price? Did it establish that?

Captain HAMILTON. No; nothing whatsoever.

The CHAIRMAN. The association established the contract price?

Captain HAMILTON. No; it seemed that each owner-operator pretty much established his own. We find in the minutes of the meeting of the State Rubbish Association particularly complaints registered by members of the association that individuals would drop their service because the individual would request a cut in price and the collector would refuse to grant the cut asked for. Why they reported this to the association was never quite clear to us. Whether they expected the association to contact the business and explain to them that they had to take the pickup service at the price set by the operator or eat their rubbish we don't know.

The CHAIRMAN. In other words, if a territory was assigned to an individual operator, although he was independent in the sense that he owned his own truck and was not working for anyone except himself, I wondered if the association established the price and limited or restricted his contract relations, the price he would contract for, or were they just all free to make any price and charge whatever they wanted to?

As I understand it, they were free to do that, but the customer whom they were serving had no recourse, because if the individual operator fixed a price too high or unreasonable or arbitrarily high the customer that was being served had no recourse. He couldn't go out and get someone else. He still had to use this one individual to whom his territory had been allocated.

Captain HAMILTON. That is exactly what we found to be the case. I will say that after we got into this investigation—you see, Mayor Poulson went to the grand jury. The grand jury was of no help, so under the executive authority in the charter, he set what was termed as a mayor's hearing, to bring this matter into public focus. Then

this State assembly committee came in, and it was after the assembly committee met in the fall of 1955—

The CHAIRMAN. Is that a legislative committee?

Captain HAMILTON. Yes—that the rubbish industry set up their operation a little differently. They then would permit a collector to go into another territory to service a dissatisfied customer. But that was never done prior to the assembly hearings in the fall of 1955. They did make some corrections. Of course, there was a measure on the ballot, and then the controversy came in as to municipal collection versus private collection. It was the feeling of the executive branch of the city government that the city would have to pick up combustible rubbish. Effective October 1, this year, all rubbish of all types in the city of Los Angeles from the householder is picked up by city trucks. There is no more private collection of householder rubbish.

But for the industry, in order to try and avoid the city taking it over, they had a referendum on the ballot which lost, and did organize quite a campaign to provide better control on their own service. They still pick up the commercial rubbish, but they do not pick up householder rubbish. They can, if the householder wants to pay, but he is getting it picked up free by the city.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to ask Captain Hamilton if the conditions he has been describing still obtain in Los Angeles. I gather they don't.

There has been considerable improvement, has there not?

Captain HAMILTON. Yes. However, we can't say that it is anything that may be permanent, because there is still a lack of any control. We thought, when we first got into this, that certainly this would be a violation of the law. To me it is a conspiracy between a local and an association in restraint of trade, as an example. But in reviewing the statutes, all the statutes talk about is products, not services. We have in the State of California what is termed the Cartwright Act, which is an antitrust section of the government code, but it talks about products exclusively. The only product involved in combustible rubbish is actually a byproduct. They do sell, the collectors sell the waste paper and the pasteboard cartons. They bundle them up and sell them to paper salvage houses. Those are used by such companies as Flintcote, that makes roofing paper and cardboard products, in making cardboard boxes. That, again, goes in interstate commerce, but it is very difficult to prove. It is a by-product rather than the principal business of rubbish collection. So we found there is a complete absence of enabling legislation in this field.

Senator IVES. Are you in this no-man's land, or zone, that the States are bothered with nowadays? As I recall, California does not have a State labor relations act. Am I correct on that?

Captain HAMILTON. I believe that is the situation.

Senator IVES. There are a number of States who do have such acts. I think there are around a dozen. There is a twilight zone or no-man's land or area there between the States and the Federal Government, where nobody has jurisdiction. Of course, it wouldn't make any difference in California, if you have no State labor relations act, because you don't have any agency of that kind in California.

Captain HAMILTON. That is correct.

Senator IVES. But it is causing a great deal of trouble at the Federal and State levels. There is this no-man's land. The Supreme Court decision of last spring declared that the States could not take it over, and at the same time the Federal Government, through the National Labor Relations Board, would not take it over. So there you are.

I wonder if that enters into it at all. This may be something that the States should take over. You say interstate commerce is involved here to some extent. But because of that condition, they cannot take it over.

In a very broad sense, it is intrastate. It is inside.

Captain HAMILTON. That is true, it is. It is quite a stretch of the imagination to make interstate out of rubbish collection.

Senator IVES. We have to have legislation at the Federal level to straighten this thing out. Unless you have a State labor relations act or a similar agency, it probably wouldn't help California very much, but it will help quite a number of the States who do have those agencies. Otherwise, we will have the thing wide open to racketeering all over the country.

Captain HAMILTON. We felt that this should be controlled, and should be by legislation, but I have not even seen proposed bills come up.

Senator IVES. Do you mean Federal?

Captain HAMILTON. No, on the State level. Or even on the local level.

Senator IVES. Legislation has been introduced here in Washington. I have legislation myself. Our problem is to get the Taft-Hartley Act amended here, you know.

The CHAIRMAN. The thing I was concerned about, as you testified, is I was trying to determine whether it is necessary in this particular field, in the conditions that you described so far, to have Federal legislation. Why cannot the stand handle it, since it is primarily a local item? I can appreciate the Federal Government's interest in a union that seeks, possibly, the services of the National Labor Relations Board, being in a collusion or in a conspiracy, simply to extort or to create a trust or something that is detrimental to the public interest. But what is lacking, if you know from your study of it, in legislation that the State cannot take care of, the State or the municipality?

Captain HAMILTON. Well, of course, it could take care of it, but then we get into this uniformity or lack of uniformity. If this were done—I am thinking solely of the collusion between the labor union and the association to effect a joint edict.

The CHAIRMAN. To effect what?

Captain HAMILTON. A joint or a mutual edict upon members. Rather than that being done at a local level, with interpretation in each area of the country, it would seem that that should be one field in which national or Federal legislation would be in order, because I think we will all agree that it isn't good unionism, it isn't good business. It would seem to me that is a field for Federal legislation.

The CHAIRMAN. That is what I wanted to get spread out here before us. Where does the Federal Government's responsibility as far as legislation enter into this particular field? I have always been in-

clined to believe that if a State law will remedy conditions in a local State, State laws should be enacted rather than Federal law.

Captain HAMILTON. Yes, but we are into a principle, or almost a principle of unionism or collective bargaining here, aren't we? That is where it seems to me to be.

The CHAIRMAN. I didn't think there was any bargaining.

Captain HAMILTON. There isn't but there should be.

The CHAIRMAN. I am not arguing, I am trying to get a record here so that we can see what the picture is, and then determine what responsibility the Federal Government should take in that particular field, and what should the States accept and attend to themselves.

Senator IVES. May I ask Captain Hamilton a question?

Captain Hamilton, was this matter ever brought to the attention of National Labor Relations Board, to your knowledge?

Captain HAMILTON. I cannot say whether it was or not. The Federal Bureau of Investigation was interested in it.

Senator IVES. Yes, they would be, but I was wondering about the National Labor Relations Board.

Captain HAMILTON. I doubt it very much, because of the fact we could not find any statute or rules that applied to the case at hand.

Senator IVES. Well, that might be true, but, on the other hand, it could have been referred to them for advice or something of that kind, so that you would know where to move.

It occurs to me, offhand, that in California you need some State legislation before you could really handle it satisfactorily. I cannot say very much. I come from New York State, and heaven knows we are having trouble with the same situation there.

Captain HAMILTON. You see, we were in a spot at the time because the air pollution control board, which is our smog situation in Los Angeles, set up by State legislation, had issued an order that all single chamber incinerators must be abolished by October 1, 1955. Well, if this order was followed, then the whole community would be in the hands of this what I call an unholy monopoly. So it may be appealed to the board to postpone that date until we could get this situation clarified, so we were in a time bind there. They did postpone it for 2 years, but now, of course, we have no incinerators, and we still have a little smog.

Mr. KENNEDY. Also, Captain Hamilton, there was a provision, was there not, written or understood among the members of the association that there wouldn't be any open bidding, as far as garbage collection was concerned?

Captain HAMILTON. Yes, many of the complaints in the minutes of the State rubbish association meeting were of that nature, where someone would bid in on a job, and that was by the bylaws of the association, when a collector once had a job he was protected, and no other association member could come to that job. The only way they could trade was to trade jobs.

Mr. KENNEDY. But there was no open bidding on a job? One person was assigned to the job, and he could charge whatever he wanted, and the store or the private individual had to make the contract with him and with no one else?

Captain HAMILTON. The only control that there seemed to be there was with some of the manufacturing companies, and large retailers.

Apparently, if the price got too high, they would haul their own rubbish, or their volume was such that they could.

The CHAIRMAN. Where would they dump?

Captain HAMILTON. They would dump at these dumps.

The CHAIRMAN. And they wouldn't stop them?

Captain HAMILTON. No; because in the contract the labor agreement between local 396 and the BKK could—this agreement was dated the 26th day of July 1954, and paragraph 7 reads as follows:

It shall not be a violation of this agreement to picket if nonunion drivers unload at the dump. This applies only to drivers who make a business of waste or rubbish or garbage collection, who are licensed for said work by the city or county of Los Angeles.

So in the agreement there is nothing to prohibit a manufacturing company from maintaining their own truck and dumping at a private dump and paying the regular charges. I will say that we found that that was discouraged, and the price might be higher at the dump.

Mr. KENNEDY. They could increase the dumping price?

Captain HAMILTON. Yes, sir; and again there was no control on the price that a dump could charge.

The CHAIRMAN. So if one undertook, a department store or a manufacturing plant undertook to dispose of its own refuse, they could simply increase the dumping price to discourage it and have him go back to the private service?

Captain HAMILTON. Yes, sir.

Mr. KENNEDY. Was there also an arrangement made as far as the paper was concerned, and the selling of the paper?

Captain HAMILTON. That same thing applied to the dumps so far as these hot sheets were concerned, applied to mill supply and the other wastepaper houses.

When the hot sheet list was left with Matula by John Andikian, the dump would be contacted and the wastepaper house contacted, and told to cut off these certain men, and post these men on your list and don't take any wastepaper from these men, the same as the dump.

Mr. KENNEDY. So when they were trying to sell the wastepaper to the paper companies, the paper companies would be informed by the union that they should not purchase, is that right?

Captain HAMILTON. That is right.

Mr. KENNEDY. Or otherwise they would be in difficulty with the union?

Captain HAMILTON. Yes, sir.

Mr. KENNEDY. So it was both at the dump and at the paper company?

Captain HAMILTON. Yes, sir; and in many cases the price charged for the pickup service, particularly in certain commercial houses, was scaled by the volume of usable or salvageable wastepaper picked up at that stop. So the collector was dependent upon selling that wastepaper to break even on the charge.

Mr. KENNEDY. Did you find that any teamsters or any teamster officials had any interest in any of these dumps or any financial interest?

Captain HAMILTON. Yes. Pete Peterman who was a business agent of teamsters union, and testified before the assembly committee, stated that the Paramount Disposal—

Mr. KENNEDY. That is Paramount Disposal Co.

Captain HAMILTON. Yes, let me get the name of that correct. The Paramount Rubbish Co., he said, belonged to three men, primarily John Filipoff, Ralph Claire, and John C. Stevenson.

Mr. KENNEDY. Who is John C. Stevenson?

Captain HAMILTON. John C. Stevenson is an attorney, legal adviser for the teamsters union in Los Angeles.

Mr. KENNEDY. Did he have any other name, do you know? Do you know anything about his background?

Captain HAMILTON. Yes, that is his legal name, and he had his name changed several years ago in Washington. He at one time ran for office in Seattle, under the name of John C. Radio Speaker Stevenson, and it seemed that there were two. It is my understanding that that is his legal name, John C. Radio Speaker, because there were two John C. Stevensons running for this same office, and he had been doing quite a bit of radio advertising for Painless Parker, and he had become known as that. That is why he inserted the "Radio Speaker" in there.

Mr. KENNEDY. Wasn't he also known as John Stockman?

Captain HAMILTON. John Stockman was the name from which he departed to take the name of John C. Stevenson.

Mr. KENNEDY. He was known as John Stockman in Buffalo?

Captain HAMILTON. In Buffalo, New York, and I believe he was indicted there.

Mr. KENNEDY. He was indicted for grand larceny?

Captain HAMILTON. For grand theft, under that name.

Mr. KENNEDY. Those indictments are still outstanding?

Captain HAMILTON. It is my understanding that that was, shall we say, adjudicated by an out-of-court settlement or something like that. The indictments I don't think are still there.

Mr. KENNEDY. He is the attorney for the teamsters?

Captain HAMILTON. Yes, he is.

Mr. KENNEDY. And he had an interest in this dump, is that right?

Captain HAMILTON. No, in the rubbish collection company, Paramount Rubbish Co. The other two members of the company were Ralph Claire and Philipoff, who is secretary-treasurer of local 208, and Ralph Claire is secretary of local 399.

The CHAIRMAN. As I understand this, the officials of the union own the association.

Captain HAMILTON. Own the rubbish collection company.

The CHAIRMAN. Own the company?

Captain HAMILTON. Yes, one of these companies, the Paramount Rubbish Co.

The CHAIRMAN. They are both the union and management?

Captain HAMILTON. Yes, sir.

The CHAIRMAN. Is that correct?

Captain HAMILTON. Yes, sir.

The CHAIRMAN. If they own the company, they also run the union.

Captain HAMILTON. And then we have several letters in the file written by Mr. Stevenson trying to settle disputes that were supposedly a union dispute. Also, Mr. Andikian complained, according to the testimony we have on file, to Mr. Matula about the Paramount Disposal Co. jumping stops of other association members. Mr. Peterman who was a business agent working for Frank Matula, says that

he talked to Andikian about this and wanted to know what Matula had done to settle this matter. He said that Andikian told him that Matula had said that if he didn't keep his mouth shut, they would take more stops.

Mr. KENNEDY. That was for Paramount?

Captain HAMILTON. Yes, sir.

Mr. KENNEDY. For this company in which the teamster officials had the interest?

Captain HAMILTON. That is right.

The CHAIRMAN. In other words, the rules only applied when they could take advantage of them?

Captain HAMILTON. It applied to everyone else other than Paramount, apparently.

The CHAIRMAN. I have one other question: How were the officers of these associations elected or appointed?

Captain HAMILTON. By their own membership, by their own constitution and bylaws.

The CHAIRMAN. Did they provide for election of officers of the association?

Captain HAMILTON. Yes.

Mr. KENNEDY. Now, as far as the union is concerned, we have this situation: No. 1, where the majority of the union members were owner-operators; is that right?

Captain HAMILTON. That is right.

Mr. KENNEDY. No. 2, that the union has denied membership if the individual or concern was unsatisfactory to the association?

Captain HAMILTON. That is right.

Mr. KENNEDY. And No. 3, they would deny dumping rights to anybody who was unsatisfactory to the association?

Captain HAMILTON. That is right.

Mr. KENNEDY. And No. 4, that they would deny through union pressure, or would not allow a company to buy the wastepaper from anybody that was unsatisfactory to the association. Is that right?

Captain HAMILTON. That is correct.

Mr. KENNEDY. Then the association on their part split the Los Angeles area into districts?

Captain HAMILTON. That is correct.

Mr. KENNEDY. There wouldn't be any open bidding, and that one person would be allowed to have his particular district and get whatever business existed in that district, and that the rules provided there would be no jumping in to that district by any outsider, and that they would all move against any outside individual who came in to their midst and tried to get business.

Captain HAMILTON. The only one that had to move was the union official. He moved against the outsider.

Mr. KENNEDY. Through all of this, the business was all done and disputes settled in the office of Frank Matula in the union?

Captain HAMILTON. Either Matula or Visco in the San Fernando Valley Rubbish Association, or Andikian in the State Rubbish Association.

Mr. KENNEDY. And it would appear that the purpose for the existence of the union was an enforcement arm for the association; is that right?

Captain HAMILTON. That is the way it appeared to us; yes.

The CHAIRMAN. How did the public profit from this arrangement or benefit in any way?

Captain HAMILTON. I think any monopoly, it has been pretty well established that any monopoly without some Government control is not in the public interest, and that is just what the situation was.

The CHAIRMAN. In other words, the customer had no protection.

Captain HAMILTON. That is right, no protection whatsoever.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. In your investigation did you find that a situation similar to this existed in other areas of the country?

Captain HAMILTON. Well, there was correspondence with other sections. I cannot say we found a situation similar to ours existing any place else. There is no general pattern of rubbish collection. We didn't get into that far enough.

Mr. KENNEDY. I think as we go along in the New York situation we will see quite a parallel to what Captain Hamilton has outlined here, as far as the Los Angeles situation is concerned. That is the reason it is of particular interest to us, I believe.

The CHAIRMAN. All right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much, Captain.

Call your next witness.

Mr. KENNEDY. Mr. Everett Doyle, Mr. Chairman.

The CHAIRMAN. Do you solemnly swear the evidence you give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DOYLE. I do.

TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL, JOHN C. SHEEHAN

The CHAIRMAN. State your name, and your place of residence and your business or occupation.

Mr. DOYLE. My name is Everett Doyle, and I live at 90 Pomona Avenue, Yonkers, N. Y.

The CHAIRMAN. What is your business or occupation?

Mr. DOYLE. I am the president of the teamsters local 456.

The CHAIRMAN. What union is that?

Mr. DOYLE. The teamsters.

The CHAIRMAN. How long have you been president of that union?

Mr. DOYLE. I have been president since 1952.

The CHAIRMAN. Is that local 456?

Mr. DOYLE. Yes, sir.

The CHAIRMAN. Do you have counsel present, Mr. Doyle?

Mr. DOYLE. Yes, I have.

The CHAIRMAN. Mr. Counsel, will you identify yourself for the record.

Mr. SHEEHAN. John J. Sheehan, 51 Chambers Street, New York City.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Doyle, you have been in the teamsters for how long?

Mr. DOYLE. About 20 years.

Mr. KENNEDY. How long have you been an official?

Mr. DOYLE. Well, about 15 years.

Mr. KENNEDY. You were first secretary-treasurer of local 456?

Mr. DOYLE. That is right.

Mr. KENNEDY. And you later became president?

Mr. DOYLE. That is correct.

Mr. KENNEDY. In 1952, is that right?

Mr. DOYLE. That is correct.

Mr. KENNEDY. And you have been elected to those positions?

Mr. DOYLE. Yes, sir.

Mr. KENNEDY. And you have had opposition, have you?

Mr. DOYLE. Yes, sir.

Mr. KENNEDY. And the last time you were elected was when?

Mr. DOYLE. Two years ago this December.

Mr. KENNEDY. How many members do you have in your teamsters local?

Mr. DOYLE. About 2,700.

Mr. KENNEDY. It is in Westchester. What is the address, please?

Mr. DOYLE. The address of the office, 53 South Broadway, Yonkers, N. Y.

Mr. KENNEDY. What is the jurisdiction of your teamsters local?

Mr. DOYLE. Westchester and Putnam Counties.

Mr. KENNEDY. For drivers?

Mr. DOYLE. Drivers and helpers.

Mr. KENNEDY. While you were secretary-treasurer of the local—I believe you were elected in 1944, first elected in 1944?

Mr. DOYLE. 1942.

Mr. KENNEDY. While you held the position of secretary-treasurer, was the president of the local Mr. John Acropolis?

Mr. DOYLE. In 1942, I was elected president, and John Acropolis went into the Navy, and I was elected to fill in his office.

Mr. KENNEDY. Later on, however, you took the position of secretary-treasurer, and he had the position of president?

Mr. DOYLE. That is right.

Mr. KENNEDY. And that lasted from 1945, roughly, to 1952; is that right?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Now, in the Westchester area, did you have jurisdiction over the carting industry?

Mr. DOYLE. Well, we had jurisdiction, practically, over everything but freight and furniture.

Mr. KENNEDY. Did the carting industry take on some importance in 1949?

Mr. DOYLE. Yes. In 1949, in late 1949, by ordinance or law, the Common Council of the City of Yonkers passed an ordinance that they would not pick up any garbage or wastepaper from any of the merchants any more. They would have to hire private carters, and the city had done that prior to that.

Mr. KENNEDY. The city had done it prior to 1949?

Mr. DOYLE. Yes, sir.

Mr. KENNEDY. And then it was decided it would be done by private carters?

Mr. DOYLE. Well, yes. In 1949 we were approached by 4 or 5 men that worked for a carting outfit; namely, Westchester Carting.

Mr. KENNEDY. That was in 1949, and so, did you begin to try to organize them?

Mr. DOYLE. Yes; that is right.

Mr. KENNEDY. Could you tell us what happened, as far as the Westchester Carting Co. was concerned?

Mr. DOYLE. Well, when we were approached by the men to organize them, I contacted the company, and a fellow at that time in charge was by the name of Charlie Stearns, and we tried to set up a meeting. He told me that he would have to speak to his partners and that he would get in touch with me in a day or so. Well, about 2 days later, I would say 2 days, he called us up and told us that there was another union that came and said they represented the people and they needed a lawyer, and he had to go get a lawyer because he didn't know what to do.

Mr. KENNEDY. What union did he say that was?

Mr. DOYLE. 27.

Mr. KENNEDY. Local 27; that was in New York City?

Mr. DOYLE. That is right.

Mr. KENNEDY. What was their jurisdiction?

Mr. DOYLE. Paper, and paper boxes, and it was a paper union. I don't think it was wastepaper, but it was the handling of paper.

Mr. KENNEDY. But they were from New York City?

Mr. DOYLE. That is right.

Mr. KENNEDY. And they did not have jurisdiction over carting, did they?

Mr. DOYLE. No.

Mr. KENNEDY. Just paper?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Who was the head of that local?

Mr. DOYLE. The head of 27 was Joe Parisi.

Mr. KENNEDY. Mr. Chairman, we have some of the background of some of these individuals, which Mr. Greene has, or Mr. Kelly has. Could we swear him and, as we mention these individuals, they will give a little bit of the background.

The CHAIRMAN. Will you be sworn, please? You do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREENE. I do.

TESTIMONY OF ROBERT W. GREENE

The CHAIRMAN. State your name, your place of residence, and your present employment.

Mr. GREENE. My name is Robert W. Greene, 82 Ridge Lane, Levittown, N. Y., presently assigned to the Senate select committee as an investigator.

The CHAIRMAN. What past experience have you had as an investigator?

Mr. GREENE. I was an adviser to the Kefauver committee in 1951 in its investigation of crime in New Jersey. I was the former senior staff investigator of the New York City Anticrime Committee in New York for a period of 4 years.

The CHAIRMAN. All right; Mr. Counsel, proceed.

Mr. KENNEDY. Now, just on Joe Parisi, whom Mr. Doyle mentioned as being the head of local 27 in New York City. Do you have any background information on Joe Parisi?

Mr. GREENE. Yes, sir. Joseph Parisi has a criminal record, known to the New York City Police Department as B56267. He had a record of 11 arrests, including convictions for rape, for which he was sentenced to Sing Sing Prison for 2½ years and convictions for disorderly conduct. He has a number of indictments for coercion, homicide, felonious assault, robbery with gun, and felonious assault. Mr. Parisi at one time was indicted by a New York grand jury for coercion in the paper-box industry, and he was charged with operating in concert with Charles "Lucky" Luciano and Louis Lepke Buchalter to establish a monopoly and force paper-box drivers and manufacturers into a situation whereby he could extort and coerce money from them. After a trial, Mr. Parisi was found not guilty of this charge.

Mr. KENNEDY. What is the situation as far as Mr. Parisi at the present time?

Mr. GREENE. Mr. Parisi, the secretary-treasurer of local No. 27, International Brotherhood of Teamsters, died in 1956 of a heart attack.

Mr. KENNEDY. Did he have some official position with the teamsters in the New York area?

Mr. GREENE. Mr. Parisi was the secretary-treasurer of local 27, International Brotherhood of Teamsters, New York.

Mr. KENNEDY. Did he have any position in the joint council?

Mr. GREENE. He was a trustee of the New York Teamsters Joint Council.

Mr. KENNEDY. Up to the time of his death?

Mr. GREENE. Yes; up to the time of his death?

Mr. KENNEDY. We will have to refer back to Mr. Greene and Mr. Kelly on some of these other cases.

The CHAIRMAN. You solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KELLY. I do.

TESTIMONY OF JAMES P. KELLY

The CHAIRMAN. State your name, your place of residence, and your business or occupation or your present employment.

Mr. KELLY. My name is James P. Kelly, and my residence is in New York City. My employment is staff investigator for this committee.

The CHAIRMAN. What is your previous occupation?

Mr. KELLY. I was formerly a detective with the New York City Police Department.

The CHAIRMAN. For how many years?

Mr. KELLY. A detective for 6 years and then with the department for 7 years.

The CHAIRMAN. So you are familiar with the New York area?

Mr. KELLY. Yes, sir; I am.

The CHAIRMAN. Thank you very much.
Proceed.

Mr. KENNEDY. Mr. Doyle, so as to Mr. Parisi's local No. 27 operating out of New York City, you were informed that they were also interested in organizing the Westchester Carting Co.; is that correct?

Mr. DOYLE. That is correct.

Mr. KENNEDY. So you were informed of that by the employer, the Westchester Carting Co., and did you make arrangements then to meet with them?

Mr. DOYLE. Well, I got a call from the attorney that they had hired to be their attorney, and he told me that he had a meeting set up with local 27. He asked me what position he could take because there were two of us claiming jurisdiction over the carting company.

I told him that he couldn't take any position, that he would have to let it go in before the Labor Board and let them decide it.

Well, he was having a meeting on that same evening and the next morning we were informed that on advice of counsel, Westchester Carting signed a contract with local 27.

Mr. KENNEDY. In the midst of your negotiations with them, you found or they informed you that they had signed a contract with local 27; is that right?

Mr. DOYLE. That is right.

Senator IVES. May I interrupt there just a moment? I would like to ask Mr. Doyle this question:

You say the "Labor Board." Do you mean the National Labor Relations Board?

Mr. DOYLE. At that time, yes.

Senator IVES. Not the State board?

Mr. DOYLE. Any board, we didn't know.

Senator IVES. You referred to the "Labor Board," and I am wondering what one you referred to.

Mr. DOYLE. I used the word "Labor Board," and now I didn't know whether it was national or New York State.

Senator IVES. Thank you.

Mr. KENNEDY. Did you know anything about the background of Westchester Carting and who owned and operated Westchester Carting Co. at that time?

Mr. DOYLE. At that time all we knew was that Charlie Stern and a fellow by the name of Phil Gimerono—

Mr. KENNEDY. They operated the Westchester Carting?

Mr. DOYLE. Yes, sir.

Mr. KENNEDY. Did you know anything about a man by the name of Nick Rattani?

Mr. DOYLE. At that time, no.

Mr. KENNEDY. Mr. Chairman, Mr. Kelly has some of the background of Westchester Carting Co., and who had the ownership of Westchester Carting Co. at that time, and subsequently, and I would like to put that into the record.

The CHAIRMAN. Interrogate Mr. Kelly about it.

Mr. KENNEDY. You made a study of Westchester Carting Co.?

Mr. KELLY. Yes, sir; I did.

Mr. KENNEDY. Could you tell us about that?

Mr. KELLY. Westchester Carting was originated as a company in 1944 by a man named Austin Samsong, who lived in Yonkers. In 1947 Samsong sold out his interest to four individuals. One was Phil Gimerono, who was a known bookmaker.

Mr. KENNEDY. How do you spell his name?

Mr. KELLY. G-i-m-e-r-o-n-o. He has various aliases of that spelling, but that is the accepted one.

We have Gimerono's record here from the FBI, the Department of Justice, which shows he was arrested on October 4, 1952, suspicion of felony. There was no complainant, and the charge was dismissed.

The New York City Police Department then picked him up on September 13, 1933, for grand larceny, auto. The charge was reduced to petty larceny, and he received a suspended sentence.

There were other records of arrests not listed on this FBI sheet.

Mr. KENNEDY. He has a number of arrests for bookmaking; is that right?

Mr. KELLY. He has arrests for bookmaking and operating gaming establishments for which he was convicted and fined.

In 1939 and again, I think, in 1933.

Mr. KENNEDY. Now, he took over the Westchester Carting in 1946?

Mr. KELLY. Along with 3 other individuals, 1 of whom was Albert Hyduk. There was Charles Stern, and there was William Barron. Now subsequently on January 12, 1949, the records of the stockholders' meeting, special stockholders meeting held by Westchester Carting, indicates that Barron resigned, and that an Alfred Ratteni became president and director.

Mr. KENNEDY. What is the background of Mr. Ratteni?

Mr. KELLY. He is known to the New York City Police Department under No. B-607066. He was first arrested on July 13, 1926, in White Plains, N. Y., on suspicion of burglary. He was released or discharged in this case by Judge Holden of city court.

On December 29, 1926, he was again arrested in Manhattan on a grand larceny charge, and on January 27 he was arrested for assault and robbery, the final charge being robbery in the second degree, and on November 19, 1927, he was sentenced to 7½ to 15 years in Sing Sing, State prison, by Judge Leven, in general sessions court.

The CHAIRMAN. Is that on the robbery charge?

Mr. KELLY. That is correct, sir.

Ratteni continued as president and director in this corporation and subsequently; I have a copy of the special meeting here, on January 12 and subsequent to it, and it shows that his wife, who was then Charlotte Ratteni, was also mentioned as a stockholder and director for this company.

Other officers were Charles Stern and Philip Gimerono.

Mr. KENNEDY. Has the former Attorney General of the United States also had a description of Ratteni's background?

Mr. GREENE. Mr. Ratteni was indicted in 1953 for violation of the internal revenue law, with not reporting income. At the time the indictment was announced, former Attorney General Brownell described him as a cheap lieutenant of Frank Costello.

Mr. KENNEDY. We have been attempting to locate Mr. Ratteni?

Mr. KELLY. Yes, sir; we have been.

I have been notified by Mr. Ratteni's attorney that he is out of town, that he has been out of town. He left a little more than 2 weeks ago.

Mr. KENNEDY. There doesn't seem to be a prospect that he will be back into town?

Mr. KELLY. I don't think so at this time.

The CHAIRMAN. Let this be an open invitation to him to get in touch with the committee right away.

**TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL,
JOHN C. SHEEHAN—Resumed**

Mr. KENNEDY. So this firm of Westchester Carting headed by Mr. Ratteni signed a contract with local 27 headed by Joe Parisi. Was there any other official or officer of local 27 that took an active part or role in this period of time?

Mr. DOYLE. Well, there was one fellow who took an active part, a fellow by the name of Al Kregel.

Mr. KENNEDY. Kregel?

Mr. DOYLE. Kregel; yes.

Mr. KENNEDY. What about Mr. Adelstein?

Mr. DOYLE. Adelstein attended, I believe, a meeting, when the contract was signed. From there on in he took a big part in it. But up to that time he didn't play too big a part.

Mr. KENNEDY. He was an officer in local 27, was he—Mr. Adelstein?

Mr. DOYLE. I don't know if he was an officer, but he was a business agent.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. Do we have anything on Mr. Bernie Adelstein's background?

Mr. KELLY. On Adelstein's background we do, sir.

The CHAIRMAN. The business agent becomes a pretty important factor in the operation of a local; does he not?

**TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL,
JOHN C. SHEEHAN—Resumed**

Mr. DOYLE. A business agent is a fellow who goes on the road and handles the complaints.

The CHAIRMAN. He is a troubleshooter?

Mr. DOYLE. That is right.

The CHAIRMAN. He makes decisions out in the field?

Mr. DOYLE. That is right.

The CHAIRMAN. And gives orders and directions?

Mr. DOYLE. That is correct.

The CHAIRMAN. He becomes a pretty important official; does he not?

Mr. DOYLE. Yes.

Mr. KENNEDY. While we are getting Mr. Bernie Adelstein's record together, what was Mr. Kregel's position in local 27?

Mr. DOYLE. He was a business agent, too.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. Do you have the background on Kregel?

Mr. KELLY. His first name is Alfred. He was the business representative or business agent for local 27 and subsequently local 813, private sanitation. Kregel was arrested in January 1946, taken in custody by the United States marshal in New York for theft of goods in foreign shipment. There is no disposition shown on this sheet of that particular charge, but I have been told that he received a suspended sentence on it.

He was also picked up in July of 1942 by the New York City Police Department under B709928 on homicide and he was released.

Mr. KENNEDY. What year was that?

Mr. KELLY. 1942.

Mr. KENNEDY. What about Bernie Adelstein?

Mr. KELLY. His official New York City Police Department criminal record indicates that on March 25, 1931, Bernard Adelstein, New York City, was arrested for grand larceny, check. He was acquitted in court. He went on trial and was acquitted in court.

There are other indications of a record for Adelstein. On March 24, 1931, he was arrested in the 42d precinct in the Bronx, as Bernard Adelstein. On February 16, 1938, he was arrested in the 18th precinct and charged with disorderly conduct, profane language, on February 16, 1938, at 2:45 a. m. The remarks indicated that he caused a disturbance with a number of others and used loud and profane language to the officer.

On December 4, 1948, he was arrested in the 47th precinct, again charged with a violation of 722 of the penal laws, disorderly conduct. On December 4, 1948, at 8:30 p. m., he was charged with fighting in a public place, causing a disturbance.

On November 30, 1949, in the 48th precinct he was arrested at 6:30 a. m. and charged with using threatening and vulgar language. The complainant at this time withdrew the charge in court.

Mr. KENNEDY. So this is the local that took over and made the contract with Westchester Carting.

**TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL,
JOHN C. SHEEHAN—Resumed**

Mr. KENNEDY. How did Mr. Acropolis and yourself accept this idea of local 27 of the teamsters coming in and taking over the jurisdiction?

Mr. DOYLE. Well, we didn't like it, and we put up a protest with the company and with local 27. We kept talking to the people. We were going to contest it to the New York State Labor Board. We had all those plans, of doing that, but we didn't go through with them.

Mr. KENNEDY. Did you arrange a meeting at that time?

Mr. DOYLE. No. I met the next day—I didn't meet with 27. I did speak to Charlie Stern of Westchester Carting.

Mr. KENNEDY. Subsequently, did you speak with the officers of 27?

Mr. DOYLE. No.

Mr. KENNEDY. Was there any arrangement made at the convention or later on?

Mr. DOYLE. Yes, there was.

Mr. KENNEDY. Go ahead with that.

Mr. DOYLE. That was later on in 1950. In 1950 is when the city of Yonkers stopped picking up revenues from the merchants. I believe it was January 1, 1950, that the ordinance went into effect. There was a move out then to grab all the private carting. So there was a convention in New York in 1950, New York State Federation of Labor. At this meeting, Parisi and Adelstein and 2 or 3 other fellows whose names we don't know cornered Acropolis and another fellow by the name of Tocci, from New Rochelle, in the lobby of the Hotel Commodore.

Mr. KENNEDY. Tocci?

Mr. DOYLE. Tocci, T-o-c-c-i.

Mr. KENNEDY. Go ahead.

Mr. DOYLE. An argument started.

Mr. KENNEDY. Tocci was who?

Mr. DOYLE. He represented the hod carriers union from New Rochelle.

Mr. KENNEDY. He had been a friend of your local?

Mr. DOYLE. Yes.

Mr. KENNEDY. An argument started?

Mr. DOYLE. That is right. He was with Johnny Acropolis. An argument started there which resulted in Tocci being kicked by Parisi, and then the argument was broken up. A meeting was arranged in the same hotel, upstairs, by Tommy Lewis.

Mr. KENNEDY. Who is Tommy Lewis?

Mr. DOYLE. Tommy Lewis is a fellow who was the head of Local 32-E, Building Service Employees Union, in the Bronx.

Mr. KENNEDY. What happened to Mr. Tommy Lewis?

Mr. DOYLE. Tommy Lewis was shot and killed.

Mr. KENNEDY. When was that?

Mr. DOYLE. I think it was in 1953.

Mr. KENNEDY. He was murdered in 1953?

Mr. DOYLE. That is right.

Mr. KENNEDY. He was head of local 32-E; is that right?

Mr. DOYLE. Of the building trades; that is right.

Mr. KENNEDY. And he was a friend of Joe Parisi's?

Mr. DOYLE. Yes.

Mr. KENNEDY. A close associate of Parisi's?

Mr. DOYLE. Yes.

Mr. KENNEDY. He arranged a meeting between Johnny Acropolis and yourself and Parisi?

Mr. DOYLE. Parisi and Adelstein.

Mr. KENNEDY. What were the results of that meeting?

Mr. DOYLE. At that meeting they tried to talk us into giving Parisi—that is, local 27—the jurisdiction in Westchester County of all the private carting, and letting him come in and organize it. We disagreed and wouldn't go along with it.

But we did say this: Acropolis told Parisi to have Westchester Carting and not put the people in the middle. "You can keep Westchester Carting but from here on any organizing done in the county, we will be in the middle of it doing our share of the organizing." In other words, he didn't want Parisi to come into Westchester.

Mr. KENNEDY. You would allow them to keep Westchester Carting, but all other companies to be organized would be organized by your local?

Mr. DOYLE. That is right.

Mr. KENNEDY. No. 27 to keep the one company but would not have other companies.

Mr. DOYLE. That is right.

Mr. KENNEDY. Did they agree at that time with Johnny Acropolis that they would do this and stay out of Westchester?

Mr. DOYLE. That was agreed.

Mr. KENNEDY. They would stay out of this area and just keep the Westchester Carting Co.?

Mr. DOYLE. That is correct.

Mr. KENNEDY. So you had this meeting; you had this agreement. Then what occurred after that?

Mr. DOYLE. Well, what occurred then, it seems as though they didn't try to live up to their agreement. There was only about four men involved in the Westchester Carting. Then it spread out to control the whole private carting industry, to try to take it all over in the city of Yonkers, and wherever they could, and operate it under Westchester Carting.

Mr. KENNEDY. They tried to set up other companies, other operations, so they could take over all the carting in Yonkers and in the cities around there?

Mr. DOYLE. That is correct. The little guys would come in and they would squeeze them out. They would take over the business and operate it under their name.

Mr. KENNEDY. What was the point of this, Mr. Doyle? It wasn't just a question of obtaining the dues from 4 or 5 employees of the company. What was the point of all this, the attempt to gain control of the carting?

Mr. DOYLE. Do you mean by me or by 27?

Mr. KENNEDY. By 27.

Mr. DOYLE. Well, I don't know. The private carting when the city of Yonkers gave it up became a very big thing.

Mr. KENNEDY. It is a very profitable business?

Mr. DOYLE. I imagine it sure is.

Mr. KENNEDY. And was there also, so far as the power is concerned, squeezing businessmen and things like that? It gives men power?

Mr. DOYLE. That is correct. I don't know how it would have power, but it played a big part in anything they wanted to do, once they got control.

Mr. KENNEDY. As far as businessmen are concerned, if they couldn't get their garbage or refuse picked up, it would be a matter of great concern to them, would it not?

Mr. DOYLE. Yes.

Mr. KENNEDY. And this power to decide whether you were going to get this garbage picked up would be a matter of some power to those who controlled it?

Mr. DOYLE. Yes, definitely.

Mr. KENNEDY. And it is also a very profitable business?

Mr. DOYLE. Definitely.

Mr. KENNEDY. So it went beyond just the question of the dues of the individual employees, did it not?

Mr. DOYLE. I imagine it did; yes.

Mr. KENNEDY. You say they started the squeeze on the small operators out there?

Mr. DOYLE. That is right.

Mr. KENNEDY. How did that happen?

Mr. DOYLE. Well, fellows were threatened to get out of the business, people's trucks and equipment were burned. Storekeepers were threatened that they would picket their place—they did picket a few of them—if they didn't do business with Westchester Carting.

It was a regular push to gain control of it all. They didn't want nobody else in it. They used all kinds of tactics.

The CHAIRMAN. In other words, operated in plain racketeering fashion?

Mr. DOYLE. That is right.

Mr. KENNEDY. Was there any violence out there?

Mr. DOYLE. The only violence was done was trucks being burnt, maybe offices or shacks being burnt.

Mr. KENNEDY. This was during the period after the agreement had been made?

Mr. DOYLE. That is right.

Mr. KENNEDY. And they were violating the agreement in this period of time that they had made with you in 1950?

Mr. DOYLE. Yes.

Mr. KENNEDY. During this period of time, did you see Joe Parisi and Bernie Adelstein and Nick Ratteni in the Yonkers area? Did you see them together at all in the Yonkers area?

Mr. DOYLE. Yes; I did. I would say a few times I have seen them in a restaurant in Yonkers. The restaurant is only a few doors down from my office.

Mr. KENNEDY. Was there another company out there, Rex Carting Co.?

Mr. DOYLE. Rex Carting; yes. Rex Carting came into the business in the spring of 1951.

Mr. KENNEDY. Did your local organize them?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Was there then a dispute between Rex Carting and Westchester Carting Co.?

Mr. DOYLE. Yes; there was a big dispute. There was arguments every day; threats. Well, at that time, when Rex Carting came into the business, 27 did not have any refuse up in Westchester at that time. They had got a new charter and made it local 813.

Mr. KENNEDY. So 27 became local 813?

Mr. DOYLE. No; not 27.

Mr. KENNEDY. The part dealing with the carting became 813?

Mr. DOYLE. Yes.

Mr. KENNEDY. Who became the head of that?

Mr. DOYLE. Bernie Adelstein. Rex Carting came into the business and they bought themselves a couple of new trucks. They went out and they got quite a bit of the customers. Let me tell you how they got into it so you will understand.

The way I understand, this fellow Polose spoke to the chamber of commerce and they promised him if he got himself a couple of trucks they would see that he got a lot of the private carting business. The prices were too high; they couldn't stand them from Westchester.

The CHAIRMAN. The chamber of commerce entered into the picture to assist the businessmen in getting better service at a more reasonable rate?

Mr. DOYLE. That is right; at a more reasonable rate.

Senator IVES. Is this the Chamber of Commerce of Yonkers?

Mr. DOYLE. That is right.

Well, Polose went out, Rex Carting went out, and did a pretty good job getting customers. All the customers they had were customers that belonged to Westchester Carting. So then local 813 came into the picture again and the fight was on again to try to put Rex Carting out of business.

Mr. KENNEDY. How did they go about trying to do that? Can you give us any examples of that?

Mr. DOYLE. They went into stores, threatening storekeepers they were going to put them out of business, they were going to picket places. There was one place, Safeway Store on Romaine Avenue, Romaine and McLean in Yonkers, where Rex Carting was picking up the garbage and 813 tried, I guess, everything under the sun to try to get this away from Rex Carting.

Mr. KENNEDY. Did you understand they put a boycott on Safeway and in other sections of the city?

Mr. DOYLE. That is right. When they couldn't do anything with all of their pressures, up in Yonkers they couldn't get the Safeway Store, then the boycotted all the Safeway stores in the Bronx. They didn't pick up their refuse and it just piled up on the streets.

The CHAIRMAN. Do you mean to say they refused to handle their own customers?

Mr. DOYLE. That is right. They refused to handle them in the Bronx.

The CHAIRMAN. Which company was that?

Mr. DOYLE. Safeway; Safeway Stores.

Mr. KENNEDY. The refuse companies refused to pick up?

Mr. DOYLE. It was the union, 813.

The CHAIRMAN. That is the union you were competing with?

Mr. DOYLE. Yes.

Mr. KENNEDY. They wouldn't allow the refuse of the other stores to be picked up; is that right?

Mr. DOYLE. Yes.

The CHAIRMAN. Where you had contracts?

Mr. DOYLE. No. This happened in New York City, in the Bronx. We don't go into the Bronx. 813 has jurisdiction there.

The CHAIRMAN. I don't quite understand, but go ahead.

Mr. KENNEDY. 813 had jurisdiction in the Safeway Stores in the Bronx, right?

Mr. DOYLE. They had contracts with Safeway Stores in the Bronx, right.

Mr. KENNEDY. Then Rex Carting Co., which had a contract with you, came along and picked up the contract of the Safeway Stores in Yonkers?

Mr. DOYLE. That is right.

Mr. KENNEDY. When that happened, 813 brought pressure on all the other Safeway Stores in the Bronx and other sections of the city so they couldn't get their refuse picked up?

Mr. DOYLE. That is correct.

The CHAIRMAN. The purpose being trying to force them into their union instead of dealing with you, all of them?

Mr. DOYLE. That is right.

Mr. KENNEDY. And it was successful?

Mr. DOYLE. Yes, it was.

Mr. KENNEDY. The Safeway Store in Yonkers went back to Westchester Carting?

Mr. DOYLE. Well, I would say "Yes."

Mr. KENNEDY. You explain what they did.

Mr. DOYLE. Well, what they did, another outfit started picking up from Safeway Stores. I think it was Rusco or Russo.

Mr. KENNEDY. Was that a company actually operated by Westchester?

Mr. DOYLE. To my belief, yes.

Mr. KENNEDY. So the owners of Westchester had a number of different companies operating in that area, the Yonkers area?

Mr. DOYLE. That is right.

Mr. KENNEDY. So Safeway took one of the other companies of Westchester?

Mr. DOYLE. That is right.

Mr. KENNEDY. And they made threats against individual store owners?

Mr. DOYLE. Yes. They would have fellows go in and tell the store owners to drop Rex and do business with Westchester.

Mr. KENNEDY. Did they burn any of the Rex offices? Were they burned?

Mr. DOYLE. They burned Rex Carting's office. That was burned.

Mr. KENNEDY. During this period of time, did Mr. Acropolis or yourself receive any threats?

Mr. DOYLE. We got numerous threats, numerous threats.

Mr. KENNEDY. On your lives?

Mr. DOYLE. On our lives, yes; even right up until, I would say, 2 weeks before John Acropolis was killed we got threats.

Mr. KENNEDY. Prior to that time did you have a convention in 1952? Is that right?

Mr. DOYLE. 1952, yes.

Mr. KENNEDY. And you and Johnny Acropolis attended the convention?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Did you meet Bernie Adelstein and Joe Parisi there?

Mr. DOYLE. Yes.

Mr. KENNEDY. Would you tell me about that?

Mr. DOYLE. I met Bernie Adelstein in Convention Hall, I think it was, in Rochester, and he talked to me about Rex Carting, and demanded that I turn over Rex Carting to local 813. He didn't think it was right that we should have any of the private carting.

I reminded him about the agreement, and he said, "There is no such an agreement made." So we got into an argument, Bernie and I, in the meeting, and I walked away from him. The meeting had started to call the convention to order.

After the meeting, we met outside—myself, Acropolis, and Bernie Adelstein. I had told Acropolis what took place when I met Adelstein, and an argument started outside between Acropolis and Adelstein. There were some pretty harsh words spoken.

Adelstein said to Johnny, "You are not that tough. Don't think you are too tough that we can't take care of you. Tougher guys than you have been taken care of."

Mr. KENNEDY. Bernie Adelstein said that to Acropolis?

Mr. DOYLE. That is right. And Johnny, I think his words were, "It is too bad you are crippled or I would flatten you right here."

The CHAIRMAN. Too bad what?

Mr. DOYLE. "Too bad you are crippled or I would flatten you here." Acropolis told that to Adelstein.

The CHAIRMAN. Adelstein is a cripple?

Mr. DOYLE. Yes.

Mr. KENNEDY. He has a wooden leg.

Mr. DOYLE. That is right. The meeting broke up and we went back to our hotel. While we were in the hotel, we got a call from Parisi. Parisi wanted to see John. He wanted to talk to John and John wouldn't go down. He said, "If you want to see me, come up here." So Parisi came up to our room.

They got talking all over again about the private carting, that they wanted the Rex Carting, and no matter what happened, they were going to get it. Acropolis got into an argument with Parisi and Parisi pleaded, "Gee, I don't want to argue with you no more." I think his words came out, "I am through arguing with you. I have a bad heart. I am not going to argue with you. There is other ways of talking care of you." And "We can see that it is done."

Mr. KENNEDY. This is what Parisi said to Acropolis?

Mr. DOYLE. That is right.

Mr. KENNEDY. You were present at the time?

Mr. DOYLE. Yes. Acropolis told him to leave the room; he told him to get out, and we didn't see Parisi no more at the convention.

Mr. KENNEDY. Then did you have some conversations with Acropolis during the next week or two?

Mr. DOYLE. During the next week, we came back into the convention and then during that week there was conversations with Acropolis. Every night he would come to me, or the next morning, and tell me that he had received threats, that they were out to get him, and even warned me to watch myself.

"Don't park the car when you go home in a dark spot. Make sure you park it out in front of your house and walk into the house." There were numerous threats. He told me other fellows brought the threats to him, delivered them to him.

Mr. KENNEDY. Who were some of the other people?

Mr. DOYLE. One fellow was a fellow by the name of Tom DiSalvo.

Mr. KENNEDY. And he was from Scalise's?

Mr. DOYLE. He was business agent or delegate of local 32-E.

Mr. KENNEDY. Tommy Lewis?

Mr. DOYLE. That is right. He told John in these words: "The heat is on. They are out to get you. Why don't you drop all this stuff and come down and let me let you meet these guys and be friends with them?" But John wouldn't have anything to do with it.

In my office I received a call—it was at my house—I got a call from somebody who just called and said, "Within the next week four of you are going to die." Numerous threats came to my house. They would call my house and I wouldn't be home. They would give the threats to my wife. The same thing would go with John.

The CHAIRMAN. How many died as a result of those threats?

Mr. DOYLE. One that I know of.

The CHAIRMAN. Acropolis?

Mr. DOYLE. Yes.

The CHAIRMAN. When was he killed?

Mr. DOYLE. He was killed on August 26, 1952.

The CHAIRMAN. 1952?

Mr. DOYLE. August 26, 1952. I would say about 3 weeks after the meeting at the convention in Rochester.

Mr. KENNEDY. How was he killed?

Mr. KELLY. He was shot in the head.

Mr. KENNEDY. Whereabouts? What were the circumstances?

Mr. DOYLE. He was shot at his home, probably around 2:30 in the morning, when he was going into his home, inside his house. He got shot in the head and then he got shot again when he was laying down, through the head. He had two shots in the head.

Mr. KENNEDY. Did it appear that he was shot by somebody that he knew?

Mr. DOYLE. From all the indications, knowing Acropolis, he had very fast reflexes. The fellow was an athlete. The way I can see it, no one could have gotten into that house unless he knew him. But the indication was—John still had his suit in his hand, he had a suit in his hand that he had picked up from the tailor's; he had the keys to his car in his hand, and still with his topcoat and everything on.

He just got it as he walked into the house. The indications showed that he was bringing someone into the house with him. He has a light in his parlor that shines on the side of the wall to show up some knickknacks that he had on the wall. He would generally go in, if he had someone with him, turn that light on, and then light a table lamp and then put that light out. We found that that parlor light was on.

The CHAIRMAN. Was anyone ever apprehended for his murder?

Mr. DOYLE. No one was ever apprehended.

The CHAIRMAN. Are you still apprehensive?

Mr. DOYLE. What?

The CHAIRMAN. Are you personally still apprehensive about your own safety?

Mr. DOYLE. Well, I don't know. You got to die some time, Senator. You can't live forever.

The CHAIRMAN. Are you still getting threats?

Mr. DOYLE. No.

(The witness conferred with his counsel.)

Mr. DOYLE. No; I haven't had any threats since the death of Acropolis.

The CHAIRMAN. No threats since then?

Mr. DOYLE. That is right.

Mr. KENNEDY. Does Westchester Carting Co. pretty well control the carting in that area in Yonkers now?

Mr. DOYLE. Definitely.

Mr. KENNEDY. They have a virtual monopoly; is that right?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Are they union? Are they still union, teamsters union?

Mr. DOYLE. No; they are not.

Mr. KENNEDY. So, after all this effort that was made by 27 and local No. 813, Westchester Carting Co. is not union at the present time?

Mr. DOYLE. That is correct. I believe they formed an independent union and pulled away from 813.

Mr. KENNEDY. They formed an independent company union?

Mr. DOYLE. I believe that is what happened.

Mr. KENNEDY. There is one other matter that I wanted to discuss with Mr. Doyle, Mr. Chairman, that I would like to call him back for. We have another witness on this company.

Mr. DOYLE. I would like to say this: Rex Carting, after the death of Acropolis, went out of business.

Mr. KENNEDY. What?

Mr. DOYLE. Rex Carting went out of business.

Mr. KENNEDY. Rex Carting Co.?

Mr. DOYLE. Right after the death of Acropolis. I would say about a month afterward they sold out to Westchester Carting.

Mr. KENNEDY. On that, I say that some of these threats were carried to you by Mr. DiSalvo; is that right?

Mr. DOYLE. Carried to Acropolis.

Mr. KENNEDY. Carried to Acropolis. He came from Tommy Lewis' local 32-E. Do you know who appointed Tommy Lewis, who was murdered in 1953? Do you know who appointed him to his job?

Mr. DOYLE. Well, after he was slain, from the newspaper reports; yes.

Mr. KENNEDY. Who appointed him?

Mr. DOYLE. I think I did read in the newspaper where he was appointed by Scalise.

Mr. KENNEDY. Frank Scalise?

Mr. DOYLE. Yes.

Mr. KENNEDY. George Scalise.

TESTIMONY OF ROBERT W. GREENE—Resumed

Mr. KENNEDY. Would you tell us about him, please?

Mr. GREENE. George Scalise was the international vice president in the building service employees union. In connection with extortions made by that union, George Scalise was convicted for extortion and sent to prison for a term of 5 years. Subsequently he was paroled and became involved with Anthony Carfano, a prominent New York hoodlum, known as Little Augie, in handling or siphoning off commissions from the insurance welfare fund of the wine, liquor, and distillery workers union.

The New York district attorney's office handled the trial directly, and Scalise was indicted in 1953 on charges of coercion, bribery and extortion. The charges against Mr. Carfano were dismissed. An attempt was made to murder Mr. Saperstein, with four bullets in his head, but he didn't die.

Mr. Scalise was subsequently convicted and is now serving a prison sentence in connection with this case.

The CHAIRMAN. Mr. Doyle, you may stand aside for a little while. We think we may have to recall you. We are trying to run on through and conclude the hearings today during the morning session.

We will presently take a brief recess.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Mr. KENNEDY. Mr. Chairman, Mr. Doyle testified that there was this dispute that went on over a period of several years, which resulted finally in the death, the murder, of John Acropolis, over the organizational rights in the city of Yonkers and the surrounding area.

So, finally, or ultimately, Westchester Carting Co. got control of that area, and was organized with local 813.

As he testified, in 1953 the teamsters local gave up its jurisdiction, local 813, and the company installed a company union.

I would like to call at this time Mr. Stephen Spiak, who was the first head of the company union, so that he can explain how the union was organized and try to explain to the committee why the teamsters union, local 813, never picketed any of their shops.

The CHAIRMAN. Mr. Spiak, you do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SPIAK. I do.

**TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY COUNSEL,
ROBERT S. FRIEDMAN**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. SPIAK. Stephen Spiak, 23 Dudley Place, Yonkers, N. Y., garbageman.

The CHAIRMAN. You have counsel with you?

Mr. SPIAK. I do, sir.

The CHAIRMAN. Will you identify yourself?

Mr. FRIEDMAN. Robert S. Friedman, 172 South Broadway, White Plains, N. Y.

The CHAIRMAN. All right; Mr. Kennedy

Mr. KENNEDY. Mr. Spiak, as I understand it, you were the first president of the Westchester Carting Co. union; is that correct?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me. I assert my privilege under the fifth amendment of the United States Constitution, and upon the further ground that the question put is not within the scope of this inquiry or relevant thereto.

The CHAIRMAN. The reason stated for refusing to answer, with respect to the question not being within the scope of this inquiry or relevant thereto, is overruled. Your taking the fifth amendment, of course, we recognize. May I ask you, Mr. Spiak, if you are taking the fifth amendment out of a sense of fear? Are you afraid that if you told the truth, you would be in some danger from bodily harm?

(The witness conferred with his counsel.)

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution, and upon—

Senator IVES. Mr. Chairman, I want to find out if this witness is under indictment or anything of that kind.

Mr. SPIAK. I respectfully—

Senator IVES. I am not asking you. I am asking your counsel. You can't do anything, apparently, but take the fifth amendment.

Mr. Counsel, how about that?

Mr. KENNEDY. No, Senator; we have no information that he is under indictment or under investigation at the present time. He does have, as we understand it, a criminal record, the background of which Mr. Greene might give us, or Mr. Kelly.

Mr. KELLY. I have been told—the record is supposed to be on the way to this committee. I have been told that Mr. Spiak was arrested and charged with petty larceny sometime around 1945, involving the theft of bicycles, while he was a police officer in the city of Yonkers.

Mr. SPIAK. I would like a correction on that. I have been acquitted of that charge.

The CHAIRMAN. I beg your pardon?

Mr. SPIAK. I have been acquitted of that charge.

The CHAIRMAN. That doesn't seem to incriminate you. You say you have been acquitted?

(The witness conferred with his counsel.)

The CHAIRMAN. Maybe you can tell us some other things that will not incriminate you. Have you ever been convicted?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution, and upon the further ground—

The CHAIRMAN. You may omit the further grounds. They are overruled. You need not repeat them.

The record may show that each time you read your statement, down to the point where you say "the fifth amendment," the rest of it may be considered read and overruled. We can save a little time in that respect. Well, I thought, maybe, since you wanted the record to reflect the truth with respect to the one charge of stealing a bicycle, that you would be willing to help us make the record speak the truth with respect to some other activities. Are you unwilling to do that?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. All right. Each time, the rest of his prepared statement may be considered read and overruled. Proceed, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, the primary importance of Mr. Spiak is the formation of the company union, the circumstances under which it was formed, and what arrangements were made to keep the teamsters local 813, Mr. Bernie Adelstein's local 813, from coming in. Can you tell us anything about that, Mr. Spiak?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the Constitution.

The CHAIRMAN. Do you belong to some gang of hoodlums? Is that one reason why you are not testifying?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. I first got the impression, probably erroneously, that you were under some duress or threat, and, therefore, you were hesitating to testify. But you may be correct, that if you told the truth it might tend to incriminate you. I may have to yield to your better judgment about that. But I got the wrong impression, I am afraid, when you first started to testify.

Go ahead, Mr. Counsel.

Mr. KENNEDY. Mr. Chairman, we have information that this company union was formed at the suggestion of Mr. Joseph Feola.

Can you tell us if that is correct, Mr. Spiak, that you formed this company union at the suggestion and upon the advice of Mr. Joe Feola?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer might tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. Mr. Counsel, proceed to ask him all of the questions. Let's find out what it is that might tend to incriminate him.

Mr. KENNEDY. We have this on good authority about Mr. Feola, Mr. Chairman. I would like to have Mr. Kelly give us whatever background information he has on Mr. Joseph Feola.

The CHAIRMAN. Do you know Joseph Feola, or did you know him, if he is now dead?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. Have you got Mr. Feola's record?

Mr. KELLY. Yes, sir.

Joseph Feola, also known as Joey Surprise.

The CHAIRMAN. Joey Surprise?

Mr. KELLY. Yes. S-u-r-p-r-i-s-e.

Mr. KENNEDY. S-u-r-p-r-i-s-e?

Mr. KELLY. Yes.

TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY HIS COUNSEL, ROBERT S. FRIEDMAN—Resumed

The CHAIRMAN. Was he a surprise to you, Mr. Witness?

Mr. SPIAK. I respectfully decline to answer the question on the grounds that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. All right, Mr. Kelly, proceed.

Mr. KELLY. Joseph Feola's record shows that on October 17, 1931, he was arrested under that name in Manhattan and charged with violation of 1897 of the penal law, known as the Sullivan law.

On November 23, 1931, he was convicted and received a suspended sentence in the court of special sessions.

On November 29, 1934, as Joey Surprise, he was arrested in New York City and charged with felonious assault.

The final charge was pistol.

On November 27, 1934, he was sentenced to a reformatory by Judge Donlan in special sessions court.

On November 20, 1937, as Joey Feola, Manhattan, he was arrested and charged with homicide, gun.

On December 1, 1937, he was discharged by Magistrate Murphy in homicide court.

On December 1, 1937, as Joseph Feola, New York City, murder in the first degree.

On April 28, 1939, he was sentenced to death by Judge Knott in general sessions court.

On March 5, 1940, the conviction was reversed by the court of appeals, and on March 7, 1941, Feola plead guilty to a manslaughter, 1.

On July 1 he was sentenced—he was sentenced subsequently to 7½ to 15 years by Judge Mullen in general sessions court.

Incidentally, Senator McClellan, this homicide was the murder of a police officer in New York, whom Feola shot.

Mr. KENNEDY. He shot and killed one police officer and shot another one?

Mr. KELLY. Leaving the scene, a sergeant stopped him as he was running away and asked him why he was running, and he said a police officer had been hurt, and the sergeant said "All right, you come back with me." Instead of coming back, he shot the sergeant.

**TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY HIS COUNSEL,
ROBERT S. FRIEDMAN—Resumed**

The CHAIRMAN. Were you on the police force at that time?

Mr. SPIAK. I respectfully decline to answer the question the ground that an answer may tend to incriminate me.

The CHAIRMAN. Did you know the policeman that was killed?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I further assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We have the full record on Mr. Spiak.

Is there a question about the record that he read before about you, Mr. Spiak?

We have the full record. If you want to tell the story yourself, you can do it. Otherwise, we will have to put it in the record.

(The witness conferred with his counsel.)

Mr. SPIAK. I respectfully decline to answer the question on the grounds that an answer may tend to incriminate me.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Read his record, then. I will ask him if it is true. See if he will tell it then.

Mr. KELLY. On March 14, 1937, in Yonkers, N. Y., he was arrested—

The CHAIRMAN. That is this witness?

Mr. KELLY. That is right; Stephen Spiak.

He was released on \$500 bail to appear the following day in New York City. The alcohol tax agents were George Denning and C. Pagnina. The case was referred by Federal court to the city court of Yonkers, where he was then charged with violation of section 100 and 108 of the ABC law, the alcoholic-beverage-control law.

On April 13, 1937, the case was dismissed by Judge Martin Faye, of the city court in Yonkers.

**TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY HIS COUNSEL,
ROBERT S. FRIEDMAN—Resumed**

The CHAIRMAN. Is that correct?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my

privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. Here is another case where you got acquitted. Why were you so interested in making the other fact known to the other charge that you were released from it or acquitted of it? If that wouldn't incriminate you, why would this incriminate you, to say you were released from it?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. I just wanted to see how consistent you are. Do you honestly believe that if you told the truth with reference to these convictions and acquittals, that a truthful answer might tend to incriminate you?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Read the rest of his record.

Mr. KELLY. On November 27, 1946, as Stephen Spiak in Yonkers, N. Y., he was arrested on three counts of petty larceny, the theft of bicycles.

On April 3, 1947, he was convicted of criminally receiving, concealing, and withholding stolen property.

On April 23, he was sentenced to 6 months in the Westchester County Penitentiary on count No. 2. He was also fined \$500 on the other counts.

The CHAIRMAN. What was the date of that?

Mr. KELLY. The date of the arrest was November 27, 1946.

TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY HIS COUNSEL, ROBERT S. FRIEDMAN—Resumed

The CHAIRMAN. Could there possibly be any error in that record?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. You appreciate the committee giving you an opportunity to correct any erroneous record, do you not?

Mr. SPIAK. I respectfully decline to answer the question—

The CHAIRMAN. I think we are entitled to that much gratitude. Don't you?

Mr. SPIAK. I respectfully decline to answer the question on the grounds that an answer might tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. All right, Mr. Kelly, read the next one.

Mr. KELLY. He was again arrested on August 10, 1951, in Yonkers, N. Y., and charged with the possession of a pinball machine.

On September 6, 1951, he was fined \$50 and placed on probation by Judge Faye in Special Sessions Court in Yonkers.

That concludes the record.

Senator IVES. May I get one thing clear in my own mind?

I may not have been here at the time it came out. When was this witness a policeman in Yonkers?

The CHAIRMAN. Let the witness tell us.

Senator IVES. He can't say anything. He wouldn't dare.

**TESTIMONY OF STEPHEN SPIAK, ACCOMPANIED BY HIS COUNSEL,
ROBERT S. FRIEDMAN—Resumed**

Senator IVES. Is that going to incriminate you?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

Senator IVES. Now, Mr. Chairman, I would like to ask Mr. Kelly if he will tell me.

Mr. KELLY. Senator Ives, the record doesn't indicate when he was, but I had an independent conversation with Commissioner McHugh, the deputy commissioner of public safety, in Yonkers, yesterday, in which he told me that Spiak was a policeman when these petty larcenies occurred, and as a result of this he was dismissed from the force. He said he came on the force about 1941.

The CHAIRMAN. You mean he was dismissed from the force, according to this information, because of these crimes he committed while he was a policeman?

Mr. KELLY. That is correct.

The CHAIRMAN. How about that? Is that true? Were you committing these offenses while you were a policeman?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment to the United States Constitution.

Senator IVES. One thing more I would like to clear up, Mr. Chairman, is this: I am not quite clear, but were some of these offenses committed prior to the time he was put on the police force?

Mr. KELLY. The record indicates he was arrested in 1937, but the case was dismissed. That was the alcohol charge. As far as I know, from what the commissioner told me, he was not then on the police force.

Incidentally, the complainant in the bicycle thefts, I believe, was his brother-in-law.

The CHAIRMAN. Do you have a brother-in-law?

Mr. SPIAK. I respectfully decline to answer on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the Constitution of the United States.

The CHAIRMAN. Do you think it might tend to incriminate you to admit that you stole a bicycle from your brother-in-law?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

Mr. KENNEDY. That is all I have, Mr. Chairman. I understand Mr. Spiak is still head of the Westchester Carting Co. local, which consists of maybe a half dozen or 10 members. As I said, the importance of his testimony is in view of the fact that 813, under Bernie Adelstein and Joe Parisi, made such an effort to organize this company, to control Yonkers, and shortly after Mr. Acropolis was killed the company union was formed and they no longer have a contract with the teamsters local. I was trying to get an explanation for that.

The CHAIRMAN. Are you a member of that little independent union?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. Is that little union engaged in a racket? Is it racketeering? Is that why you are a little bit sensitive about it?

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

Mr. KENNEDY. Do you know your boss, Nick Ratteni? Could you tell us where he is right now?

(The witness conferred with his counsel.)

Mr. SPIAK. I respectfully decline to answer the question on the ground that an answer may tend to incriminate me, and I assert my privilege under the fifth amendment of the United States Constitution.

The CHAIRMAN. As I dismiss you, sir, all I want to say is I am sorry for men who work, possibly in an honest occupation, who have to be subjected to the official administration of a man who can't answer questions about his conduct of their affairs without tending to incriminate himself. I am sorry for those men.

Stand aside.

Call your next witness.

Mr. KENNEDY. Mr. William Wells, Mr. Chairman.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WELLS. I do.

TESTIMONY OF WILLIAM WELLS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. WELLS. My name is William Wells. My home is at 46 North Summit Avenue, Chatham, N. J. My place of business is 300 Mercer Street, Jersey City, Safeway Stores, Inc.

The CHAIRMAN. Do you have counsel to represent you?

Mr. WELLS. No; I do not.

The CHAIRMAN. You waive counsel?

Mr. WELLS. Yes, sir.

The CHAIRMAN. Thank you.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, this witness will be a relatively short witness.

I want to find out back in 1952 what position you held in Safeway Stores, Mr. Wells.

MR. WELLS. The same position as now, public-relations manager of the New York division.

MR. KENNEDY. Did you understand in 1952 that your representative in Yonkers, the Safeway Stores representative in Yonkers, was having some difficulty with their carting?

MR. WELLS. Yes, sir.

MR. KENNEDY. Had they had a contract with the Westchester Carting Co.?

MR. WELLS. They were dealing with the Westchester Carting Co.

MR. KENNEDY. Were they dissatisfied with the services that were being performed by the Westchester Carting Co.?

MR. WELLS. Yes, sir; they were.

MR. KENNEDY. Did they decide, therefore, to change to the Rex Carting Co.?

MR. WELLS. Yes, sir.

MR. KENNEDY. Did they make that change?

MR. WELLS. Yes, sir.

MR. KENNEDY. Was it reported to you that they began to have difficulty with the union because of this change?

MR. WELLS. We had difficulty with the collection of refuse in the Boroughs of the Bronx and Manhattan.

MR. KENNEDY. Would you tell what happened? You changed from Westchester to Rex?

MR. WELLS. Yes, sir.

MR. KENNEDY. Would you tell the committee briefly what occurred after you did that?

MR. WELLS. Shortly after that, we received calls in the office from the stores reporting that collectors were refusing to pick up refuse at various stores in the Bronx and Manhattan. Perhaps there were 12 or 15 stores involved. The reason given was that we had changed the collectors and unions in our store on Romaine Avenue in Yonkers. We tried to find a solution to this problem, some solution to get the collectors to pick up the refuse without going back to the Westchester Carting Co.

After several days we had a rather serious problem with both the quantity of the refuse in the stores and the condition or the smell, and, therefore, the concern of whether the board of health might, possibly, close the stores.

This, of course, meant that we had to make a decision rather promptly. After exploring all possibilities, it was decided that we had nothing to do but to try to make a deal with these people. We were told that the person who could make this deal for us to straighten us out was a gentleman by the name of Adelstein. So, a contact was made with Mr. Adelstein, who told us that if we would go back to his union, union 813, that our problems would be over. We requested, however, that we not use the same carting company, and he agreed to that request. Another carting company, I believe it was Rusco, came in and picked up the refuse, and immediately our problems were over and collections were made in all the stores.

MR. KENNEDY. Did you understand that this carting company that you did take out in Westchester was, in fact, owned and operated by Westchester Carting?

Mr. WELLS. Yes, sir. We were told that.

Mr. KENNEDY. So you, in fact, took back Westchester Carting Co. under a different name?

Mr. WELLS. That is our understanding.

Mr. KENNEDY. You were forced to do that because of the condition in your stores as far as health was concerned, and the condition of the rubbish in your stores in the Bronx and 13 or 14 stores?

Mr. WELLS. Yes, sir.

Mr. KENNEDY. And that pressure was all brought, as you understood it from the conversations, all brought about by local 813, which wanted you to have Westchester Carting Co. in Yonkers?

Mr. WELLS. That was the understanding.

Mr. KENNEDY. But, during this period of time, Rex Carting Co. was a union outfit; was it not?

Mr. WELLS. Yes, sir; it was.

Mr. KENNEDY. And it had a contract with local 456 in Yonkers of the teamsters?

Mr. WELLS. It was a different union. I believe that was the local. But it was definitely a different local; yes.

Mr. KENNEDY. So this pressure was brought for you to change to a carting company that had a contract with one particular local?

Mr. WELLS. Yes, sir.

The CHAIRMAN. You said a different union. Was it a different local or a different union?

Mr. WELLS. A different local.

The CHAIRMAN. A different local within the teamsters union?

Mr. WELLS. It was a different local number. I don't know about in the sense of a different union, but it was a different local number.

Mr. KENNEDY. Of the teamsters?

Mr. WELLS. I don't know that, sir.

Mr. KENNEDY. After you signed and took back this other company, was the boycott lifted in the Bronx and these other stores?

Mr. WELLS. Immediately; yes.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Senator IVES. Mr. Chairman, while you are waiting for the next witness, I would like to bring this to your attention. As I understand, you have been receiving help, have you not, from the department of law, the attorney general of the State of New York, and from his department?

Mr. KENNEDY. Yes; we have.

Senator IVES. That is what I understood. I think we ought to express our appreciation to all of those law-enforcement agencies right now.

Mr. KENNEDY. Both of those agencies have been particularly helpful.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. Mr. Kelly, can you testify to the situation as far as Westchester Carting Co.'s control of the Yonkers area?

Mr. KELLY. I think the classic example of it, Mr. Kennedy, would be in connection with the testimony given by the previous witness. I would like to enlarge on that, if I may.

Mr. John Juban, who is now deceased, was the manager of the Safeway Stores, store No. 1272, located at 28 Romaine Avenue, Yonkers. The store was opened on May 16, 1951. Their first carter was the company known as Little Abe. I believe the principal of that company was a man named Benedetto Piarullo. They were charging \$15 a week for 6-day service. The store opened, as I said, on May 16. Two days later, Juban testified before the State commissioner of investigations office, Piarullo came out and said "I want to get out in one piece, and I don't want any trouble. I don't want my trucks burned to the ground."

So subsequently, or right about this time, Westchester Carting came on the scene, and a representative, Joseph Picaria, who had been a principal in Pecaria Carting, which had been absorbed by Westchester, said if this Safeway Store did not take Westchester Carting, then they would boycott the other stores that Safeway had in the Yonkers area.

Juban agreed to take Westchester Carting on May 21. They were giving 5-day service, and the rates were set at \$21.50 a week. They tried to raise these to \$30.

On July 21, Rex Carting came, and Mr. Juban was having increasing troubles with Westchester, particularly because the men from Westchester Carting were storing refuse from collections they made from other locations in the city in the back of his store and waiting for another truck to come around and take it to the dump, which represented a health problem. He was receiving summonses from the board of health.

Mr. KENNEDY. They were bringing the garbage from all the other stores and putting it in Safeway's back?

Mr. KELLY. That is correct. I guess that was a safe place to keep it. On the 21st of July, Rex Carting—the rate had been raised to \$28 a week—Rex came and agreed to do it for \$23 and collect 6 days a week. Juban spoke with his superior, Tom Reedy, who has since left Safeway, and they took Rex Carting. On the first day that Rex made the pickups, all the Safeway stores in the Bronx and Manhattan were boycotted by members of local 813, Private Sanitation. I understand the other six Safeway stores were boycotted by Westchester Co. This was subsequently straightened out. I had an opportunity to talk to Mr. Reedy, at Brewster, N. Y.

Mr. KENNEDY. Who is he?

Mr. KELLY. He was the district manager, who was Juban's superior at that time. Reedy told me—

Mr. KENNEDY. He is ill now?

Mr. KELLY. I asked him if he could come down, and he said he retired under a disability, and he said he didn't feel well enough to come down. He recalls Juban saying to him at that time that Bernard Adelstein of local 813 called him at the Westchester store, No. 1272, and he recalls Juban telling him that Adelstein said if Juban didn't knuckle under to Westchester Carting, that he, Adelstein, would tie up all the Safeway stores right out to Queens. They had already boycotted them in the Bronx and Manhattan.

Safeway was faced with a dilemma. Reedy said that they then asked the principals of Rex Carting, Polose and Triano if they would take over the servicing of all of these stores in the Bronx, Manhattan, and Yonkers. Unfortunately, they were limited and couldn't handle

the job. As a result of this, Safeway was forced to take the alternative course and hire Rusco Carting. When the trucks from Rusco Carting came around to pick up the refuse from Safeway they had Westchester Carting written on the side. He felt from that that there was a very close relationship and interchange of equipment and inter-company relations between the two.

A short while after that a man whom he only knew as Joe came around to see Juban, and his description, incidentally, fits Joseph Feola, who was working for Westchester at the time, as sort of an efficiency man. He was efficient in other ways, too, as his record indicates. Here he was supposed to be solving their carting problems by indicating the correct rate to be charged. He promptly told Juban that they would have to pay Westchester a higher rate. He said, "What about Rusco?" And he said, "Rusco isn't able to handle it any more. We are taking over again." Westchester then resumed the picking up of rubbish from this store. I believe they do so today.

Mr. KENNEDY. Mr. Doyle testified to the fact that there was violence—threats—made against various of the other small carting firms in the Yonkers area, as well as against small businesses. Can you give us any testimony or examples that we have learned of any threats that were made?

You have an affidavit; have you?

Mr. KELLY. Yes, sir. We have an affidavit from a woman named Katherine Embree, who lived at 58 Woodland Street, Yonkers.

Mr. KENNEDY. What was her business?

Mr. KELLY. She was the principal in a company known as Alpine Carting. I will read the affidavit to you:

STATE OF NEW YORK;

County of Westchester, ss:

Katherine Embree, duly sworn, deposes and states:

I make this statement at the request of Milton Morvitz, known to me to be an investigator assigned to the United States Senate select committee investigating into the improper activities of labor and management.

This statement is made of my own free will. I have been informed that this statement may be introduced into evidence in a public hearing before the United States Senate select committee investigating the improper activities of labor and management, and swear that the statements contained herein are true.

I was the owner of the Alpine Carting Service. In the early part of 1950 I started to experience difficulty in the operation of the carting service because of opposition of one of the unions, Local 27, Private Sanitation Unit. About February of 1950 I was approached by a man whom I later identified to be Nick Rattenni, who was the owner of the Westchester Carting Co., at which time Rattenni told me, "We better get together or one of us will be out of business."

Subsequent to that time I received threats over the telephone from an unknown person.

On March 19, 1950, at 11:55 p. m., 2 trucks that I owned and which were parked 75 feet apart on a lot at 509 Riverdale Avenue, Yonkers, N. Y., were sprinkled with gasoline and burned.

I related the threats to the detectives of the Yonkers Police Department and described Mr. Rattenni to them. They took me to Baran's Tavern at 37 Lockwood Avenue and I identified Mr. Nicholas Rattenni as the person who had previously threatened me.

Subsequently, I was questioned by the office of the New York State Investigation Commission by a man named Reuther. Newspaper articles appeared in the Daily Mirror, Daily News, and other papers relating to the burning of my trucks and the difficulties I had in the cartage business.

Soon after these newspaper articles appeared I received another telephone call from an unknown person who told me, "Embree, you did pretty good, don't forget you've got grandchildren."

I make this statement in lieu of personal appearance before the committee because I feel that I am too ill to travel to Washington to testify.

KATHERINE EMBREE.

Sworn to before me this 6th day of November 1957.

[SEAL]

M. LOUIS MICHAELS,
Notary Public, State of New York.

Term expires March 30, 1958.

Mr. KENNEDY. And the Westchester Carting Co. took over these various smaller companies subsequently, did they not?

Mr. KELLY. They subsequently absorbed the majority of these small companies.

Mr. KENNEDY. And their businesses?

Mr. KELLY. And their businesses.

Mr. KENNEDY. And now they control the carting in the Yonkers area?

Mr. KELLY. I think that could be safely said.

Incidentally, from a report of the Council Committee on Trade Ways, dated April 8, 1952, there is a list of the carting companies who had coupon books for dumping for the year 1951. This record reveals the following: That Westchester Carting in 1951 had 9 trucks and during the year obtained a total of 607 coupon books, which were sold for \$10 each.

Little Abe Carting Co. in 1951 had two trucks and 87 coupon books.

Rusco Carting had 2 trucks and 137 books.

Community had one truck and no coupons.

Monarch Carting had 1 truck and 1 coupon.

Little Abe was subsequently absorbed, and Rusco had a close relationship with Westchester.

It would be simple to find out who was dumping the garbage and who was picking it up.

Mr. KENNEDY. So a short time after that, after the murder of Acropolis, Westchester Carting took over complete control of the carting there?

Mr. KELLY. That is right.

Mr. KENNEDY. I would like to recall Mr. Doyle.

TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL, JOHN C. SHEEHAN—Resumed

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. This is on an unrelated matter, but a matter which will be of some interest to the committee, Mr. Chairman. That is in connection with the Yonkers Raceway.

You are familiar with that, Mr. Doyle?

Mr. DOYLE. Yes.

Mr. KENNEDY. Were there arrangements made at Yonkers Raceway as to who was to have the union contracts?

Mr. DOYLE. Well, arrangements were tried to be made when the racetrack was under construction, changing it from a flat track to a night trotter. Acropolis was the president of the Westchester Federation of Labor. He appointed a committee to go into the racetrack and find out what jobs would be available in the track when it was completed, what classifications, like electrician, carpenter, and all that type of work.

Tommy Lewis was appointed on that committee. There was Tommy Lewis and a fellow by the name of Joe DiBucci.

Mr. KENNEDY. What were the names?

Mr. DOYLE. Tommy Lewis.

Mr. KENNEDY. Of 32-E?

Mr. DOYLE. Yes. And Joseph DiBucci.

Mr. KENNEDY. Who else was on the committee?

Mr. DOYLE. There was a fellow by the name of Lou Stauder, who has since passed away.

Mr. KENNEDY. And they met, did they?

Mr. DOYLE. Then there was some fellows from the building trades.

Mr. KENNEDY. Who did Stauder represent?

Mr. DOYLE. Stauder represented the electricians.

Mr. KENNEDY. And they had a meeting?

Mr. DOYLE. They had a meeting with the track officials and they asked for a list of the jobs that were going to be at the track when it was completed. Track officials promised them within a week they would have that list in the hands of Mr. Acropolis. Then they could sit down and decide which unions had the jurisdiction and who would sign contracts.

Well, about 2 weeks passed and they heard nothing from the track; they got no word. Mr. Acropolis called up the officials at the track and asked what the delay was. He was informed then that a blanket agreement was signed by Tommy Lewis with the building service employees.

The CHAIRMAN. And he was one of the committee?

Mr. DOYLE. He was one of the committee. Right away Mr. Acropolis raised a protest. The building trades put picket lines around the racetrack, which stopped the construction. The construction was stopped to a standstill. A protest was made to the contract signed by Tommy Lewis.

The strike went on for about 10 days. There was an injunction issued by the supreme court in White Plains which barred the picketing. Picketing was stopped, but no one went to work. The job still laid idle. At this time I think it was Charlie Johnson—

Mr. KENNEDY. Before that, were you informed that the track had appointed—

Mr. DOYLE. Oh, yes. They had appointed, when Acropolis got called up and found out that Lewis signed a blanket agreement, he wanted to know why, and he put up a protest, they said they had hired a labor-relations man, and it was on the advice of him.

Mr. KENNEDY. Who was the labor-relations man?

Mr. DOYLE. Joseph Pizzo.

Mr. KENNEDY. Did you learn subsequently of any financial connections between Mr. Pizzo and Mr. Lewis?

Mr. DOYLE. Well, I believe they ran an insurance company, Alcor Insurance Co.

Mr. KENNEDY. Alcor Insurance?

Mr. DOYLE. Yes.

Mr. KENNEDY. Did they handle any of Tommy Lewis' insurance?

Mr. DOYLE. They handled all the welfare insurance.

Mr. KENNEDY. So all the welfare insurance from 32-E, Mr. Lewis' local, went to Alcor Insurance Co., in which Mr. Lewis and Mr. Pizzo had the interest?

Mr. DOYLE. That is right.

Mr. KENNEDY. And Mr. Pizzo was appointed labor-relations consultant with the raceway, and he was the one who made the contract with Mr. Tommy Lewis to give Lewis the blanket contracts for handling all the labor for the raceway; is that right?

Mr. DOYLE. That is correct.

TESTIMONY OF ROBERT W. GREENE—Resumed

Mr. KENNEDY. Mr. Greene, have you any of the background of Mr. Pizzo, other than his interest in the Alcor Insurance Co.?

Mr. GREENE. Sir, Joseph Pizzo was questioned by the Bronx district attorney's office in connection with the murder of Thomas Lewis in 1953, but released. His record shows no other arrests.

However, sir, as an investigator for the New York City Anti-Crime Committee in 1953, I personally observed Mr. Pizzo in a party at the Vogue Room, a West 57th Street restaurant in Manhattan. I was sent there to observe the operations of John Biello, notorious hoodlum who served 7½ to 15 years for armed robbery with Nicholas Ratteni at Sing Sing Prison.

In the party I observed Frank Costello, Anthony "Little Augie" Carfano, John Dioguardi, John Biello, Joseph "Stretch" Stracci, and Big Jim O'Connell, who has been arrested a number of times, and who is closely associated with syndicate gambler Frank Erickson.

I conversed with Mr. Pizzo at this time, and he informed me that these gentlemen were his friends. He was very obviously in their company.

Mr. KENNEDY. Did you also learn that Mr. Pizzo had also certain business interests with Mr. Biello?

Mr. GREENE. Yes, sir. Mr. Biello, a very close associate of Mr. Nicholas Ratteni, the Westchester Carting Co., and Mr. Joseph Pizzo were the co-owners of a large commercial office building in the Bronx, N. Y., at the time that Mr. Pizzo was associated with Mr. Lewis in the Alcor Insurance Agency.

Mr. KENNEDY. Mr. Biello did 7½ to 15 years for the armed robbery with Nicholas Ratteni?

Mr. GREENE. Yes, sir. They committed the robbery together, and were both sentenced and jailed together.

TESTIMONY OF EVERETT DOYLE, ACCOMPANIED BY HIS COUNSEL, JOHN C. SHEEHAN—Resumed

Mr. KENNEDY. You found out that Lewis received these blanket contracts for all the labor out at the raceway?

Mr. DOYLE. A strike was on, the injunction was issued, and Charlie Johnson was called into the picture. He had ordered the carpenters to go to work.

Mr. KENNEDY. Charlie Johnson had what position?

Mr. DOYLE. Charlie Johnson is an international vice president, I believe, of the Carpenters International.

Mr. KENNEDY. He was called in?

Mr. DOYLE. He was called in. One of the carpenters' delegates called his office to see what he could do.

Mr. KENNEDY. So what did he do?

Mr. DOYLE. He first ordered the carpenters back to work.

Mr. KENNEDY. He ordered them not to stay and picket the raceway?

Mr. DOYLE. That is correct. Before the pickets were taken off, he ordered them to go through the picket line. So the carpenters went through.

Mr. KENNEDY. Did you understand or learn later on that he received anything for that?

Mr. DOYLE. Later on we found out that Charlie Johnson had received \$30,000 from the track. That was released in the newspapers when it came out.

Mr. KENNEDY. He is still a vice president of the carpenters union?

Mr. DOYLE. That is correct. I believe he was questioned by the district attorney on that at that time, too, but there was no news story broke on it.

The CHAIRMAN. Did he get that for his union?

Mr. DOYLE. He got that for his services. He was supposed to be representing the labor unions in this track, but he got that from the track officials.

The CHAIRMAN. For his mediation services?

Mr. DOYLE. That is correct.

The CHAIRMAN. He was representing the union?

Mr. DOYLE. Yes.

Mr. KENNEDY. Then what occurred?

Mr. DOYLE. Well, finally, after about 10 or 12 days, they finally settled. They came to an agreement where a blanket agreement with 32-E was disallowed, and through negotiations with the track Pizzo and Lewis and all the trades came in and got their respective work. Then the track ran smoothly.

Mr. KENNEDY. Did you hear anything about that situation again subsequently?

Mr. DOYLE. Not of that same situation, no; but later on.

Mr. KENNEDY. You were called in on the track?

Mr. DOYLE. Later on, about 1951, I believe, just before the racing season, I would say, about 2 weeks before the racing season started, we were in Mount Vernon, Mr. Acropolis and myself, and we made a call to the office. There was a message that Mr. Wolf of the racetrack, who was the secretary-treasurer of the racetrack, wanted to see us.

We went to the racetrack. When we got there we saw picket lines around the track. So we went down around the side gate and we went in and saw Mr. Wolf. He was in there running around the room mad, yelling, and he said to John, "I am in trouble. 445 is picketing me."

Mr. KENNEDY. Local 445 of the teamsters?

Mr. DOYLE. That is right. He said, "They are picketing. It is a damn shakedown. They are trying to shake us down."

Mr. KENNEDY. Who were the heads then?

Mr. DOYLE. Lester Stickles was the head.

Mr. KENNEDY. Who else? Who was his chief assistant?

Mr. DOYLE. His assistant with him was Phil Massiello.

Mr. KENNEDY. They ran 445 at that time?

Mr. DOYLE. That is correct.

Mr. KENNEDY. Of the teamsters?

Mr. DOYLE. That is right. So Johnny asked Wolf, he says, "What is the matter with your labor-relations man, Joe Pizzo?"

He said, "We fired him." He said, "What did you fire him for?"

He said, "Because he is getting us in all of this trouble. It cost us a lot of money. It cost us in the neighborhood of \$90,000 that we gave him, and these guys claim they didn't get none of it."

Mr. KENNEDY. He said "these guys" referring to Stickles and Massiello?

Mr. DOYLE. That is right. He said, "They want a contract, but they won't tell us what they want, the terms or anything. They just got the picket line." So Johnny referred him to Tommy in New York and gave him Tom's number, and he called from the office and set up a meeting with Hickey. Hickey called back and said he had set up a meeting with 445 officials that evening at their offices, for 6 o'clock that evening, I believe, that the meeting was set for.

They were to go there and see if they couldn't work out the contract. Mr. Wolf asked if Johnny Acropolis and myself could attend the meeting. Hickey told them, "By all means," he says, "insist that you have Acropolis at the meeting."

So at 6 o'clock we went to the meeting. We waited down at the offices of local 445; about a quarter after 7, Stickles showed up. When he showed up he went into the little room by himself and Massiello and one of his other business agents, and Tommy Lewis.

Mr. KENNEDY. Tommy Lewis was there?

Mr. DOYLE. That is right, Tommy Lewis was there. As soon as Stickles sat down he said, "I just got through talking to Tom Hickey, and I have orders that no one is to be in this meeting but myself, Mr. Wolf, Mr. Cane, and my business agents and Tommy Lewis. Everybody else has to get out."

So Mr. Wolf objected to that, and he said that Mr. Hickey had told him that Acropolis and myself would be at the meeting. So he said, "Can I use your phone?" and he told him "No." He grabbed the phone anyhow and he made a call to Hickey's office. Hickey got on the phone and instructed Stickles that we should stay at the meeting.

Well, there was nothing done at that meeting. They wouldn't talk; they wouldn't talk contract; they wouldn't talk anything. I had to leave. I left there about a quarter to 8. I understand from Acropolis that they went down to Paul's restaurant on Broadway, and they stood there until about 10 o'clock and they decided they would meet at Tom Hickey's office at 10 o'clock the next morning. They met at 10 o'clock the next morning in Tom Hickey's office and negotiated a contract which stopped the pickets.

Mr. KENNEDY. So through the intervention of Tom Hickey the strike was subsequently settled?

Mr. DOYLE. That is right.

Mr. KENNEDY. Where are Mr. Massiello and Mr. Stickles at the present time? Do you know?

Mr. DOYLE. I believe they are in a Federal penitentiary somewhere.

Mr. KENNEDY. For extortion?

Mr. DOYLE. Yes.

Mr. KENNEDY. They were convicted?

Mr. DOYLE. Convicted and sentenced to 5 years.

Mr. KENNEDY. It amounted to about \$50,000?

Mr. DOYLE. \$50,000 or \$60,000.

The CHAIRMAN. Was that in connection with this racetrack?

Mr. DOYLE. No. That was in connection with milk.

The CHAIRMAN. With milk?

Mr. DOYLE. Yes.

Mr. KENNEDY. Did you understand that Mr. Pizzo and Mr. Tommy Lewis had a falling out, subsequently?

Mr. DOYLE. No. We weren't that close to the situation. We heard rumors of it.

Mr. KENNEDY. Prior to the time that Mr. Lewis was murdered?

Mr. DOYLE. Yes.

Mr. KENNEDY. I guess that is all.

Senator IVES. I want to thank the witness for being so cooperative.

Mr. DOYLE. Thank you.

The CHAIRMAN. If we can get that kind of cooperation from all of those who have knowledge, the work of this committee would be more pleasant, and it would also be more fruitful. Thank you very much.

Mr. KENNEDY. Thank you Mr. Doyle.

The CHAIRMAN. The committee will stand in recess until 10 o'clock in the morning.

(Members of the select committee present at time of recess: Senators McClellan and Ives.)

(Whereupon, at 1 p. m., the select committee recessed, to reconvene at 10 a. m., Wednesday, November 13, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, NOVEMBER 13, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan.

Also present: Robert F. Kennedy, chief counsel; Jerome Adlerman, assistant chief counsel; Robert W. Greene, investigator; James P. Kelly, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will come to order.

(Members of the committee present at the convening of the session: Senators McClellan, McNamara, and Ives.)

The CHAIRMAN. Call your first witness.

Mr. KENNEDY. Messrs. Anthony and John Montesano.

The CHAIRMAN. Do you gentlemen solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JOHN MONTESANO. I do.

Mr. ANTHONY MONTESANO. I do.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO

The CHAIRMAN. Mr. Montesano, each of you give your name, your place of residence, and your business or occupation. You may give yours first.

Mr. ANTHONY MONTESANO. Anthony Montesano, 101 Hazel Street, East Meadow Sanitation Service, Inc.

Mr. JOHN MONTESANO. John Montesano, 354 Stanley Road, East Meadow, vice president, East Meadow Sanitation Service.

The CHAIRMAN. Do you waive counsel?

Mr. JOHN MONTESANO. We do.

Mr. KENNEDY. Mr. John Montesano, how long have you been in the sanitation business?

Mr. JOHN MONTESANO. Roughly 11 years, sir.

Mr. KENNEDY. Could you tell us a little bit about your company, how large it is?

Mr. JOHN MONTESANO. At present it is operating 6 trucks, but we have been awarded a contract by the department of Hempstead and we expect to be running approximately 14 to 16 trucks in January.

Mr. KENNEDY. How many employees do you have; how many people are working for the company?

Mr. JOHN MONTESANO. Well, we have 7 different employees, sir, but we are all stockholders and we have 1 strange employee. In other words, we all belong to the union.

Mr. KENNEDY. You what?

Mr. JOHN MONTESANO. We all belong to the union. We hold books, but we have one woman employee.

Mr. KENNEDY. You are all members of the union; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Who makes up the seven employees; relatives of yours?

Mr. JOHN MONTESANO. There is my father, my brother, my brother-in-law, my 2 other brothers, and I have another brother-in-law, and a stranger, 1 man working for us.

Mr. KENNEDY. Six out of the seven are members of your family?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. But all seven of you belong to the union?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. And six members of the family are, in fact, the employers, but they all pay union dues, as well; is that right?

Mr. JOHN MONTESANO. That is right.

The CHAIRMAN. I understand there are 6 members of the family, and you have 7 altogether, and 6 members of the family actually own an interest in the business?

Mr. ANTHONY MONTESANO. Three actually own an interest in the business. They are the stockholders.

The CHAIRMAN. Three actually own an interest.

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. Out of the six.

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. So there are 4—3 in the family and 1 outside the family that have no interest in the business—that are employees?

Mr. ANTHONY MONTESANO. That is correct.

Mr. KENNEDY. But 3 out of those 4 are members of the family?

Mr. ANTHONY MONTESANO. Yes, sir.

Mr. KENNEDY. How long have you been in the union?

Mr. ANTHONY MONTESANO. I would say about 6 years now.

Mr. KENNEDY. Where does your company operate?

Mr. ANTHONY MONTESANO. In East Meadow, Long Island; that would be the township of Hempstead, Nassau County, New York State.

Mr. KENNEDY. What union are you a member of?

Mr. JOHN MONTESANO. 813, local.

Mr. KENNEDY. Of the teamsters?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Who operates that union?

Mr. JOHN MONTESANO. To my knowledge, at that time, Mr. Barnard Adelstein was the president and now they have a Carmine Val-lano.

Mr. KENNEDY. Is Mr. Bernie Adelstein still an officer in that local?

Mr. ANTHONY MONTESANO. He is business manager.

Mr. KENNEDY. And is secretary-treasurer?

Mr. ANTHONY MONTESANO. Yes, sir.

Mr. KENNEDY. On Long Island, did they have an association of garbage collectors?

Mr. JOHN MONTESANO. We did.

Mr. KENNEDY. What is the proper term to use, "garbage collector" or "sanitation collector" or "cartage collectors"?

Mr. JOHN MONTESANO. Sanitation engineers. It seems like everybody wants to be an engineer today. It is just "garbage collector."

Mr. KENNEDY. Did you operate with an association out in Long Island?

Mr. JOHN MONTESANO. Yes; we did.

Mr. KENNEDY. When did that originate?

Mr. JOHN MONTESANO. The association originated, I would say, in the beginning of 1954 or 1953, and I am not sure on that, sir, but the State gave us our charter and you can find the exact date from that.

Mr. KENNEDY. Was the association very active during that period of time?

Mr. JOHN MONTESANO. No; it wasn't too active; we had meetings and all, and it was mostly get together with the local people, and there was no real dues being paid or anything.

Mr. KENNEDY. It was sort of a loose association?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. What was the name of the association?

Mr. JOHN MONTESANO. Intercounty Cartmen's Association.

Mr. KENNEDY. Who was head of the association originally?

Mr. JOHN MONTESANO. Originally, we had a Mr. Joe Caputo.

Mr. KENNEDY. How do you spell his name?

Mr. JOHN MONTESANO. C-a-p-u-t-o. Then we elected to office a Mr. Roy Brown, and after that, I think, I became the president of that organization.

Mr. KENNEDY. When did you become president, approximately.

Mr. JOHN MONTESANO. I think it was November or December of 1954.

Mr. KENNEDY. Now, this is in Nassau County, is it?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Where this association operated?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. How many cartmen were members of the association?

Mr. JOHN MONTESANO. At one time we had a force of 60 cartmen on our books, on our rolls.

Mr. KENNEDY. Was that when it was very active?

Mr. JOHN MONTESANO. Yes; when it was very active; yes, sir.

Mr. KENNEDY. It didn't become very active until about 1955?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. Prior to that, there were just a few members?

Mr. JOHN MONTESANO. Prior to that, I would say that we had about 10 or 25 members.

Mr. KENNEDY. How many cartmen operate in that district? You say you had 60 members of the association, and how many operated independently, or would you know?

Mr. JOHN MONTESANO. Well, it is a funny thing, sir, where we had our association—in the immediate area of our association, I would say there was only about 40 or 50 cartmen, but not all of them belonged. In all of Nassau, I would say, there is much more than that, and the exact number I don't know.

Mr. KENNEDY. But the biggest operators, and the most active operators, were members of the association in 1955; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Were your members of the association in the union when you were president, in 1954?

Mr. JOHN MONTESANO. We had some that were in, sir, and we had some that were not.

Mr. KENNEDY. Did you decide at that time that you had better make a determination as to whether all of you should belong to the union or not.

Mr. JOHN MONTESANO. No, sir; there was no decision made by me or anyone that I know of. The decision was made, however, after Mr. Squillante came out.

Mr. KENNEDY. That is Vincent J. Squillante, S-q-u-i-l-l-a-n-t-e?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. You say Mr. Vincent Squillante came out and became associated with your association?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. Could you tell us the circumstances that brought about his coming with you?

Mr. JOHN MONTESANO. We had some members that were in the union, and we had some members that weren't. Now, the union contracts terminated January 1, 1955. The union men naturally didn't want to have a strike on their hands. So we had an open meeting on the floor, and the men decided to turn around and have a negotiation board set up, a committee to negotiate a new union contract, and I was on that committee.

After I was on the committee, I felt that I could not deal with the union, due to the fact that they had legal men with them and I am not capable of dealing with lawyers, and I felt it was too much of a responsibility for me to take that. So, with that, I met Ned Fazula.

Mr. KENNEDY. How do you spell that?

Mr. JOHN MONTESANO. F-a-z-u-l-a.

Mr. KENNEDY. Who was Freddy Fazula?

Mr. JOHN MONTESANO. He was Rapid Rubbish Remover; that was his business name, but he was also at that time our sergeant at arms. He introduced me to Joe Feola.

Mr. KENNEDY. Fazula introduced you to Feola?

Mr. JOHN MONTESANO. He goes under the name of Jamaica Sanitation, or Jamaica Ash & Rubbish, and I am not sure which, but he introduced me to Feola, and he, in turn, took me to New York, to Madison Avenue, and I met Mr. Squillante. While we were there we were speaking, and the way he was built up to me through Feola was, if anybody could help us, Squillante was the man, with this union contract.

Mr. KENNEDY. Did you know anything about the background of Fazula or Feola?

Mr. JOHN MONTESANO. I knew the background of none of them.

Mr. KENNEDY. Mr. Chairman, I would like to have Mr. Greene put on the backgrounds, first, of Mr. Fazula, who was the sergeant at arms, who introduced Mr. Montesano to Mr. Feola, who then introduced Mr. Montesano to Mr. Squillante.

TESTIMONY OF ROBERT W. GREENE

Mr. GREENE. The criminal record of Alfred Fazula, alias Posta Fazula—

Mr. KENNEDY. What is his first name?

Mr. GREENE. The criminal record of Alfred Fazula, F-a-z-u-l-a, address 2033 Stillwell Avenue, Bronx, at the time this record was compiled by the New York City Police Department, the following record is listed:

Fred Fazula, Brooklyn, burglary, 1934, reduced to petty larceny, sentence suspended, probation 3 years; 1934, Fred Fazula, Greensburg, Pa., larceny, discharged; 1934, Fred Fazula, Baltimore, Md., auto theft, sentenced to 2 years in the State house of correction; 1938, as Fred Fazula, Brooklyn, vagrancy, dismissed; 1942, as Ferdinand Fazula—

Mr. KENNEDY. How do you spell that?

Mr. GREENE. F-r-e-d-i-n-a-n-d.

Mr. KENNEDY. It is supposed to be Ferdinand?

Mr. GREENE. I presume so.

Queens, N. Y., attempted burglary, and burglars tools, acquitted.

That is the complete record of Alfred Fazula.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO—

Resumed

The CHAIRMAN. What position did Fazula occupy at the time?

Mr. JOHN MONTESANO. He was sergeant at arms of our organization.

The CHAIRMAN. Sergeant at arms?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. Was he selected in that position or chosen or appointed to that position, or did he get it by reason of his past experience or some special proficiency?

Mr. JOHN MONTESANO. I don't remember, Senator. I don't remember if he was elected to that position or if he was appointed. I think, if I am not mistaken, sir, that the position was open and no one wanted it, to be sergeant at arms, and that is how Fazula got the job.

The CHAIRMAN. No one wanted it and he took it?

Mr. JOHN MONTESANO. That is right, I think.

Mr. GREENE. This is the criminal record of Joseph Feola—

Mr. KENNEDY. What was Fazula actually known as?

Mr. GREENE. Fazula's proper name is Alfred Feola, and, in the course of interrogation of various people who knew Fazula, and various police agencies that were acquainted with him, we determined that he was nicknamed Posta Fazula.

Mr. JOHN MONTESANO. That means beans and macroni.

Mr. KENNEDY. Fazula introduced Montesano to Feola. Will you tell us about Feola?

Mr. GREENE. The criminal record of Joseph Feola, as listed by the New York City Police Department, is as follows: 1931, arrested for

carrying a gun, violation of the Sullivan law, sentence suspended; 1934, arrested as Joseph Surprise, felonious assault, final charge, pistol, sentenced to Elmira Reformatory; 1937, as Joseph Feola, Manhattan, homicide, gun, discharged.

In 1937, as Joseph Feola, New York City, murder, first degree, April 28, 1937, sentenced to death by Judge Knott, general sessions. On March 5, 1940, the conviction was reversed by the court of appeals. Mr. Feola on March 7, 1941, pled guilty to manslaughter, first degree, and was sentenced to 7½ to 15 years in Sing Sing State Prison. This manslaughter final charge involved the shooting and killing of a police officer and the wounding of another police officer.

That is the complete criminal record of Joseph Feola as known to us.

Mr. KENNEDY. So he introduced you to Mr. Squillante?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. What did you understand Mr. Squillante's background was?

Mr. JOHN MONTESANO. From what Mr. Feola told me, he controlled the Greater New York Cartmen's Association; that is exactly how it was put to me.

Mr. KENNEDY. The Greater New York Cartmen's Association?

Mr. JOHN MONTESANO. That is right, sir, and if anyone could do anything with the union in getting a good contract or a contract to benefit anyone, Jimmy Squillante was the man who could do it.

Mr. KENNEDY. So you had a talk with Jimmy Squillante?

Mr. JOHN MONTESANO. I had a talk with him, and I told him I had an association in Long Island and we had a contract that was going to terminate, and I was wondering if he could possibly handle the contract for us rather than have a strike on our hands, and possibly have garbage laying in the street.

Mr. KENNEDY. What did Mr. Squillante tell you?

Mr. JOHN MONTESANO. The first thing he did, he got on the phone, and he called up the union office, and the reason I know that is because he asked the girl to get Bernie Adelstein on the phone. What went on during the conversation I don't know, because he was on the other side of the room. But then he came back and he said, "Well, first, we will have to meet the members."

He said, "We will have to see just how far we can go in speaking to these boys, and what their demands are, and what the union wants," and so I invited him out to a meeting where we held our meetings. He came out there, and he spoke to the fellows, and after that he started making new meetings, and new times, and this fellow was here and that fellow was there, and the next thing we knew he put this guy in office and that guy in office and he controlled the organization.

The CHAIRMAN. He took charge of it?

Mr. JOHN MONTESANO. Yes, sir; that is true.

Mr. KENNEDY. He put his people in?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Whom did he bring in and put in these positions?

Mr. JOHN MONTESANO. Well, his nephew; there was Jerry Mancuso.

Mr. KENNEDY. How do you spell his name?

Mr. JOHN MONTESANO. M-a-n-c-u-s-o, and he became an executive director. First, Mr. Squillante was the executive director, and then

it seems he had to give that title up for some reason, he was having trouble with the Government, income tax or something.

The CHAIRMAN. He had a little income-tax trouble?

Mr. JOHN MONTESANO. Yes, sir, and he gave that position up, and he gave it to Mancuso, and he became labor-relations expert.

The CHAIRMAN. What experience had he had in that capacity?

Mr. JOHN MONTESANO. As a labor-relations expert, I don't know. I don't know, Senator.

The CHAIRMAN. Didn't you find something out about these things before you turned over your whole organization to them?

Mr. JOHN MONTESANO. Sir, the organization wasn't exactly turned over to the man. The man came out there, and there was no opposition from anyone else.

The CHAIRMAN. He just took it over?

Mr. JOHN MONTESANO. Yes, sir, and the few people who did oppose him eventually got out of the organization like I did, sir. After all there was still a majority rule, and if enough of the people didn't want to get together to fight for their own business, why should I? When I did oppose the man several times, we used to go around and around on different things.

The CHAIRMAN. You didn't oppose him at this initial meeting?

Mr. JOHN MONTESANO. At the initial meeting; no, sir.

The CHAIRMAN. You had employed him?

Mr. JOHN MONTESANO. I had requested him to come down.

The CHAIRMAN. To help you out?

Mr. JOHN MONTESANO. Yes.

The CHAIRMAN. And he came down and helped you out?

Mr. JOHN MONTESANO. Yes; and he helped himself, too.

The CHAIRMAN. Go ahead.

Mr. JOHN MONTESANO. He put all of these people in these positions and he negotiated the union contract for us.

Mr. KENNEDY. Who else did he bring out there?

Mr. JOHN MONTESANO. Well, at one time, I will tell you, Mr. Kennedy, he brought a lot of people out there with him. When he used to come, he came with 4 or 5 different people. I remember one time there was a man introduced there as the "pro." And his name was, if my memory serves me right, Modica, M-o-d-i-c-a, a gray-headed man with a mustache, wearing glasses, and he sat in 1 or 2 of our meetings.

Mr. KENNEDY. Is that C. Don Modica?

Mr. JOHN MONTESANO. That is right. I think that is the name he used.

Mr. KENNEDY. But they called him the "pro"?

Mr. JOHN MONTESANO. Yes; the professor.

Mr. KENNEDY. Do you know why they called him the "pro"?

Mr. JOHN MONTESANO. He was supposed to be a professor.

Mr. KENNEDY. What was his position out there? What was he doing?

Mr. JOHN MONTESANO. To me it seemed like he was in the capacity of an adviser. He used to sit at the table with Jimmy and make suggestions.

Mr. KENNEDY. He would make suggestions?

Mr. JOHN MONTESANO. Yes.

Mr. KENNEDY. He would just sit there and make suggestions?

Mr. JOHN MONTESANO. That is right. At the few meetings he attended. This was in Long Island.

Mr. KENNEDY. He would just come in and attend your meetings?

Mr. JOHN MONTESANO. Yes.

Mr. KENNEDY. He didn't have any official position with your association?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. Why didn't you object to this stranger coming in and sitting in?

Mr. JOHN MONTESANO. Nobody else objected. Why should I? That is how I felt.

Mr. KENNEDY. Did you ask about him at all?

Mr. JOHN MONTESANO. I asked Squillante who he was.

Mr. KENNEDY. What did he say?

Mr. JOHN MONTESANO. He said, "He is just a friend of mine."

Mr. KENNEDY. A friend of his?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Did you find anything else out about him?

Mr. JOHN MONTESANO. No, sir; not at that time.

Mr. KENNEDY. What kind of a professor was he?

Mr. JOHN MONTESANO. I didn't ask.

Mr. KENNEDY. Why didn't you ask more about him?

Mr. JOHN MONTESANO. Well, it really didn't occur to me. The man just used to sit in at the meetings. We used to have meetings where at times I used to bring friends of mine.

Mr. KENNEDY. Did you ever get any further identification of him?

Mr. JOHN MONTESANO. Well, later on as the investigation came along, I found out through Mr. Greene and Mr. Kelly that he was associated with a Mr. Anastasia, Albert Anastasia. That is the only association.

Mr. KENNEDY. Did you see him with anybody?

Mr. JOHN MONTESANO. Yes, in New York, on three different occasions, I saw him with Albert Anastasia, Jr. This is just before I saw the light. This is just before I resigned or was put out of the organization.

Mr. KENNEDY. So you saw him yourself, and you knew of his contact with Albert Anastasia?

Mr. JOHN MONTESANO. Yes, sir; but this was much later after he took over the organization.

Mr. KENNEDY. I would like to get cleared up about the professor.

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. How did you first learn of his association with Anastasia?

Mr. JOHN MONTESANO. Through his son.

Mr. KENNEDY. Through his son? How did you learn about his son?

Mr. JOHN MONTESANO. Well, we were up in New York. You see, after a while they no longer had board of director meetings in Long Island, and we were told to go to Madison Avenue and have our meetings.

Mr. KENNEDY. That was an interlocking meeting between your association and the association in New York City?

Mr. JOHN MONTESANO. That is right, sir.

Mr. KENNEDY. So you had your meetings together in New York City?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. All right.

Mr. JOHN MONTESANO. We went all the way to New York, and while we were there, on three different occasions, I saw this young boy come in, and it seemed to me that the professor was tutoring him. That is the truth. He was tutoring him.

Mr. KENNEDY. Well, how—

Mr. JOHN MONTESANO. He had a blackboard and he had all kinds of symbols and numerals and different things. It didn't bother me at first, but after the third time I said to myself, "Who is this fellow?" I asked Beansie Fazula, "Who is this fellow?" And he turned around and tells me "That is Albert's boy." I drew my own conclusions after that.

Mr. KENNEDY. Just on the basis that it was Albert's boy? Didn't he say Albert who?

Mr. JOHN MONTESANO. Well, it was common knowledge. I mean, after a while I found out that Jimmy was supposed to be—this is later, after I got out of the organization.

Mr. KENNEDY. Jimmy was what?

Mr. JOHN MONTESANO. Linked to Albert Anastasia.

Mr. KENNEDY. So you had the tutor of Albert Anastasia's son and Jimmy, who was very close to Albert, you had them in your association?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. But you knew when he said it was Albert's boy, you knew it was Albert Anastasia?

Mr. JOHN MONTESANO. Yes; but then I figured the link between the two of them.

Mr. KENNEDY. Did you ask any more questions after that?

Mr. JOHN MONTESANO. No; I didn't ask questions.

Mr. KENNEDY. You didn't complain or object about the tutoring that was going on in your organization?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. You just let it go?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. Was it safer to let it go?

Mr. JOHN MONTESANO. I felt so.

The CHAIRMAN. You felt it would be a little safer just not to ask questions but to let it go?

Mr. JOHN MONTESANO. That is right, Mr. McClellan.

Mr. McNAMARA. Mr. Chairman?

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. This fellow you identified as the sergeant at arms, did you hire him? Did you put him on the payroll?

Mr. JOHN MONTESANO. He got no salary, Mr. McNamara.

Senator McNAMARA. He got no salary?

Mr. JOHN MONTESANO. No, sir.

Senator McNAMARA. What was the job of the sergeant at arms? To begin with, was the sergeant at arms of your organization or of the union? Which?

Mr. JOHN MONTESANO. The employers association, sir.

Senator McNAMARA. The employers?

Mr. JOHN MONTESANO. Yes.

Senator McNAMARA. What were his duties?

Mr. JOHN MONTESANO. Originally his duties were to make sure that no unauthorized people were at our meetings, people that didn't belong to our association, to keep order, generally. Well, I don't know what else you want to say. I guess that is all.

Senator McNAMARA. It sounds like the ordinary function of a sergeant at arms.

Mr. JOHN MONTESANO. That is right.

Senator McNAMARA. Stationed inside the room where you held your meeting?

Mr. JOHN MONTESANO. That is right.

Senator McNAMARA. He was to maintain order and see that nobody but members got in or out, no unauthorized person?

Mr. JOHN MONTESANO. Originally; yes.

Senator McNAMARA. He got no salary?

Mr. JOHN MONTESANO. Not to my knowledge.

Senator McNAMARA. How did he make a living? Do you know?

Mr. JOHN MONTESANO. He had a private carting company, under the name of Rapid Rubbish Removal. I think I stated that earlier.

Senator McNAMARA. Did he have several trucks or one truck?

Mr. JOHN MONTESANO. No, sir; he had one truck.

Senator McNAMARA. One truck?

Mr. JOHN MONTESANO. One truck.

Senator McNAMARA. He could make a living with one truck, in your estimation?

Mr. JOHN MONTESANO. Well, yes, sir.

Senator McNAMARA. You said there were six members of your firm who were members of the teamsters union. Were any of them officers of the teamsters union?

Mr. ANTHONY MONTESANO. No, sir.

Senator McNAMARA. Were you both members of the teamsters union?

Mr. ANTHONY MONTESANO. Yes, sir.

Mr. JOHN MONTESANO. Yes, sir.

Senator McNAMARA. Did you participate in the union meetings or did you just pay dues?

Mr. ANTHONY MONTESANO. When we were notified of a union meeting, we attended.

Senator McNAMARA. You attended?

Mr. ANTHONY MONTESANO. When we were notified.

Senator McNAMARA. Do you mean you were not notified of some meetings?

Mr. ANTHONY MONTESANO. Well, we were only notified in the 5 years, the 6 years that we belonged to the union, we were notified of roughly about 4 meetings in that length of time.

Senator McNAMARA. You were notified of less than one union meeting a year?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. Do they hold regular meetings?

Mr. ANTHONY MONTESANO. Not to my knowledge, sir.

Senator McNAMARA. How many members are there in the union?

Mr. ANTHONY MONTESANO. I would imagine there were—on Nassau there are a couple hundred at least.

Senator McNAMARA. A couple hundred?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. And you were notified of meetings less than one a year?

Mr. ANTHONY MONTESANO. Just about that.

Senator McNAMARA. Do you think other members were only notified of the same number of meetings?

Mr. ANTHONY MONTESANO. Yes, sir; I am almost sure of that.

Senator McNAMARA. It was a peculiarly functioning union; wasn't it?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. Who was the president of the union?

Mr. ANTHONY MONTESANO. At the beginning it was this Mr. Bernard Adelstein. Later on, Mr. Carmine Valento took over. He was made president and Adelstein made secretary-treasurer.

Senator McNAMARA. Did this Adelstein work at the business?

Mr. ANTHONY MONTESANO. I imagine so, sir.

Senator McNAMARA. You don't know?

Mr. ANTHONY MONTESANO. No.

Senator McNAMARA. You don't know who his employer was?

Mr. ANTHONY MONTESANO. I don't think he actually worked in the carting industry; no. He actually worked for the union, is what he did.

Senator McNAMARA. He had never been in the carting business?

Mr. ANTHONY MONTESANO. I don't think so; no.

Senator McNAMARA. This also goes for his successor, I take it?

Mr. ANTHONY MONTESANO. I think Mr. Valento was. I think he worked for an outfit in New York, if I am not mistaken.

Senator McNAMARA. How far is East Meadow from New York City?

Mr. ANTHONY MONTESANO. About 30 miles, sir.

Senator McNAMARA. You say that your organization was chartered by the State of New York?

Mr. JOHN MONTESANO. That is right, sir.

Senator McNAMARA. This was an A. F. of L. union, American Federation of Labor union, and they had a charter from the A. F. of L.?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. Who did you sign contracts with? You as an employer sign contracts with the East Meadow community? Who did you sign your contract with to remove the garbage?

Mr. ANTHONY MONTESANO. At one time it was entirely private. What we did is we made contracts individually with each and every home owner in the section. For instance, if there was 500 people in the section we made 500 contracts, with each individual homeowner, to remove the garbage at a set price per month.

Senator McNAMARA. With each one of the individual homeowners?

Mr. ANTHONY MONTESANO. That is true.

Senator McNAMARA. You didn't have a permit to operate?

Mr. ANTHONY MONTESANO. Yes; we had a permit by the Nassau County Board of Health. That was the only permit we had.

Senator McNAMARA. The Nassau County Board of Health?

Mr. ANTHONY MONTESANO. Yes.

Senator McNAMARA. And you were required to have a permit to collect the garbage?

Mr. ANTHONY MONTESANO. Yes.

Senator McNAMARA. What is that, a local ordinance?

Mr. ANTHONY MONTESANO. Yes; in Nassau.

Senator McNAMARA. Then did you have to have a contract to dump somewhere?

Mr. ANTHONY MONTESANO. Well, you had to sign a contract with the township of Hempstead, due to the fact that you were working in the township of Hempstead, to dump all refuse in their incinerator at a set rate. We paid \$5 a ton.

Senator McNAMARA. \$5 a ton?

Mr. ANTHONY MONTESANO. Yes.

Senator McNAMARA. What was the procedure in getting this permit from Nassau County?

Mr. ANTHONY MONTESANO. The procedure is very simple. All it entitled was to obtain an application, fill it out, and bring your truck down to the board of health to have it inspected, seeing that it passed all their rules and regulations, that it was correctly painted and correctly leaded. They would issue the permit within a few minutes.

Senator McNAMARA. How much did you pay?

Mr. ANTHONY MONTESANO. I think it was, if I am not mistaken, about \$5 a year, at the very most.

Senator McNAMARA. Anybody can get a permit?

Mr. ANTHONY MONTESANO. Anybody.

Senator McNAMARA. There was no racket as far as controlling permits?

Mr. ANTHONY MONTESANO. Definitely not. However, sir, I would like to say that since the district attorney of Nassau County started his investigation into the carting industry, they have altered the law considerably, due to the fact that now if you have a criminal record, you must state it, and they must know who else is involved in your business, directly or indirectly.

Senator McNAMARA. This is in the securing of the permit?

Mr. JOHN MONTESANO. This is now, yes, sir, at the present time.

Senator McNAMARA. It seems as far as the local officials are concerned, this would be an easy way to control it, by the issuing or withholding of permits to improper people.

Mr. JOHN MONTESANO. That is right.

Senator McNAMARA. It seems this might be easily the key to cleaning up the situation.

Mr. JOHN MONTESANO. I think that is what Mr. Galatto, our Nassau County district attorney, had on his mind.

Senator McNAMARA. Thank you.

Senator IVES. Has this matter been largely cleaned up now in Nassau?

Mr. JOHN MONTESANO. Well, sir, the association has been.

Senator IVES. That is what I mean.

Mr. JOHN MONTESANO. Let's put it that way, yes, sir. The association has been.

Senator IVES. The rest of it has not been?

Mr. JOHN MONTESANO. No, sir.

Senator IVES. Thank you.

The CHAIRMAN. Do I understand that you were self-employed, actually?

Mr. JOHN MONTESANO. We still are, sir.

The CHAIRMAN. You still are?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. But you had to belong to the union?

Mr. JOHN MONTESANO. That is right, sir.

The CHAIRMAN. And then you had to contract with the union?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. What kind of service did the union give you when you made a contract with them? It couldn't fix your wages, could it? You were working for yourself.

Mr. ANTHONY MONTESANO. That is correct.

The CHAIRMAN. What service did the union perform for you?

Mr. ANTHONY MONTESANO. Well, you had to be in the union, sir.

The CHAIRMAN. I understand that. You had to be in. But what service did you get out of it?

Mr. ANTHONY MONTESANO. None whatsoever. Everything we got we paid for.

The CHAIRMAN. What did you get that you paid for?

Mr. ANTHONY MONTESANO. We have a welfare benefit we paid \$3 a week for, and we got hospitalization from it.

The CHAIRMAN. Hospitalization?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. I am talking with respect to wages and working conditions.

Mr. ANTHONY MONTESANO. Nothing whatsoever.

The CHAIRMAN. Yet you have to belong?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. If you don't, what happens?

Mr. ANTHONY MONTESANO. Well, the first thing that would happen is if you had any commercial work, that would be any large accounts, A. & P.'s, or big markets like that, they would go in there and consider you a nonunion man and you would lose them automatically. That is the main reason why we had to join the union. But because we had Hill's markets, and A. & P., and such as that, we had to join.

The CHAIRMAN. In other words, if you had accounts like with department stores?

Mr. ANTHONY MONTESANO. That is right, commercial accounts.

The CHAIRMAN. In other words, if you did not belong to the union, even though you owned your own truck and were driving it yourself, if you did not belong to the union, you would lose that account because the union would picket the store or something?

Mr. ANTHONY MONTESANO. Definitely. Immediately.

The CHAIRMAN. I am trying to find what service was rendered by the union so far as working conditions and so forth. You said the association has been cleaned up. What hasn't been cleaned up?

Mr. JOHN MONTESANO. Our union, sir.

The CHAIRMAN. What is there about the union that needs cleaning up?

Mr. JOHN MONTESANO. I think the whole thing, sir, has to be cleaned up, to tell you the truth. There is nothing right with the union, with our union.

The CHAIRMAN. Nothing?

Mr. JOHN MONTESANO. No, sir.

The CHAIRMAN. What is wrong with it? What is not right with it?

Mr. JOHN MONTESANO. Well, No. 1, sir, it is like my brother just explained, these secondary boycotts, I guess that is what you would call them. If a man has a commercial stop, why should he be forced to join the union? These practices are still being practiced in New York, with the unions.

The CHAIRMAN. In other words, the union membership is still imposed on all of you?

Mr. JOHN MONTESANO. That is right.

Mr. ANTHONY MONTESANO. Definitely.

The CHAIRMAN. You pay \$3, I believe, for some benefit plan?

Mr. JOHN MONTESANO. That is right.

The CHAIRMAN. How much else do you pay in addition to that for union services?

Mr. ANTHONY MONTESANO. \$6 a month in dues.

The CHAIRMAN. \$6 a month in dues plus—

Mr. ANTHONY MONTESANO. \$3 per week for welfare benefits.

The CHAIRMAN. \$3 a week for welfare benefits.

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. That is \$12 a month, counting 4 weeks a month?

Mr. ANTHONY MONTESANO. That is correct.

Mr. JOHN MONTESANO. It is \$18.

The CHAIRMAN. \$18 a month you pay?

Mr. ANTHONY MONTESANO. For each man.

The CHAIRMAN. For each man?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. Do you know where that money goes?

Mr. ANTHONY MONTESANO. Well, the welfare money is supposed to go into the welfare fund to pay for our hospitalization and Blue Cross, and the dues are to maintain the union.

The CHAIRMAN. \$6 a month per man to maintain the union, for no service rendered?

Mr. ANTHONY MONTESANO. None to my knowledge. I mean, we only have—

The CHAIRMAN. How long have you been in the union?

Mr. ANTHONY MONTESANO. About 5 years now.

The CHAIRMAN. Five years?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. Do they tell you how much to pay yourself?

Mr. ANTHONY MONTESANO. No; not ourselves. They tell us what to pay our men.

The CHAIRMAN. You have only one employee?

Mr. ANTHONY MONTESANO. Just one employee, and he gets union scale.

The CHAIRMAN. What is union scale?

Mr. ANTHONY MONTESANO. \$89 for chauffeurs and \$82 for helpers; \$89 a week for chauffeurs and \$82 a week for helpers.

The CHAIRMAN. \$89 for the fellow who drives the truck and \$82 for the fellow who helps him load and so forth?

Mr. ANTHONY MONTESANO. That is correct.

The CHAIRMAN. I am trying to get the picture.

Mr. KENNEDY. In addition to that, you don't have any right to vote?

Mr. JOHN MONTESANO. No.

Mr. KENNEDY. You have no right to run for office?

Mr. JOHN MONTESANO. No, sir.

The CHAIRMAN. Do you mean as a member of the union you can't vote?

Mr. JOHN MONTESANO. Nothing.

Mr. ANTHONY MONTESANO. That is correct.

The CHAIRMAN. If you go to a meeting, you can't vote?

Mr. ANTHONY MONTESANO. You are not allowed to speak at a meeting.

The CHAIRMAN. You are not allowed to speak?

Mr. JOHN MONTESANO. I am surprised they even let us in the union hall, believe me.

The CHAIRMAN. I mean the question asked you here about did you attend union meetings, and you said when you got notice.

Mr. ANTHONY MONTESANO. Yes.

The CHAIRMAN. And you had four notices in 5 years?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. And you did attend?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. Did you try to speak?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. What happens to you?

Mr. JOHN MONTESANO. You are out of order.

Mr. ANTHONY MONTESANO. If you raise your hand and ask a question, they overlook you. They ask everybody else in the room and they say "You are an employer. You have nothing to say here."

The CHAIRMAN. You are an employer, you have nothing to say?

Mr. ANTHONY MONTESANO. Yes, sir.

The CHAIRMAN. Have you tried to vote?

Mr. ANTHONY MONTESANO. I don't think there has been any ballots taken on anything, Mr. McClellan.

The CHAIRMAN. No ballots taken in the union?

Mr. ANTHONY MONTESANO. None to my knowledge. All they do is if they are trying for a new contract, we go—we went down to the meeting 2 weeks ago and on the new contract, all that was said, Mr. Adelstein got up there and after a long and lengthy speech, about 2 hours, he said, "Well, these are the demands that the people in New York want, the cartmen in New York City. I think it is a good idea to go along with it."

The men of course said "Yes." That was it. "All in favor say aye," and everybody says aye.

The CHAIRMAN. That is a vote of some kind, isn't it?

Mr. ANTHONY MONTESANO. Well—

The CHAIRMAN. There wasn't anybody voting no?

Mr. ANTHONY MONTESANO. They just don't vote no.

The CHAIRMAN. Why?

Mr. ANTHONY MONTESANO. I have never been to a meeting yet—

The CHAIRMAN. Suppose they felt like voting no?

Mr. JOHN MONTESANO. I guess you could feel like it, but you can't say it, sir. Nobody ever said it.

The CHAIRMAN. Why?

Mr. JOHN MONTESANO. I don't know.

The CHAIRMAN. You are bound to have some reason. Can't you make any deductions?

Mr. ANTHONY MONTESANO. We are not allowed to say anything. As employers, we are not allowed to say anything at all. We can't vote, right off the bat, and secondly, if we have anything to say whatsoever, we are out of order, because we are employers.

The CHAIRMAN. You can't vote even aye?

Mr. ANTHONY MONTESANO. We have to go along with the majority, I imagine.

The CHAIRMAN. You have to do what you are told?

Mr. ANTHONY MONTESANO. Definitely.

The CHAIRMAN. Who does all the telling now?

Mr. ANTHONY MONTESANO. Mr. Adelstein does all the talking.

The CHAIRMAN. All the talking?

Mr. ANTHONY MONTESANO. All the talking.

The CHAIRMAN. No one else does?

Mr. ANTHONY MONTESANO. No, sir.

The CHAIRMAN. In other words, he has it under control?

Mr. ANTHONY MONTESANO. Definitely.

The CHAIRMAN. No doubt about it?

Mr. ANTHONY MONTESANO. That is right.

Senator McNAMARA. Out of the 200 members of the union, how many are employers?

Mr. ANTHONY MONTESANO. I would say most companies have 2 or 3 functions, and most of them are employers. I would say there is only one large outfit that has quite a few workingmen. He has, I would say, about 30 or 40 in Nassau.

Senator McNAMARA. Probably 60 percent or more would be employers?

Mr. ANTHONY MONTESANO. I would say at least 50 percent, sir.

Senator McNAMARA. These 60 percent have no right to vote?

Mr. ANTHONY MONTESANO. None whatsoever.

Senator McNAMARA. Because they are employers?

Mr. ANTHONY MONTESANO. That is right.

Senator McNAMARA. You say you get no service as employers from the union. You still belong to it because it is more or less necessary?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. Don't they sort of serve as policemen for your business? Don't they decide what stops you can make and what stops you don't make?

Mr. ANTHONY MONTESANO. No.

Senator McNAMARA. Who decides this?

Mr. ANTHONY MONTESANO. Actually, no one decides it. What they do in a case like that is as long as you are not touching what they call commercial stops, you don't have to belong to the union, because they can't force you into the union.

Senator McNAMARA. Then it is voluntary, belonging to the union?

Mr. ANTHONY MONTESANO. If you want commercial work, you have to belong to the union.

Senator McNAMARA. But as far as picking up from the householder, you don't have to?

Mr. ANTHONY MONTESANO. No, there they can't do anything to you.

Senator McNAMARA. How much a month do you charge a householder?

Mr. ANTHONY MONTESANO. The last figure was \$2.50 per month.

Senator McNAMARA. \$2?

Mr. ANTHONY MONTESANO. \$2.50 per month.

Senator McNAMARA. \$2.50 per month.

Mr. ANTHONY MONTESANO. That is 4 service days a week we give, 4 pickups a week.

Mr. JOHN MONTESANO. That would be about 12 pickups a month, roughly.

Mr. ANTHONY MONTESANO. Or 16.

Mr. JOHN MONTESANO. Sixteen. Excuse me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, as we understand it, also, about a third of this union are employers, and there are approximately sixteen or eighteen hundred members of the union, Mr. Adelstein's union, and approximately a third are employers.

The CHAIRMAN. Are we going to be able to show, Mr. Counsel, where the dues, the \$6 a month, goes?

Mr. KENNEDY. Yes; as the investigation develops, we are going into how that money was used. I might say initially that 75 cents of the \$6 goes to the officers' retirement fund.

The CHAIRMAN. Just officers?

Mr. KENNEDY. Officers' retirement fund, of which Mr. Adelstein is the principal beneficiary, Mr. Adelstein and his family.

The CHAIRMAN. All right. This fellow Squillante, are you going into that subject?

Mr. KENNEDY. I would like to get one other thing cleared up. On the professor, where the meetings took place in New York City, where the professor was teaching young Albert?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Where did those meetings take place?

Mr. JOHN MONTESANO. On Madison Avenue and 80th Street. That was in the Greater New York Cartmen Association office or headquarters.

Mr. KENNEDY. The Greater New York Cartmen Association?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. Your association came in and met with them; is that right?

Mr. JOHN MONTESANO. Originally we started out just our board of directors had to meet in New York. Then I received a telegram from Mr. Squillante that it was voted upon, by who I don't know, but it was voted upon, that a merger existed between the Inter-County, the Greater New York Cartmen, and the Suffolk Cartmen Association.

Mr. KENNEDY. Inter-County, Suffolk, and Greater New York?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. The three associations in the Greater New York area?

Mr. JOHN MONTESANO. That is right. And we used to have one big board of directors' meeting.

Mr. KENNEDY. And you were informed that you had combined and you were going to have one meeting?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Had you voted on that?

Mr. JOHN MONTESANO. No, sir; we weren't even aware that there was a meeting pertaining to that.

Mr. KENNEDY. Were you on the board of directors?

Mr. JOHN MONTESANO. Yes.

Mr. KENNEDY. And you never voted on it?

Mr. JOHN MONTESANO. No, sir. At that time I was also vice president of the Inter-County.

Mr. KENNEDY. You never heard of it?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. You were just told that you were to meet in there?

Mr. JOHN MONTESANO. I received a telegram and that was the end of it.

Mr. KENNEDY. Who was the telegram from?

Mr. JOHN MONTESANO. Squillante.

Mr. KENNEDY. And you were just informed all of these organizations had merged and were going to meet in New York?

Mr. JOHN MONTESANO. Right. I think I have the telegram here. It is 2 years old.

The CHAIRMAN. Do you know who voted on that?

Mr. JOHN MONTESANO. No, sir.

The CHAIRMAN. Did you ever inquire?

Mr. JOHN MONTESANO (reading):

Effective as of Tuesday—

this is a direct quote from the telegram—

effective as of Tuesday, January 25, 1955, a merger is announced between and among the Inter-County Cartmen's Association, Inc., the Greater New York Cartmen's Association, Inc., and the Suffolk Cartmen's Association, Inc. Such an association of associations strengthens each individual group because of numbers and redounds to the benefit and general welfare of all participants in the private sanitation industry as well as to the general public welfare.

VINCENT VALENTI, *Executive Director.*

The CHAIRMAN. He had become executive director of the merged associations?

Mr. JOHN MONTESANO. That is right, sir, according to this.

The CHAIRMAN. That telegram may be printed in full in the record. What is the date of the telegram?

Mr. JOHN MONTESANO. I think it is the 25th, sir, January 25, 1955.

The CHAIRMAN. All right, Mr. Counsel.

Mr. KENNEDY. Just on the professor, what subjects was he teaching young Albert?

Mr. JOHN MONTESANO. I really don't know, Mr. Kennedy. All I know is that to me it looked like algebra or something a little deeper than I can understand. I will be honest with you. But he had symbols on the blackboard and Albert was asking him questions, and he was answering. What they were, I really wasn't that interested. I just glanced over and I seen him and I asked Fazula, who was the closest to me, I said "Who was that," and he explained to me.

Mr. KENNEDY. Did you know anything else about Vincent Squillante when you brought him out to Long Island, did you know anything about him other than the fact that he had been associated with the New York City Cartmen?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. Did you know anything else about his sources of income or his associations or anything like that?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. You did not?

Mr. JOHN MONTESANO. I did not.

Mr. KENNEDY. What about the man that he put in to take his place, Jerry Mancuso? Did you know anything about him?

Mr. JOHN MONTESANO. No, sir; my only knowledge of Mancuso was that he was a nephew of Squillante.

Mr. KENNEDY. But you knew nothing about them?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. You knew nothing about their backgrounds or associations?

Mr. JOHN MONTESANO. No, sir; none at all.

Mr. KENNEDY. Mr. Chairman, I wonder if we could interrupt Mr. Montesano's testimony just to put on a little bit of the background of Mr. Squillante and Mr. Mancuso.

The witness is a witness from the Narcotics Bureau. He is head of the special investigations squad, with particular reference to the Mafia. He does undercover work. Mr. Anslinger has requested that he not have his picture taken, either by still cameras or by television cameras.

The CHAIRMAN. Is he now in the Government service?

Mr. KENNEDY. Yes.

The CHAIRMAN. The cameras, movie, still and otherwise, will be inoperative during the time this witness testifies.

Call the witness.

Mr. KENNEDY. Mr. Joseph Amato.

The CHAIRMAN. Will you be sworn, please?

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AMATO. I do, sir.

TESTIMONY OF JOSEPH AMATO

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. AMATO. My name is Joseph Amato. I work at the Bureau of Narcotics in New York City, where I have been stationed for 17 years. I also live in New York. I am in charge of the section of enforcement relating to Mafia gangsters and traffickers.

The CHAIRMAN. How long have you been in charge of it?

Mr. AMATO. About 6 years.

The CHAIRMAN. How long have you been with the department?

Mr. AMATO. About 17 years.

The CHAIRMAN. All right, Mr. Kennedy, proceed.

Mr. KENNEDY. In addition to your duties as head of this unit, you also do undercover work yourself, Mr. Amato?

Mr. AMATO. Yes; I have.

Mr. KENNEDY. This unit was set up about 6 years ago to deal chiefly with those who were prominent in the Mafia; is that right?

Mr. AMATO. Major Italian racketeers.

Mr. KENNEDY. In and around the New York area or throughout the country?

Mr. AMATO. Primarily in the New York area.

Mr. KENNEDY. And you are head of a squad that deals with that; is that right?

Mr. AMATO. That is right.

Mr. KENNEDY. In the course of the work that you have done, or the agents under you, have you come across the name of Vincent J. Squillante?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Have you also come across the name of Mr. Jerry Mancuso?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Could you tell the committee first the general reputation of Mr. Vincent J. Squillante, as far as the work that you are doing?

Mr. AMATO. He is considered by me and my New York office as a major source of supply for narcotics, as well as being a prominent racketeer.

Mr. KENNEDY. Have you received reports at your office over the period of many years on Mr. Vincent Squillante?

Mr. AMATO. Yes, sir; we have.

Mr. KENNEDY. Is there any particular area in which he is alleged to be active?

Mr. AMATO. He has been quite active, in addition to the narcotic traffic, in policy and dock rackets.

Mr. KENNEDY. In the dock rackets?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. In policy and narcotics; is that right?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. He has been prominent in all three?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. And he is considered by your unit as a major figure in this and a major racketeer; is that right?

Mr. AMATO. Yes, he is.

Mr. KENNEDY. Do you have any particular incident that you could tell us about the activities of Mr. Vincent J. Squillante?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Would you tell us that?

Mr. AMATO. In 1949, our New York office had received information—in fact, it was known—that he was the source of supply for several cases which had been developed and concluded.

Mr. KENNEDY. What do you mean by source of supply?

Mr. AMATO. He was one of the major sources of supply for these cases which we had developed.

Mr. KENNEDY. Of narcotics?

Mr. AMATO. Of narcotics. We had nothing tangible at the time, just hearsay information.

Mr. KENNEDY. I see.

Mr. AMATO. In 1949, my partner and I developed a special employee, a gangster from that area who had done 26 years from Sing Sing, and he agreed to assist us on our investigations of Squillante.

Mr. KENNEDY. Had he heard from Squillante before that?

Mr. AMATO. He had had several conversations with Squillante, and he incorporated this in a narrative statement which we took at the time.

Mr. KENNEDY. And that was in connection with Squillante's activities in the narcotics field?

Mr. AMATO. In the narcotics traffic.

Mr. KENNEDY. Before you get into this particular incident, how did Squillante operate, generally, according to the investigation that you had made?

Mr. AMATO. According to our special employee, Squillante had informed him that he wouldn't touch narcotics personally, that he would supervise deliveries and all that, but he personally would not touch narcotics.

Mr. KENNEDY. He was too big a figure to touch it himself?

Mr. AMATO. We assumed that much.

Mr. KENNEDY. That he would give it to people that were working under him to actually make the deliveries; is that right?

Mr. AMATO. That is correct, sir.

Mr. KENNEDY. What occurred after that?

Mr. AMATO. My partner and I placed Squillante under surveillance over a period of weeks, and while we saw him meet with the local known criminals in that area, we also saw him meet with other colored people in the area, and Squillante we apprehended and detained four Negroes whom we had followed. As a result, as you know, we made a tax case.

Mr. KENNEDY. Would you explain about following the Negroes and what occurred there?

Mr. AMATO. We apprehended these Negroes after some surveillance, and we found them in possession of policy number slips. We turned them over to the local police and they subsequently were convicted on that charge. They gave us some verbal statements at the time, but subsequently we turned the information over to our intelligence unit.

Mr. KENNEDY. Who did they give you the statements about?

Mr. AMATO. About Squillante.

Mr. KENNEDY. They said they were taking instructions and orders from Squillante?

Mr. AMATO. That they were turning the policy numbers over to him.

Mr. KENNEDY. You turned that information over to the intelligence bureau?

Mr. AMATO. And they subsequently made a tax case based upon income that he had derived in years in which the colored operators had been operating for him.

Mr. KENNEDY. They made a tax case against Vincent J. Squillante, based upon the policy rackets that he was in?

Mr. AMATO. That is correct, sir.

Mr. KENNEDY. And that was originally instigated by your arrest of these four Negroes; is that right?

Mr. AMATO. Yes.

Mr. KENNEDY. This was during the period of time in which you had this informant who told you about Squillante's activities in the narcotics field. Was he still working with Squillante during this period of time?

Mr. AMATO. During this period of time, he was not exactly working with Squillante, but he would meet with him occasionally. When Squillante offered to sell him narcotics, we suggested to our special employee that he make a purchase for us under our supervision.

Mr. KENNEDY. What did he say? How much did he say he would sell?

Mr. AMATO. Well, he said he would only sell in pound quantities, at \$1,600 a pound.

Mr. KENNEDY. \$1,600 a pound. What was that for?

Mr. AMATO. That was for a pound of heroin.

Mr. KENNEDY. Heroin?

Mr. AMATO. A pound of heroin. We had previously instructed our informant, however, to get a sample and to limit the purchase to a smaller quantity.

Mr. KENNEDY. Is that a large amount?

Mr. AMATO. A pound of heroin is a lot of heroin.

Mr. KENNEDY. O. K.

Mr. AMATO. According to instructions which our informant had received from Squillante, Squillante had called his nephew, Jerry Mancuso—

Mr. KENNEDY. Jerry Mancuso?

Mr. AMATO. Jerry Mancuso—into the restaurant where this last conversation had taken place, and instructed Mancuso to take care of the informer. As a result, a meeting was made for the following day for the delivery of 1 ounce of heroin for \$250.

Mr. KENNEDY. So Squillante called in Jerry Mancuso, introduced him to your informer, and told him to take care of it?

Mr. AMATO. I believe the informer knew him anyway.

Mr. KENNEDY. And he was to deliver an ounce of heroin to him the following day?

Mr. AMATO. The following day. At the appointed time, I saw Mancuso meet with the informant and sell him an ounce of heroin.

Mr. KENNEDY. You saw that meeting?

Mr. AMATO. We saw that meeting.

Mr. KENNEDY. Prior to your informant meeting with him, did you give him marked bills?

Mr. AMATO. Well, we used the usual investigative procedure. In that case it would be to search the informer just prior to his meeting the suspect, and, having searched him and having found no narcotics or contraband, we furnished him with Government funds. He remained constantly within our view.

Mr. KENNEDY. When he came back, when he returned, did he have the ounce of heroin?

Mr. AMATO. Yes; as a matter of fact, on that occasion Mancuso arrived with the brother of a previously convicted narcotic trafficker.

Mr. KENNEDY. What?

Mr. AMATO. He had arrived with the brother of a previously convicted narcotic trafficker from that area.

Mr. KENNEDY. When they had this meeting?

Mr. AMATO. Yes.

Mr. KENNEDY. Could you tell us what occurred, what happened, after that?

Mr. AMATO. Well, shortly thereafter our special employee got himself arrested for armed robbery, and we had to close out several cases. We couldn't locate Mancuso. When we tried to prosecute him, in view of the nature, the character of our special employee, and we had only made one purchase, the prosecutors were reluctant.

Mr. KENNEDY. This informant of yours was used successfully against a number of narcotics people; is that right?

Mr. AMATO. Yes.

MR. KENNEDY. But the fact that you only made one purchase from Mancuso, and the fact of his bad record in Sing Sing—

MR. AMATO. He had been involved in four felonies, I think, in New York State.

MR. KENNEDY. You felt you could not use him?

MR. AMATO. We could have used him, but our case was not as strong as we ordinarily present.

MR. KENNEDY. As I understand, you could not wait to make a second or third purchase, because you had to move against these other people that were involved?

MR. AMATO. That is correct.

MR. KENNEDY. Bringing it up to date even more, what is Mr. Squillante's general reputation at the present time? Are you still receiving reports, or have you received reports over the period of the past year on Mr. Squillante?

MR. AMATO. We are still working on Squillante.

MR. KENNEDY. You are receiving reports regarding his activities in the drug field?

MR. AMATO. Yes.

MR. KENNEDY. That is, narcotics. Just on this question of this pound of heroin, how many—what do you call it? Decks?

MR. AMATO. That is a fantastic sum. That is a half a kilo. A kilo has 1.2 pounds. A pound would constitute—well, there are 437 grains to an ounce, and 16 ounces, and the average addict would only use—well, he would have to cut that several times before he would use it. The usual dose would be 5 grains, maybe. So it is a lot of heroin.

MR. KENNEDY. It would be about 6,000 decks; would it not?

MR. AMATO. Probably more than that.

MR. KENNEDY. Over 6,000?

MR. AMATO. Well, I haven't stopped to figure it out yet.

MR. KENNEDY. Each one of those sold for about \$10 at that time.

MR. AMATO. At that time, I believe heroin was selling for about \$2 a grain, roughly.

MR. KENNEDY. About \$10 a deck?

MR. AMATO. Yes; \$10 a deck.

MR. KENNEDY. So that would have been worth over \$60,000?

MR. AMATO. It is worth several thousand dollars.

MR. KENNEDY. That is, when it was sold subsequently.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to ask the witness a question.

I don't want to put the witness on any spot. How well are you acquainted with the Mafia?

MR. AMATO. Very well, sir.

Senator IVES. There is a question I am directing at you which is rather a leading question. You have heard these characters that we have been talking about this morning? Have you been here through this testimony this morning?

MR. AMATO. Yes, sir.

Senator IVES. To your knowledge, are these people with these criminal records that have been mentioned, members of the Mafia?

MR. AMATO. I have only heard the name of Squillante and Mancuso mentioned. With those I am familiar. I would say "Yes." But Mancuso on a lower level than Squillante.

Senator IVES. From your knowledge of the Mafia, would you say that this operation being carried on, from which the gentlemen before us are the victims, is something being operated by the Mafia?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. And that is what you consider the Mafia?

Mr. AMATO. Yes, sir.

Senator IVES. The Mafia, as I recall, is the old Black Hand?

Mr. AMATO. It is the old secret society.

Senator IVES. Mr. Kennedy?

Mr. KENNEDY. Is there any organization such as the Mafia, or is that just the name given to the hierarchy in the Italian underworld?

Mr. AMATO. That is a big question to answer. But we believe that there does exist today in the United States a society, loosely organized, for the specific purpose of smuggling narcotics and committing other crimes in the United States.

Mr. KENNEDY. And that is what you consider the Mafia?

Mr. AMATO. It has its core in Italy and it is nationwide. In fact, international.

Mr. KENNEDY. You would consider Vincent J. Squillante an important figure?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Were you also aware of his tie-in with Albert Anastasia?

Mr. AMATO. Yes, we were.

Mr. KENNEDY. Could I ask you about a few other people? If you don't wish to answer, don't.

For instance, Mr. Ricci. Do you know anything about Anthony Ricci?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Is he a figure in the Mafia?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. An important figure?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Did he have a nickname as Mr. Mafia? Did you ever hear of that?

Mr. AMATO. No, I don't recall that. But I know that he has been known as Tony Goebles.

Mr. KENNEDY. Tony Goebles?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. But he has been prominent?

Mr. AMATO. Yes, sir. In fact, we have him listed way up in the Mafia.

Mr. KENNEDY. Johnnie Biello. Do you know him?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Is he also in the Mafia?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Frank Casino?

Mr. AMATO. Yes, sir. We don't know too much about him.

Mr. KENNEDY. Anthony Carfano?

Mr. AMATO. Yes. He is well known to us.

Mr. KENNEDY. The Bum Brothers?

Mr. AMATO. Yes.

Mr. KENNEDY. Benny the Bum?

Mr. AMATO. Yes. We know him very well.

Mr. KENNEDY. That is Benjamin De Martino?

Mr. AMATO. And Teddy.

Mr. KENNEDY. Both of them?

Mr. AMATO. Both.

Mr. KENNEDY. How about John "Buster" Ardito?

Mr. AMATO. Yes.

Mr. KENNEDY. He is very prominent?

Mr. AMATO. Very prominent.

Mr. KENNEDY. Joe Feola?

Mr. AMATO. I don't know too much about Feola.

Mr. KENNEDY. Vito Genovese?

Mr. AMATO. Yes.

Mr. KENNEDY. Dante Gallo?

Mr. AMATO. Yes. Dante Gallo has come to us only in recent times.

Mr. KENNEDY. Iannacine?

Mr. AMATO. Yes.

Mr. KENNEDY. Louis Iannacine?

Mr. AMATO. No, I don't know that one.

Mr. KENNEDY. I-a-n-n-a-c-i-n-e. He is also known as Benny Indiviglio?

Mr. AMATO. Yes, we know him very well.

Mr. KENNEDY. You do know him?

Mr. AMATO. Yes, sir.

Mr. KENNEDY. Under that name.

How about Nick Rattenni? Rocco Mazzie; do you know him?

Mr. AMATO. We know him very well. In fact, we have always associated him with Squillante.

Mr. KENNEDY. He is one of Squillante's closest friends; is that right?

Mr. AMATO. Yes.

Mr. KENNEDY. Frank Scalise?

Mr. AMATO. Well, he is gone.

Mr. KENNEDY. Thank you very much.

The CHAIRMAN. Counsel advises us that Mr. Anslinger, the Chief of the Narcotics Bureau, has been very cooperative with the committee, and has made information available to us that establishes links that the committee is interested in. We are very grateful to him for that assistance.

All right, Mr. Counsel.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO—

Resumed

Mr. KENNEDY. On Vincent J. Squillante, did you know anything about the background of him when he was brought to your association?

Mr. JOHN MONTESANO. Not a bit; no, sir.

Mr. KENNEDY. He came out and spoke to the association originally in 1955, and you accepted him at that time?

Mr. JOHN MONTESANO. It was, I think, November of 1954.

Mr. KENNEDY. November of 1954?

Mr. JOHN MONTESANO. Would you clarify that for me?

Mr. KENNEDY. Was he given an official position with your association?

Mr. JOHN MONTESANO. Not right away. He was just going to negotiate the contract. He was going to sit in on it, with the union.

Mr. KENNEDY. He was brought out, as I understand it, chiefly because of the fact that he had a close association with the union?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. And would be able to do something with the union for you; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. For the association?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Subsequently, perhaps not at the first meeting, but subsequently, as he attended these meetings, did he tell you how the association should operate, and what you should do?

Mr. JOHN MONTESANO. Yes, sir; he did.

Mr. KENNEDY. Could you describe some of the things that he said should be put into effect as far as the association was concerned?

Mr. JOHN MONTESANO. Yes, sir.

He brought out the point of what we call property rights. In the event a man has a customer or a stop, and another customer—and that customer moves from that stop, that man claims that empty store and his customer. No matter what customer shall move back into the store, that man has the property rights. No other cartman can go in there and solicit the stop.

This was one of the basic things brought up to us.

(Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, and McNamara.)

Mr. KENNEDY. In other words, it would be a monopoly.

Mr. JOHN MONTESANO. If a man had a stop, it was his customer, and no one could take it from him. The only way he could take the stop from him was if the board of directors decided that the man was in arrears, or he was a delinquent association member, and they would throw him out and then his work would become open work for everyone.

Mr. KENNEDY. To go one step further, what if someone did jump someone else, and did take his property rights, then what did happen?

Mr. JOHN MONTESANO. We would have meetings at the board of directors in New York, and we would penalize the man in some cases, \$10 for every dollar collected from the customer. For instance, if the customer was paying \$10 a month, the cartmen who took the stop had to pay to the cartman who previously had it, \$100.

Mr. KENNEDY. So there was this penalty clause of 10 to 1.

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Anybody who jumped someone else's property rights would have to pay a penalty of 10 to 1?

Mr. JOHN MONTESANO. In some cases, even the 10 to 1 didn't help. He had to give the customer back, or he had to give in some cases 2 customers to the 1. You see, sometimes a person wouldn't accept the penalty, and he would rather have 2 customers for the 1 customer that he lost.

Mr. KENNEDY. Who made the decision regarding this?

Mr. JOHN MONTESANO. It was brought up at the board of directors' meeting, but the last say-so had to be through Jimmie.

Mr. KENNEDY. Vincent Squillante?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. You had some experience regarding these boards; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. They are sort of courts?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Is that what you consider them—courts?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. I am going to come back to that as far as your own personal experience is, but I want to find out what else Jimmie Squillante suggested as to how your association could be operated. Did he suggest you become members of the union?

Mr. JOHN MONTESANO. That was the first thing, sir.

Mr. KENNEDY. Why was it necessary to become members of the union?

Mr. JOHN MONTESANO. Because he claimed that he could get us a blanket contract with the union, and in so doing he would get us a much better deal if he had every cartman in the association in the union. That was even though some of us didn't need the union at all, because in some instances there was a father and 2 or 3 sons, and he didn't need the union. So Jimmie said, "Well, if we can get you all in the union, in the long run you will all make money, because if you all have to go out and raise your customers, you can always fall back on the union, and say due to the fact you have to pay union scale, and things like that there, which we were paying union scale, then you can turn around and say you can raise your customers. No one would take your customers due to the fact that the union would always step in."

The CHAIRMAN. When you make a contract with the union, what do you contract for? All you contract for is what you will pay anyone whom you employ?

Mr. JOHN MONTESANO. That is right.

The CHAIRMAN. As to the rates you would pay your employees?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. That is all that is in the contract. What else was at issue?

Mr. JOHN MONTESANO. Well, in this one contract, sir, we had a paragraph that in the event any cartman, and I don't know if I am jumping the gun on this, but if any cartman should leave the organization he would have to post with the union a \$300 bond per man.

Mr. KENNEDY. You had better explain all of that, how they arranged the security clause.

The CHAIRMAN. That is what you call the security clause?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. This is in a union contract?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. A security clause? Let us see what that means now, and go ahead and tell us.

Mr. JOHN MONTESANO. In the event you weren't happy with the way the association was going—

Mr. KENNEDY. You had better get back to what you would do if you were in the association as far as the security clause was concerned.

Mr. JOHN MONTESANO. Would you clarify that for me?

Mr. KENNEDY. If you were in the association, you had to pay to the union \$25?

Mr. JOHN MONTESANO. That came later. Up until that time there was no mention of anyone paying any security because after 4 or 5 cartmen had left, then Jimmie turned around and said, "We have to put up \$25 for each business."

But originally the security clause read that if any cartman left the association, he would have to post with the union \$300 per man. That is the way it reads. In the event, Senator McClellan, you weren't happy with the way the association was going, or you were being brought up on charges or your work was continually in jeopardy, you would leave the association. Then they would notify the union and the union would come down and take off you \$300 for each man you had working for you, to be held until such a time as your contract terminated. That would be with us, February 1.

The CHAIRMAN. If you had 4 or 5 men working for you, it meant \$1,000 or \$1,500?

Mr. JOHN MONTESANO. That is \$1,800.

The CHAIRMAN. Where did the money go to?

Mr. JOHN MONTESANO. They were supposed to hold it in trust. The union was supposed to hold it in trust.

The CHAIRMAN. It is still there; is it not?

Mr. ANTHONY MONTESANO. We think so.

Mr. JOHN MONTESANO. We hope so.

The CHAIRMAN. All right. Proceed.

Mr. JOHN MONTESANO. To get back to the question Mr. Kennedy asked me, after 3 or 4 cartmen had left the association and there were a lot of cartmen complaining to the union, that they had to post security because they had left the organization, and the association members had posted no security with the union, Jimmie came back to us—this is Squillante—and he told us that we had to put up \$25 per company for each association member. That is how you got that other security clause in there.

So if you belonged to the association, it would only cost you \$25 per company, whether you had 50 men or a thousand men. But if you left the organization, it would cost you \$300 per man to the union.

Mr. KENNEDY. What was the purpose of the security?

Mr. JOHN MONTESANO. To protect your living wages, and to protect you in the association.

Mr. KENNEDY. Wasn't it true that even where it was a self-employed company, where there were 3 or 4 members of 1 family, you still had to put up the security?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. And that was to protect actually the employers from themselves; is that right? Then penalized them \$300 per man; is that right? Was it not that difficult for many of these individuals to operate, to have to put up that amount of money?

Mr. JOHN MONTESANO. It was very difficult, and I know of a case of a man who had to put up \$4,200.

Mr. KENNEDY. Was it not the effect of that to force people to stay in the association?

Mr. JOHN MONTESANO. It was the only effect it had, sir.

Mr. KENNEDY. Then you mentioned 2 or 3 things that Mr. Squillante put into operation. Did he also describe the operation of a so-called whip company?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Would you explain that?

Mr. JOHN MONTESANO. He claimed that he had a carting company in New York by the name of Corsair Carting, and that was the company he named. The function of this company was, in the event any cartman got out of line for any reason whatsoever, this Corsair Carting would raid his customers and would go out and pick up these stops. It would be done in some cases for next to nothing, and they would go to a customer and say, "You are paying your man \$50 a month; I'll do it for \$5 a month," just to take these customers away from the cartman and eventually whip the fellow right back into line.

When he came out to Nassau, he tried to start another carting company out there and he wanted the association at that time to foot the bill. He got opposition on that, and so he said, "Well, I will foot the bill myself, but any work that this General Sanitation Co. gets"—that was the name he used—"I will keep the work." That was the the whole purpose of the association. If a man got out of line, they went out and took all of his stops.

Mr. KENNEDY. The whip company in New York City was the Corsair Sanitation Co., and out in Nassau County the name was General Sanitation Co.?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. Who did he have operating the whip company out in Nassau?

Mr. JOHN MONTESANO. To my knowledge, Nunzio Squillante, his brother.

Mr. KENNEDY. He was Vincent Squillante's brother?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. And he was the whip out there; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. He would whip other people into line?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Into the association, and, after he took a stop away from an individual, could he then sell that stop back to a member of the association?

Mr. JOHN MONTESANO. Yes, sir; in some instances he did.

Mr. KENNEDY. That would be where a profit could be made?

Mr. JOHN MONTESANO. A terrific profit; yes.

Mr. KENNEDY. Because some of these commercial stops would be worth a great deal of money?

Mr. JOHN MONTESANO. Yes; a great deal of money.

Mr. KENNEDY. Assisting him or assisting the whip company he would be the union. Is that how it was explained to you?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. Did he also explain that he had this close association with the union, and that is how it would be the basis of the success of the association, would be the close relationship with the union?

Mr. JOHN MONTESANO. That was the only way that the whip could function, due to the fact that he had the edge with the union. By the edge, I mean, naturally, he could work that much cheaper because the union would not bother the whip company, whichever company it may have been, Corsair or the other one.

Mr. KENNEDY. Did you learn whether the whip company, General Sanitation, was union or nonunion?

Mr. JOHN MONTESANO. To our knowledge, it was never union, sir.

Mr. KENNEDY. So, the whip company formed by Nunzio Squillante, which the union was going to help, was actually a nonunion operation; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. That was active out in Nassau County, General Sanitation?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Now, going back to some of your personal experiences as far as these courts were concerned, did you have a dispute with Mr. Fazula?

Mr. JOHN MONTESANO. Yes; I did.

Mr. KENNEDY. Could you tell us how that came about, and what happened?

Mr. JOHN MONTESANO. Well, we had a contract that was awarded to us by the town of Oyster Bay, Nassau County, and the township of South Farmington. I took Mr. Fazula in as a partner on that contract. After certain discrepancies developed as he was performing, bad services and so on, we decided to break off our partnership. We had nothing on paper, and it was just an oral agreement between him and myself. When the time came to break up the partnership, Jimmie Squillante was brought into the picture. We had to go to New York and meet with him, which we did. He turned around and told me, "Well, you have to pay this fellow for your half of your contract." I don't know if I am making myself clear.

Mr. KENNEDY. You had brought him in gratuitously?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. He had done a favor for your earlier; is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. And you wanted to return the favor, and so you brought him in and gave him some of your business?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. After a period of a year, you wanted to break up the partnership?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. And he went in and he raised a question about it, and you finally had a conversation with Jimmie Squillante, and Jimmie said, "If you break up the partnership, you are going to have to pay him for your own business"?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. And you were going to have to pay him to get out of the partnership?

Mr. JOHN MONTESANO. Out of my own contract.

Mr. KENNEDY. This was one particular contract?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. What was the value of the contract?

Mr. JOHN MONTESANO. \$28,000 for the year.

Mr. KENNEDY. How much did he say that you were going to have to pay Fazula?

Mr. JOHN MONTESANO. Originally I had to pay Fazula \$11,000; \$11,000 originally.

Mr. KENNEDY. He said you would have to pay \$11,000?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. This was Mr. Squillante who made that decision?

Mr. JOHN MONTESANO. Well, it was made at a board of directors' meeting in the Belmore, Long Island, and at that board there was Mr. Roy Brown, Mr. Carmine Dicavia, Frank Regeria, Fazula, and myself, and there were 2 or 3 other association members. There was a Ritchie, and his son, Rickie, and there were 2 or 3 Lamagino brothers.

Mr. KENNEDY. So this sort of court met to make a decision and to make a determination; is that right?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. What did they decide; that you should pay the \$11,000?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Who represented Mr. Fazula?

Mr. JOHN MONTESANO. Jimmie Squillante.

Mr. KENNEDY. He was his representative?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. Did you have representative there?

Mr. JOHN MONTESANO. At that meeting; no, sir.

Mr. KENNEDY. So what did you do? Did you agree to pay the \$11,000?

Mr. JOHN MONTESANO. Well, I told them—at first, the way he came out with it, we had brought the business of the day up to order and then Jimmie Squillante said, "I have a problem here. Jackie comes to me that he wants to throw Fazula out of his contract." And I said, "Wait a minute. I don't think that that pertains to the association. It is a private business arrangement between me and Fazula. I think that it should be discussed as such."

So with that he turned around and he jumps up and he said, "You don't know it but you are out of business." I said, "What is this?" He said, "You are out of business."

And I said, "I am out of business for what?" He said, "Because you can't do what you want to do to this guy." And I said, "I don't want to do anything, as long as he stays in his contract and he does what he has to do. He can't jeopardize the public either. I have a contract and I have to perform it."

So one word led to another, and he said, "We will let the board decide."

So with that, we had to step away from the table, and the "appellate division" decided what they had to do.

They sat down there, and they decided that we had to pay \$11,000. So I told him, "I'll go back to my partners, and my brothers, and we will see how they feel about it."

I went back to them and naturally they protested. They said, "We won't pay \$11,000." We received a few phone calls from people in Brooklyn, and we had to go down and see them.

Mr. KENNEDY. Who did you receive the telephone calls from?

Mr. JOHN MONTESANO. From underworld people.

Mr. KENNEDY. They told you what?

Mr. JOHN MONTESANO. They told us we had to meet with Jimmie and straighten this matter out.

Mr. KENNEDY. Did you agree to straighten it out?

Mr. JOHN MONTESANO. We agreed to straighten it out for \$5,000.

Mr. KENNEDY. What did the underworld people say to you or how did you know it was an underworld person?

Mr. JOHN MONTESANO. Well, I happen to know the person very well, sir.

Mr. KENNEDY. He is a relative of yours; is that right?

Mr. JOHN MONTESANO. That's right, sir.

Mr. KENNEDY. He called you and he was prominent in the underworld in Brooklyn?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. He called you from Brooklyn?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. And he said that, or tell the conversation.

Mr. JOHN MONTESANO. He told me, he said, "What is wrong with you, kid? Every time I turn around, you are in trouble out on Long Island." And I said, "We are not in any trouble."

I said, "We are trying to protect our business, and we have a little run-in with this fellow, and we don't want to pay anything."

He said, "Don't you realize that they could put you out of business, and they can hurt you in other ways?" I said, "If they can hurt me, let them hurt me."

The guy said, "Don't forget, you have got kids." So I said, "What do you mean by that?"

And he said, "Well, you know, sometimes they won't hurt you, but they will hurt the kids." That is the way it was put to me.

Well, we have a family to think about, and so we called him up and we said, "What does this guy want?" And he said, "He wants \$11,000." And I said, "I won't pay \$11,000."

He said, "Well, how about this? You pay \$5,000, and he guarantees you that as of January 1——"

Mr. KENNEDY. Before you get into that, just without mentioning your relative's name, I just would like to have Mr. Greene read his background into the record.

You are familiar with his background?

Mr. JOHN MONTESANO. Now we are.

Mr. KENNEDY. You didn't know the full extent of it before?

Mr. JOHN MONTESANO. Well, sir, look, before there is any reading of the background, like I said before, I would like to say it again, you can choose your friends and you can't choose your relatives. The man has a record, but we had no knowledge. We knew he had a record and we didn't know the extent of it, but then when a person calls you up like that, naturally that was their contact to me. I had to participate.

Mr. KENNEDY. The point of it is that there is no question in your mind that you heard from him because of the fact that he was prominent in the underworld.

Mr. JOHN MONTESANO. That was the only reason.

Mr. KENNEDY. And he had a record himself?

Mr. JOHN MONTESANO. He knew more about the story that I did, and I hadn't seen him in 2 years, and he told me everything that happened. That is the truth.

Mr. KENNEDY. The reading of the record is no reflection on you, but just on the question of the fact that he had this association, and I have discussed this with you before.

Mr. JOHN MONTESANO. Yes, I understand.

TESTIMONY OF ROBERT W. GREENE—Resumed

Mr. GREENE. This record from the New York City Police Department is being read without name, but it discloses the following record for the person in question:

1927—Parent at school; truancy.

1928—Parent at school; truancy.

1931—Assault, robbery; case dismissed.

Subsequently sent to Elmira Reformatory in connection with a similar charge.

1933—Assault and robbery; discharged.

1933—Carrying a gun; dismissed.

1934—Felonious assault, gun; discharged.

1936—Carrying a gun; discharged.

1936—Homicide; discharged.

1942—Assault and robbery; prison term.

1942—Assault and a gun; convicted of assault, first degree. On motion of district attorney, verdict of jury was set aside on grounds of mistaken identity.

1942—Carrying a gun; dismissed.

1942—Sentenced to Sing Sing Prison, violation of parole.

1942—Transferred to Attica State Prison.

1942—Reparoled.

1944—Assault and robbery.

1946—Felonious assault.

1947—

The CHAIRMAN. How were those disposed of?

Mr. GREENE. All charges dismissed, Senator.

The CHAIRMAN. All right.

Mr. GREENE. 1947—Homicide; dismissed.

1948—Homicide; discharged.

1949—Detained as a released prisoner. On May 24, 1949, returned to Auburn State Prison. That is in connection with the previous parole. He was returned to Auburn State Prison where he served the rest of his sentence.

No record reflected since 1949.

Senator IVES. Mr. Chairman, may I ask a question in that connection? In what county in New York State were all of these cases tried?

Mr. GREENE. All of these, with the exception of two cases, Senator, all of these cases were tried in Kings County, N. Y.—Brooklyn.

Senator IVES. Who was the district attorney, may I ask? You had several DA's, I should judge, from your testimony, and who were they?

Mr. GREENE. This covers a period from 1927 to 1949.

Senator IVES. You haven't the list of DA's there, probably.

Mr. GREENE. No. I can only recall one, sir.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO—

Resumed

Mr. KENNEDY. So you had this conversation with your uncle, and he suggested at that time the payment of \$5,000?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. So what happened to that?

Mr. JOHN MONTESANO. The agreement was this, that I would pay the \$5,000 and then January 1, 1956, when that contract renewed itself, no other association member would bid against me.

Mr. KENNEDY. Where is that?

Mr. JOHN MONTESANO. In the South Farmingdale district.

Mr. KENNEDY. You paid the \$5,000 with the understanding that no association member would bid against you on this work?

Mr. JOHN MONTESANO. That is right, and then on January 1, 1956, the town of Oyster Bay went out and purchased their own trucks, and they put them on, and so I lost the contract anyway.

Mr. KENNEDY. Why did the town of Oyster Bay take that step?

Mr. JOHN MONTESANO. On account of the racketeers. They had heard the story.

Mr. KENNEDY. So they put on their own trucks and you never got the contract?

Mr. JOHN MONTESANO. No.

Mr. KENNEDY. But you did pay the \$5,000.

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. So did you continue in the association at that time?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. Did you have any other experiences regarding this board?

Mr. JOHN MONTESANO. Oh, yes.

Mr. KENNEDY. Or this court?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Were you on the court yourself?

Mr. JOHN MONTESANO. At one time I was.

Mr. KENNEDY. You are judging other people?

Mr. JOHN MONTESANO. I was on the board of directors; yes, sir. And I was on the board of directors when we had the Trio Carting case. That was Angelo Derichio.

Mr. KENNEDY. What is the situation as far as your representative when these court cases were held? Would you have a lawyer or what would you do?

Mr. JOHN MONTESANO. You would bring whoever you knew from the underworld. If someone knew you, he would act as your representative, and the bigger the overlord, the easier your case was to win.

Mr. KENNEDY. The bigger gangster or hoodlum that you could get to come and represent you before the board, the better off you were?

Mr. JOHN MONTESANO. That's right. That is exactly how it was put.

Mr. KENNEDY. That is why your uncle was able to get it lowered from \$11,000 to \$5,000?

Mr. JOHN MONTESANO. That was a favor.

Mr. KENNEDY. That was a favor that he did?

Mr. JOHN MONTESANO. Yes. Some favor.

Mr. KENNEDY. Who was Fazula's attorney?

Mr. JOHN MONTESANO. Fazula's attorney, he was represented once by Joe Feola, and once by Squillante. After Feola had represented him, Squillante became his representative.

Mr. KENNEDY. But he had Feola originally.

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Tell me what other troubles or difficulties you have had.

Mr. JOHN MONTESANO. Well, I had sold a route to a Mrs. Rose Anelli. She is under the name of Sunrise Sanitation Service. When I had sold her the route, she had the route for 15 months, and she had to pay me through notes, and I sold the route with so much money cash, and the rest of that being notes, and she paid me \$580 a month in notes.

After 15 months had gone by, this woman became delinquent in her payments, and we had received a phone call from one of her brothers by the name of Sal Fadancie, and he called up my father's home on Sunday afternoon, and he told my father, "Your boys have short-changed my sister on 90 stops. Tell them I am going to keep this note, and three more notes in payment." And he was just going to keep it.

With that, we turned around. My father gave me the message, and I said, "If they continue to be delinquent, we have a chattel mortgage on their trucks, we will pick up the trucks."

Mr. KENNEDY. So they called and said that you had misrepresented on 90 stops, is that right?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. So they weren't going to pay you on the notes?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. And you in turn said, "If you don't pay me on the notes, we have chattel mortgages on your trucks, and we will pick them up," is that right.

Mr. JOHN MONTESANO. That's right. Then we received a telegram from the association.

Mr. KENNEDY. Did you understand that Rose Anelli had some contacts with the underworld?

Mr. JOHN MONTESANO. Not at that time.

Mr. KENNEDY. Did you learn that?

Mr. JOHN MONTESANO. Oh, yes. Did I learn? At that time we had no inkling of it, and we just thought she was a business woman. Then we received a telegram from the association. By this time I had more or less washed my hands with the association, and I was no longer attending any meetings, and I was more or less disgusted with it and I was thoroughly finished with it, and my brother went down to that meeting and he can tell you what transpired better than I can.

Mr. ANTHONY MONTESANO. Well, it was a board of directors' meeting, and I walked into it and the board was set up like it always is. In the telegram it just said we were being brought up there on charges, and what they were we didn't know.

So I sat down, and Mrs. Anelli sat opposite me, and she went into detail about the story, that we had done her out of 90 stops for 15 months, and about what a good person she was, more or less.

So, the board at that time was Mr. Jerry Mancusco, and he was the director, and Mr. Carmine Decavia, and a brother-in-law of

Carmine Decavia, and Big Dave, and 2 Regirio boys, and I think there was 2 or 3 other fellows from Suffolk, and I don't know the names or one I knew.

As things progressed in the meeting, they said, "Tell us your story." And I said, "I don't think I have to tell my story. This has nothing to do with the association at all. This is 15 months. If we had done her out of 90 stops, which she said we did, which I know I didn't——"

Mr. KENNEDY. You didn't do her out of the 90 stops?

Mr. ANTHONY MONTESANO. No.

Mr. KENNEDY. Will you explain that?

Mr. ANTHONY MONTESANO. What happened was she went into business, and first we sold her trucks for this route, and the first 2 weeks she was in business she had inexperienced help and they turned one of the trucks over. Of course, when the truck goes over like that, it doesn't get repaired for at least 2 or 3 weeks because there was a lot of damage. By the time they got back on their feet, with the help of us, we even sent out a truck to help her, they were so far behind their route, all of these customers were calling up and complaining, and these 90 stops are homes. Homeowners are funny. If you are not there the day you are supposed to be there, they will change you like that.

Some fellows that weren't in the association went in and took about 90 of these stops off her.

So after 15 months she called us up and told us that she wants an adjustment on these 90 stops.

So, I explained this all to them, and first I said it wasn't any of their business. And they said "This is an association, and it has to be settled right here and now, and you have to make a commitment."

So, I said, "Well, I can't make a commitment. I don't think I am going to, but I will find out from my brothers and see what they say."

So, they said, "You will have to make a commitment. Either promise to pay her for the stops or give her 90 stops some place else, or forget about these notes she owes you."

So, I was a bit perturbed, and I said, "Well, I'll go back to my brothers." That afternoon I went back and they said, "If they want to fight, they are going to get a fight this time."

And that afternoon we went and picked up our trucks. We picked up our trucks and that was the last time we stopped in the association's hall.

The CHAIRMAN. You picked up your trucks?

Mr. ANTHONY MONTESANO. The chattel mortgage trucks.

The CHAIRMAN. You picked them up?

Mr. ANTHONY MONTESANO. Yes.

The CHAIRMAN. Did you ever collect your notes?

Mr. ANTHONY MONTESANO. Yes, we did, after about——

Mr. JOHN MONTESANO. Well, after that, Mr. McClellan, we had another so-called meeting. We received a phone call from Brooklyn again.

Mr. KENNEDY. From the same man?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. From the same person?

Mr. JOHN MONTESANO. Yes. He told us, he says, "As a friend of mine"—he is related to Rosie, that is the story, this Rosie Anelli. He said, "He wants to meet with you." I said, "Nobody wants to meet with us. The last time we did it your way, it cost us money. This time we will go in front of the lawyers, let the lawyers decide, and go to court." He said, "Why don't you meet with the fellow?" I said, "I don't think I have to meet with him." He said, "All right, someday I am coming up there for dinner."

Mr. KENNEDY. Did he tell you who the fellow was that you should meet with?

Mr. JOHN MONTESANO. No, at that time he didn't. I found out that Sunday.

Mr. KENNEDY. He said he was going to come for dinner?

Mr. JOHN MONTESANO. That is right.

Mr. KENNEDY. What did he say?

Mr. JOHN MONTESANO. He said, "Well, I will be out there Sunday for dinner." I said, "If you want to come for dinner, you are welcome, but I don't want you to bring anyone out here." He said, "No, I will probably come alone."

I don't know if you are familiar with Long Island, but—I have to tell this, this is cute—you come from Brooklyn, and you have to take the Southeastern State Parkway and to come from New York you have to take the Northeastern State Parkway, a difference of about 10 miles. They pull up in front of my house, and my uncle gets out of his car, and all of a sudden I see this guy coming down the street, a real Brooklyn character, all dolled up. He comes walking down the street and he says, "Hello, Paddy. Hello, Carmine." He says, "I thought that was you I passed on the highway." How could these guys pass one another? I figured then this is a setup job. So we go inside—

Mr. KENNEDY. Did he introduce you to the man?

Mr. JOHN MONTESANO. Yes. He said, "This is a friend of mine by the name of Carmine." I shook his hand, walked out of the room, and he said, "I want to see you." I said, "I don't want that man in my home." He says, "He just wants to talk to you." I said, "He came here uninvited, unwelcome. I don't want him here." He said, "He wants to straighten this out about Rosie." I said, "There is nothing to straighten out. I got her notes. She has the trucks. When she pays the money, she will get the notes back."

Finally my mother came into my home. She knew her brother would be there. And he says, "Why don't you talk to the kids?" She said, "I will go in and talk to this friend of yours." As they were speaking, I went into the room. He was talking and he says, "You know, your lawyer sent my aunt a very fresh letter." He showed me the letter, and I said, "He done what I told him to do." I said, "She owes me money and if she does not pay me, I will take her to court. Not only that, she had a chattel mortgage on my truck and she bought another truck without telling them about the chattel. I could have her locked up."

Mr. KENNEDY. Did you know who Carmine was by this time?

Mr. JOHN MONTESANO. He told me after Carmine left the house. He said he was a very good friend of his, and came from New York. I surmised—

Mr. KENNEDY. Did you learn his last name?

Mr. JOHN MONTESANO. Tramunti.

Mr. KENNEDY. Carmine Tramunti?

Mr. JOHN MONTESANO. I think that is the way you pronounce it.

Mr. KENNEDY. Did you know anything about Carmine Tramunti?

Mr. JOHN MONTESANO. No, outside of the fact that he came with him. That is the only thing I knew about. I figured there must be something. With that, they walked out of the house and said, "Well, if there is nothing else we can do, if they want to go according to law, we will have to go according to law." So they left.

We went to the lawyers and her lawyers did not want to handle her case. He said, "These boys did not beat you out of anything," so she paid the notes. But they wanted to use undue pressure.

The CHAIRMAN. So she did pay the notes and get the trucks back?

Mr. JOHN MONTESANO. Yes, sir; that is because we went to the attorneys on it. The attorneys said she had a weak case. There was no malice. When we had the contract, we contracted to sell her 12,000 stops, and we originally had given her 13,000.

The CHAIRMAN. Being a little bit identified with the law profession, I frequently recommend that folks see a lawyer. That time it paid off.

Mr. ANTHONY MONTESANO. It certainly did.

The CHAIRMAN. All right.

Mr. KENNEDY. Mr. Chairman, I might say about Carmine Tramunti, he is one of those who has been identified as 1 of the 2 chief lieutenants of Tony "Ducks" Corallo, and has a long criminal record. He played a rather prominent part, you might remember, in our New York hearings conducted about 6 weeks ago. He was active with Tony Ducks and with Johnny Dio. We have been looking for him for approximately 6 months and have not been able to locate him.

The CHAIRMAN. What is his name?

Mr. KENNEDY. Carmine Tramunti.

The CHAIRMAN. Is that the man you have been talking about?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. Let us see what he looks like.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KELLY. The following is the arrest record of Carmine Tramunti, 14579 Sixth Avenue, Whitestone, Queens, N. Y.

He has been arrested for robbery, discharged; assault and robbery, discharged; felonious assault, No. 11, December 8, 1932, 6-15 years, Sing Sing; robbery, first degree, discharged; assault, second degree, no disposition; robbery, discharged; assault, second, in 1932, sentenced to Sing Sing Prison for 10 years; arrested by State troopers, disorderly conduct, 30 days, Westchester County Jail; again arrested by State troopers, Eastview, N. Y., disorderly conduct, 30 days in jail; felonious assault with gun, New York, 1945, discharged; he has been also arrested for truancy, as a delinquent child, and for violation of parole.

The CHAIRMAN. He had 2 prison terms, 2 jail terms?

Mr. KELLY. Yes, sir, each for robbery.

The CHAIRMAN. Both for robbery?

Mr. KELLY. Yes, sir. In Sing Sing Prison, New York State.

The CHAIRMAN. And a number of other arrests where convictions were not secured.

Mr. KELLY. Yes, sir.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO— Resumed

The CHAIRMAN. Do you know where he is now?

Mr. JOHN MONTESANO. No, sir. That was the only meeting I ever had with the man.

The CHAIRMAN. The last time you ever saw him?

Mr. JOHN MONTESANO. Yes, sir, first and last, believe me. I hope I never see him again.

Mr. KENNEDY. Has your relative helped you out since that time?

Mr. JOHN MONTESANO. I have not seen or heard from him since.

Mr. KENNEDY. Did you leave the association after that?

Mr. JOHN MONTESANO. Yes, sir. That was the breaking point.

Mr. KENNEDY. Under what circumstances did you leave? Was it then that you heard about paying the \$1,800?

Mr. JOHN MONTESANO. The union sent us a letter, as a matter of fact—

Mr. KENNEDY. Had you had any trouble with the union up to this time when you were in the association?

Mr. JOHN MONTESANO. No.

Mr. KENNEDY. You never had any trouble or difficulty with the union?

Mr. JOHN MONTESANO. No. After we signed the contract, we never seen the union. If you wanted anything, even to find out benefits or anything like that, you had to call up for a delegate to come down to see you. You never even saw a delegate.

The CHAIRMAN. Call up who?

Mr. JOHN MONTESANO. For a delegate from the union to come down to see you, if you wanted to find out any information.

Mr. KENNEDY. They were never coming near you, never saying that you were not following union rules or anything like that?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. On Sunset, Rose Anelli's company, she was union, was she not?

Mr. JOHN MONTESANO. She was supposed to have been.

Mr. KENNEDY. Did she follow union rules? Did she pay union wages?

Mr. JOHN MONTESANO. From what we paid in the industry, she was not. That is right.

Mr. KENNEDY. Paying nonunion wages and the union was not enforcing the union wages on her?

Mr. JOHN MONTESANO. No.

Mr. KENNEDY. What happened after you left the association?

Mr. JOHN MONTESANO. We received a letter from the union, not the association.

Mr. KENNEDY. How long afterward?

Mr. JOHN MONTESANO. A month or so after we left the association. We did not leave the association officially; we just stopped going. We received a letter from the union stating that the association notified them that we had to post \$1,800 with the union for security. We sent them the check. We sent them the \$1,800 check, and after that every time we would turn around we would see a union delegate or a union representative following our trucks. We have a practice in our industry where, as you ride down the incinerator with the truck, you drop your helpers off at a coffee shop or a luncheonette, and that man has coffee or has a hamburger, and in that hour that it takes you to ride down to the dump and back, the man feels like it is a rest for him. Sometimes you do this 2 or 3 times a day, depending on the loads that you take. It has been a common practice throughout the industry.

After this happened, I would drop a man off at the luncheonette, and the union delegate would catch me and say, "Where are you going?" And I would say, "I am going to dump the truck." He would say, "Where is your helper?" I would say, "I dropped him off." He would say, "You are in violation of the union contract. You are supposed to have the helper on your truck at all times." I would say, "Well, he does not mind it. Why should you? All I am going to do is dump the truck." He would say, "You can't do that. You have to have the union man on the truck."

The CHAIRMAN. You were a union man, weren't you?

Mr. JOHN MONTESANO. I still have to have a union man. According to our contract, my brother cannot work with me, because he is a stockholder and a partner in our corporation. It has to be one boss and one stranger on each truck. That is the way it reads.

The CHAIRMAN. It is pretty tight. What did they do to you then?

Mr. JOHN MONTESANO. Nothing. The just made sure. All in all, they tried to make life pretty unbearable.

The CHAIRMAN. What was the \$1,800 security for?

Mr. JOHN MONTESANO. To protect us, that our wages would not be fluctuating.

The CHAIRMAN. That you would pay union wages?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. Suppose you got sick and laid off a few days? Did you get anything out of the union?

Mr. ANTHONY MONTESANO. No, sir. It is not for that.

The CHAIRMAN. You were working for yourselves.

Mr. ANTHONY MONTESANO. That is right. When we called up, we said, "Why do we have to post the bonds? We are all brothers. There is only one stranger." He said, "I am sorry, you are all in the union, each has to put up \$300, the corporation has to put up \$300 for each man working."

The CHAIRMAN. Does that include \$300 for yourself?

Mr. ANTHONY MONTESANO. Definitely. We are all brothers, and my father, and one stranger.

The CHAIRMAN. You had to put that much up?

Mr. ANTHONY MONTESANO. Well, they figured \$300 for each man, and 6 men, that would be \$1,800.

The CHAIRMAN. But as I understand, you owned the business and you had to put up \$300 for yourselves.

Mr. ANTHONY MONTESANO. Correct.

The CHAIRMAN. What became of the money?

Mr. ANTHONY MONTESANO. It was held in a security fund.

The CHAIRMAN. Where is it now?

Mr. ANTHONY MONTESANO. They still have it. Our contract does not end until February 1, 1958. That is when we are supposed to get our money back.

Mr. KENNEDY. Mr. Chairman, in that connection, I would like permission to call another witness who will be very brief. It is in this same connection. Mr. William Lent.

Senator McNAMARA. May I ask a couple of questions first, Mr. Chairman?

The CHAIRMAN. Surely.

Senator McNAMARA. How long have you been in business?

Mr. ANTHONY MONTESANO. About 9 years, sir.

Senator McNAMARA. Nine years?

Mr. ANTHONY MONTESANO. Yes, sir.

Senator McNAMARA. How did you get started?

Mr. JOHN MONTESANO. Originally my father owned the carting company and then he sold it to us, originally.

Senator McNAMARA. He owned the carting company?

Mr. JOHN MONTESANO. Yes, sir.

Senator McNAMARA. How long was he in business before he withdrew, or was this part of the 9 years?

Mr. ANTHONY MONTESANO. About a year or so he was in the business.

Mr. JOHN MONTESANO. About a year before we took over. It is about 10 or 11 years, all told.

Senator McNAMARA. How did he establish the business?

Mr. ANTHONY MONTESANO. He bought the business from a predecessor.

Senator McNAMARA. He bought it from somebody who had already organized it?

Mr. ANTHONY MONTESANO. That is right.

Senator McNAMARA. So you bought into the business?

Mr. ANTHONY MONTESANO. Correct. Then the big boom came on Long Island and we built up with it.

Senator McNAMARA. What part of the business was commercial and what part residential?

Mr. ANTHONY MONTESANO. Well, at the time that we signed a contract, we had, I would say, roughly about 20 percent of our business as commercial work. That is why we signed.

Senator McNAMARA. Eighty percent was residential?

Mr. ANTHONY MONTESANO. Definitely.

Senator McNAMARA. When you say you picked up the trucks because you had a chattel mortgage on them, what was the procedure?

Mr. JOHN MONTESANO. We called a tow truck and we picked it up.

Mr. ANTHONY MONTESANO. We called our attorney first, and our attorney told us to go and get a detective, and to present him with these papers, and he made out all the papers. The detective came down with us, and he hired a public tow truck and towed it into just a garage, and we had to pay rent on it and things like that.

Senator McNAMARA. Then you took legal procedure. It was not a muscle job.

Mr. ANTHONY MONTESANO. It was legal.

Senator McNAMARA. When you left the association, did you also leave the union?

Mr. ANTHONY MONTESANO. No, sir.

Mr. JOHN MONTESANO. No, sir.

Senator McNAMARA. When you left the association, you say you did not notify them, but you just did not go to the meetings, and you continued to pay your—

Mr. ANTHONY MONTESANO. Union dues.

Senator McNAMARA. No. Did you continue to pay the fees into the association?

Mr. ANTHONY MONTESANO. No, sir.

Senator McNAMARA. Then by nonpayment, you would be expelled members?

Mr. ANTHONY MONTESANO. That is right.

Senator McNAMARA. But you continue to pay to the union?

Mr. ANTHONY MONTESANO. Yes.

Senator McNAMARA. That is all.

The CHAIRMAN. Will you be sworn, please, sir? You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LENT. I do.

TESTIMONY OF THOMAS LENT

The CHAIRMAN. State your name, your place of residence, and business or occupation.

Mr. LENT. Thomas Lent, 2704 Falcon Street, East Meadow; I am a garbage man with Lent's Refuse and Ash Removal.

The CHAIRMAN. You are in the garbage business, too?

Mr. LENT. Yes, sir.

The CHAIRMAN. You own your own business?

Mr. LENT. Yes, sir.

The CHAIRMAN. Do you waive counsel?

Mr. LENT. Yes, sir.

Mr. KENNEDY. You are in the Lent's Refuse and Ash Removal business?

Mr. LENT. Yes.

Mr. KENNEDY. It is in East Meadow, N. Y.?

Mr. LENT. That is right, sir.

Mr. KENNEDY. You were a member of the Inter-County Cart Men's Association for a while?

Mr. LENT. That is right.

Mr. KENNEDY. And Vincent J. Gilante came into the association?

Mr. LENT. The first night he came, I was not there, but I was there the following meeting.

Mr. KENNEDY. After he came in, and the dues of the association were upped—is that right?

Mr. LENT. After he came in; yes, sir.

Mr. KENNEDY. They were increased?

Mr. LENT. That is right, sir.

Mr. KENNEDY. Did you decide at that time that you would resign from the association?

Mr. LENT. That is right, sir.

Mr. KENNEDY. How many people do you have working, or how many people did you have working for you at that time?

Mr. LENT. Well, I had my two sons and my brother and myself.

Mr. KENNEDY. Your two sons, your brother and yourself; is that right?

Mr. LENT. That is right, sir.

Mr. KENNEDY. And you own the company?

Mr. LENT. That is right, sir.

Mr. KENNEDY. So you decided to leave the association?

Mr. LENT. That is right, sir.

Mr. KENNEDY. You were a member of the union at the time?

Mr. LENT. No. When I belonged to the association we started this association—I don't know the year.

Mr. KENNEDY. Did you become a member of the union?

Mr. LENT. Not right away; no, sir. Not until Mr. Gilante entered the picture.

Mr. KENNEDY. After Mr. Gilante entered the picture, you became a member of the union?

Mr. LENT. That is right.

Mr. KENNEDY. Then you decided to leave the association; is that right?

Mr. LENT. That is right.

Mr. KENNEDY. And you had working for you, your two sons, your brother, and yourself?

Mr. LENT. That is right, sir.

Mr. KENNEDY. After you left the association, did you hear from the union that you would have to post security?

Mr. LENT. That is right.

Mr. KENNEDY. How much money?

Mr. LENT. I put up \$300 for each man.

Mr. KENNEDY. A total of \$1,200?

Mr. LENT. That is right, sir.

Mr. KENNEDY. And that \$1,200 was to insure that you pay yourselves the proper amount of money; is that right?

Mr. LENT. That is right, sir.

Mr. KENNEDY. Did you pay the \$1,200?

Mr. LENT. That is right, sir.

Mr. KENNEDY. That was for your two sons, your brother, and yourself?

Mr. LENT. Well, I believe there was a loader on that, and I did not put in for him. I hired him after that, then. He went into the union, but I didn't put up the \$300.

Mr. KENNEDY. You never put up the \$300 for the actual employee who came in later.

Mr. LENT. That is right.

Mr. KENNEDY. But you did put up the \$300 for each of your relatives.

Mr. LENT. Yes, sir.

Mr. KENNEDY. Is this the check?

(Document handed to witness.)

Mr. LENT. That is it, sir.

(At this point Senator Ives left the room.)

The CHAIRMAN. That may be made exhibit No. 5.

(The document referred to was marked "Exhibit No. 5" for reference and will be found in the appendix on p. 7026.)

Mr. KENNEDY. Have you attended any meetings of the union?

Mr. LENT. No, sir.

Mr. KENNEDY. Have you been notified of any meetings?

Mr. LENT. I will be in there 3 years come January, and I have 2 cards—in fact, 1 card and 1 letter. One card was for a meeting.

Mr. KENNEDY. When was that?

Mr. LENT. About 2 weeks or 3 weeks ago, I believe. The letter came after that, which stated that the only ones who were excused from the meeting would be the truckowners. In other words, the bosses.

The CHAIRMAN. So you were excused?

Mr. LENT. According to the letter, yes, sir.

Mr. KENNEDY. So in the 3 years that you have been a member of the union, you have only been notified of a meeting within the last 3 weeks, after this committee made public the fact that they were going to hold these hearings? You have only been notified since that time in 3 years, is that right?

Mr. LENT. That is right.

Mr. KENNEDY. And you received one card saying that there was going to be a meeting, and a letter followed it up saying that you did not have to come?

Mr. LENT. That is right.

Mr. KENNEDY. That is all.

Senator McNAMARA. Was this refund returned or not? Was this refunded? I missed that point, Mr. Counsel. That, apparently, is a refund check, and so marked. Did you get the money back?

Mr. LENT. No, sir.

Senator McNAMARA. They still have it?

Mr. LENT. That is right, sir.

Senator McNAMARA. Did you understand you were to get it back?

Mr. LENT. That is what they said. I don't know.

Senator McNAMARA. It says at the expiration of the contract. Has the contract expired?

Mr. LENT. No, sir. We would not expire until January, come the last day of January.

Senator McNAMARA. Then at the expiration of this contract, you are to get it back, according to what you typed on the check.

Mr. LENT. My wife typed the top part and the union typed the bottom part of that sentence.

Senator McNAMARA. It is your understanding now that you are to get this money back?

Mr. LENT. So they say. I don't know.

Senator McNAMARA. The contract has not expired, and you will not know until then?

Mr. LENT. That is right.

Senator McNAMARA. But you now expect to get it back?

Mr. LENT. Well, I don't know. I expect to, yes. Whether I do or not, that is another thing.

Senator McNAMARA. Your understanding is that this was just a deposit, as a guaranty of performance?

Mr. LENT. That is right.

Senator McNAMARA. Have you ever known anybody who got any back, any of you fellows?

Mr. LENT. No, sir; I don't.

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO— Resumed

Mr. JOHN MONTESANO. I don't.

Senator McNAMARA. Some of the contracts have expired?

Mr. ANTHONY MONTESANO. I don't think anyone ever posted any money yet. We are the only ones who have posted it.

Senator McNAMARA. Then the time has not come for you to get it back?

Mr. ANTHONY MONTESANO. We hope to.

Senator McNAMARA. Well, you have a legal case to get it back, if it is a deposit. Since you followed legal procedures on the claim on the truck, I expect you to have the same kind of case here.

Mr. JOHN MONTESANO. We will.

TESTIMONY OF THOMAS LENT—Resumed

The CHAIRMAN. This check apparently was not signed.

Mr. LENT. The check was signed, Senator McClellan. I had two photostat copies. I believe I gave one to Mr. Greene. I believe one, Mr. Gallata, the district attorney, has. That was signed with green ink. If you will notice, that is what come off. You can actually see the print on it.

The CHAIRMAN. You signed this check yourself?

Mr. LENT. Yes, sir.

The CHAIRMAN. So the original was signed, but the signature has faded out?

Mr. LENT. That is right.

Mr. KENNEDY. It cleared through the bank.

The CHAIRMAN. I see it cleared through the bank and you wrote on the check or your wife did for you on the back of it:

To be refunded on termination of present contract if not used per contract.

Mr. LENT. They added that "if not used."

The CHAIRMAN (reading):

If not used as per contract.

Mr. LENT. That is right.

The CHAIRMAN. How did the contract authorize it to be used? They added that to it before they cashed it?

Mr. LENT. I presume so.

The CHAIRMAN. Well, it was not on there when it left you.

Mr. LENT. It was not on there when I made it out, no, sir.

The CHAIRMAN. When it got back from the bank, that is what was on there?

Mr. LENT. That was added, yes, sir.

The CHAIRMAN. Is there anything else?

Mr. KENNEDY. That is all from him.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Sherman Van Ness.

(Members of the select committee present at this point were Senators McClellan and McNamara.)

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VAN NESS. Yes, sir.

TESTIMONY OF SHERMAN VAN NESS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. VAN NESS. My name is Sherman Van Ness. I live at 707 Colonial Street, Uniondale, Long Island, N. Y. I operate under the business name of Uniondale Garbage & Disposal Co.

The CHAIRMAN. You are in the garbage business?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. The carting business?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. Do you waive counsel?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were a member of the Inter-County Carting Association?

Mr. VAN NESS. Yes, sir.

Mr. KENNEDY. And then Mr. Vincent Squillante came in; is that right?

Mr. VAN NESS. Yes, sir.

Mr. KENNEDY. At that time did you become a member of the union?

Mr. VAN NESS. No, sir. I was already a member of the union.

Mr. KENNEDY. You were a member of the union already?

Mr. VAN NESS. Yes.

Mr. KENNEDY. Did you decide, after Mr. Squillante came in and suggested the raising of the dues for the members of the association that you would leave the association?

Mr. VAN NESS. When I received the first notice of an increase in dues I wrote them a letter and told them I thought they had made a mistake. At that time I think there was an \$80 proportionate fee for legal representation before the union, before the negotiation of a new contract. I sent my original \$18 per month—I think I owed them for 2 months, which was \$36 plus \$80, which would be a total of \$116, the total check that I sent, and asked for an explanation as to why the dues were so high. I got a telephone call from Jerry Mancuso, I think it was, and he said he was very happy that he received the letter from me. He did not even know I was a member of the association. I told them I was a member of the original association, and I don't know where he came from. But I asked him why the increase, and he said that he was my business representative. I explained that

I started my business with nothing and worked up to a 5,000 account business, and I did not need a business associate or representative, and, therefore, I did not think that the charge was just. So I refused to pay.

Then I received a registered letter from them saying I was put out of the association for nonattendance of meetings. In the next mail, I got a registered letter from the union saying I was in violation of my contract, pertaining to the security clause risk. I went in to see Bernie Adelstein, and I told him I did not have \$4,200 and I wanted to know what we could do, if I could pay payments, so much a month, or something like that, and he said no, I had to pay the \$4,200.

Mr. KENNEDY. The \$4,200 was for security?

Mr. VAN NESS. That is right.

Mr. KENNEDY. Immediately after you received a letter from the association that you were kicked out of the association, in the following mail you received a letter from the union saying you owe \$4,200 of security?

Mr. VAN NESS. I did not owe the \$4,200. I was in violation of the security clause in the contract.

Mr. KENNEDY. In that you had not paid the money?

Mr. VAN NESS. Well, I didn't pay it, because I did not know I was in violation. I did not know the clause was in the contract.

Mr. KENNEDY. Did you know that Mr. Squillante offered a \$1,000 reward to any association member, to the association member who could take the most business away from you?

Mr. VAN NESS. I heard it; yes, sir.

Mr. KENNEDY. That was when you left the association.

Mr. VAN NESS. When they threw me out.

Mr. KENNEDY. That he said he would give \$1,000 to the association member who could take the most business away from you?

Mr. VAN NESS. That is right.

Mr. KENNEDY. We have these letters.

The CHAIRMAN. I hand you a letter dated May 23, 1955, addressed to Uniondale Carting, Mr. Van Ness, signed Jerry Mancuso, executive director. It is on the Inter-County Cartmen's Association, Inc., stationery. I ask you to examine that letter and state if that is the original letter that you received.

(Document handed to witness.)

Mr. VAN NESS. Yes, sir; this is the original.

The CHAIRMAN. That may be made exhibit No. 6.

(The document referred to was marked "Exhibit No. 6" for reference and will be found in the appendix on p. 7027.)

The CHAIRMAN. I hand you another letter dated May 25, 1955, addressed to Uniondale Garbage & Disposal Co., signed by Bernard Adelstein, secretary-treasurer of local 813. I ask you to examine the letter and see if you identify it, if that is the original that you received.

(Document handed to witness.)

Mr. VAN NESS. Yes, sir; it is.

The CHAIRMAN. That may be made exhibit No. 7.

(The document referred to was marked "Exhibit No. 7" for reference and will be found in the appendix on p. 7028.)

The CHAIRMAN. As I understand it, you got a letter on May 23 from the carting association, saying that you were being suspended because you had failed to attend three consecutive meetings of the association.

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. Did you have any notice of those meetings?

Mr. VAN NESS. I believe so, sir.

The CHAIRMAN. Was there any rule that you knew of that you had to attend?

Mr. VAN NESS. I think they sent me a card at one time stating that the board of directors or something put that clause in the bylaws, that you must attend, or if you miss three consecutive meetings, you are automatically—

The CHAIRMAN. Were you purposely trying to get out of the association at that time?

Mr. VAN NESS. No, sir. My personal life and community life kept me very busy and I did not have time to give to the association.

The CHAIRMAN. In other words, you were not trying personally to get out of the association?

Mr. VAN NESS. No, sir.

The CHAIRMAN. When you got that letter, what did you do about it?

Mr. VAN NESS. Nothing, sir.

The CHAIRMAN. Did you attend the association?

Mr. VAN NESS. No, sir.

The CHAIRMAN. Did you complain about being expelled?

Mr. VAN NESS. No, sir.

The CHAIRMAN. Then you got this letter from the local, the teamsters local, with Adelstein as secretary-treasurer, dated May 25. It says:

You have failed to deposit security and are otherwise in violation of contract with the union. You are hereby directed to appear at the union office, 147 Fourth Avenue, New York 3, N. Y., on Tuesday, May 31, 1955, at 2 p.m. Upon your failure to appear and comply with our agreement, the matter will be referred to the New York State Department of Labor for action as provided in the contract.

Did you appear?

Mr. VAN NESS. Yes, sir. Before I appeared, I called them on the phone and told them I did not know there was such a clause in the contract, and he said it was in the previous contract, and I disagreed with him. When I went to see him, I took my original contract, and the contract that had the security clause risk, and I showed it to him, and he apologized and said, "I thought it was in there." I said to him, "Well, if our association went on with this cartmen's association, what happens? What protection do the employees have?" And he said the association would post a bond for the employers protecting the employees. I said "I would like to see that bond." In the usual profanity, he told me it was none of my business. In other words, I could not see that bond.

The CHAIRMAN. He claimed that as long as you were a member of the association, the association was supposed to post the bond for you, to protect your men?

Mr. VAN NESS. That is right.

The CHAIRMAN. And since you were not now any longer a member of the association, you had to put up the cash?

Mr. VAN NESS. That is right.

The CHAIRMAN. How much did the cash come to?

Mr. VAN NESS. \$4,200.

The CHAIRMAN. I hand you here what purports to be a photostatic copy of a check dated June 20, 1955, made payable to local 813, in the amount of \$4,200, signed Sherman Van Ness and George McCahell. I ask you to examine that and state if you identify it as a photostatic copy of the original check?

(A document was handed to the witness.)

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. Are you kissing the money goodby? All right. That may be made exhibit No. 8.

(The document referred to was marked "Exhibit No. 8" for reference and will be found in the appendix on p. 7029.)

The CHAIRMAN. When do you expect to get that money back?

Mr. VAN NESS. I wrote a letter last December, I think it was, stating that the organization that was responsible for the clause and the people that represented it were no longer active and I would like to have the money returned to me plus interest so I could reinvest it in my growing business. To this date, sir, I have not received an answer to that letter.

The CHAIRMAN. Has your contract expired?

Mr. VAN NESS. No, sir, not until January 31, 1958.

The CHAIRMAN. I hand you what appears to be a carbon copy of the letter you referred to dated December 17, 1956, addressed to "Insurance Trust Fund."

Mr. VAN NESS. That is right, sir. That is where the money is deposited. I tried to get them to deposit the \$4,200 and give me the bank book.

The CHAIRMAN. Would you identify the carbon copy of the letter. (A document was handed to the witness.)

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 9.

(The document referred to was marked "Exhibit No. 9" for reference and will be found in the appendix on p. 7030.)

The CHAIRMAN. You deposited the money on—what is the date of that check? The check is dated June 20, 1955. In June 1955, you paid in the \$4,200?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. You tried to get it back in December 1956?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. Why were you trying to get it back then?

Mr. VAN NESS. Because the organization was no longer in existence, to my knowledge.

The CHAIRMAN. What organization?

Mr. VAN NESS. The Inter-County Cartmen's Association, and they were the responsible parties for the clause in the contract.

The CHAIRMAN. And that association had gone out of business?

Mr. VAN NESS. As far as I know, sir.

The CHAIRMAN. As far as you know?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. But you had paid the money to the local. Why didn't you write the local and ask for your money back?

Mr. VAN NESS. I did, sir. That is addressed to the local. The insurance trust fund, that is where it was deposited.

The CHAIRMAN. I understand. That letter is addressed to whom?

The letter is addressed to the Insurance Trust Fund?

Mr. VAN NESS. That is right, local 813.

The CHAIRMAN. It is not quite clear from the letter itself as I read it. Oh, yes. Attention Bernard Adelstein.

Mr. VAN NESS. That is right.

The CHAIRMAN. He was the head of the local or secretary-treasurer of it?

Mr. VAN NESS. Right, sir.

The CHAIRMAN. And you never received a reply to this letter?

Mr. VAN NESS. No, sir; I have not.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. I have just one last question. We had some testimony here about Rose Anelli.

Mr. VAN NESS. Yes, sir.

Mr. KENNEDY. And she, according to the testimony, has a union contract. From your own personal knowledge of experience, does that company, Sunset Cartage Co., Sanitation Co., do they live up to the terms of the contract?

Mr. VAN NESS. I don't think any part of it, sir.

Mr. KENNEDY. They do not?

Mr. VAN NESS. I don't think so.

Mr. KENNEDY. In fact, their company flagrantly violates the terms of the contract, does it not?

Mr. VAN NESS. I think mostly all the time.

The CHAIRMAN. Do you violate it?

Mr. VAN NESS. No, sir, not to my knowledge. I still have men—when we signed with the union, they were getting above union scale and they are still getting that today. I pay \$3 to \$6 a week over the union scale.

The CHAIRMAN. You pay from \$3 to \$6 a week over the union scale?

Mr. VAN NESS. That is right.

The CHAIRMAN. That is, over your contract with the union?

Mr. VAN NESS. That is right. When we joined the union, this is probably a scarce case, we were actually paying more money than the union was.

The CHAIRMAN. When you joined?

Mr. VAN NESS. That is right, sir.

The CHAIRMAN. What benefit have your men gotten from the union?

Mr. VAN NESS. Possibly through the hospital plan, the welfare plan, that we pay \$3 a week for.

The CHAIRMAN. That is the \$3 a month you pay?

Mr. VAN NESS. No, it is \$3 a week. It is not a 4-week month. It is a 5-week month. I tried that and I got a notice to remit for the other week.

The CHAIRMAN. It is \$3 a week?

Mr. VAN NESS. Yes, sir; \$3 a week, 52 weeks, \$156 a year.

The CHAIRMAN. How much do you pay in addition for dues?

Mr. VAN NESS. I don't pay, sir. My partner and I are members of this, too. We can't drive our own equipment unless we are members. We pay the \$6, the company pays for us. The men pay their own dues at \$6 a month.

The CHAIRMAN. They have to pay?

Mr. VAN NESS. That is right.

The CHAIRMAN. And you have to pay or your company pays for you, you and your partner?

Mr. VAN NESS. Definitely.

The CHAIRMAN. What do you get for the \$6 a month? What do the men get for the \$6 a month? I can appreciate they might get something for the \$3 if it is administered properly, but what do you get for the \$6 a month?

Mr. VAN NESS. I suppose they feel they have protection, sir. I don't know.

The CHAIRMAN. Protect what? Your life, your property, or what?

Mr. VAN NESS. No, to protect their job.

The CHAIRMAN. That means you could not discharge one of them?

Mr. VAN NESS. No, sir, not unless I had a very good reason.

The CHAIRMAN. In other words, they pay for the protection of the job, and you pay \$6 for you and your brother, each—

Mr. VAN NESS. My father, sir, not my brother.

The CHAIRMAN. I beg your pardon—your partner, to protect your job?

Mr. VAN NESS. That is right, and we pay \$300 to guarantee our own salary, too.

The CHAIRMAN. Do you pay yourself a salary?

Mr. VAN NESS. No, sir, I have a wife, sir.

The CHAIRMAN. You just take the profit?

Mr. VAN NESS. We call it a withdrawal, sir.

The CHAIRMAN. You call it a withdrawal?

Mr. VAN NESS. Yes, sir.

The CHAIRMAN. I guess those withdrawals vary, do they not?

Mr. VAN NESS. What is that, sir?

The CHAIRMAN. I imagine the withdrawals vary, depending on the amount of profit you make?

Mr. VAN NESS. That is right, sir.

The CHAIRMAN. So it is not a salary?

Mr. VAN NESS. No, sir; definitely not.

Mr. KENNEDY. Have you talked to Rose Anelli's—any of her employees or former employees?

Mr. VAN NESS. About the union?

Mr. KENNEDY. Yes.

Mr. VAN NESS. No, but I have had men that have worked for her come to me looking for a job.

Mr. KENNEDY. How much did they say they were working?

Mr. VAN NESS. They said they were working 6 days a week for \$66, and I pay \$123.60 for 6 days a week.

Mr. KENNEDY. What is she supposed to pay under the union scale?

Mr. VAN NESS. \$82 and \$89. \$82 for helpers and \$89 for chauffeur.

The CHAIRMAN. \$82 and \$89, and she is paying \$66?

Mr. VAN NESS. The salary I quoted is for 40 hours, 5 days a week.

The CHAIRMAN. And her employees work—

Mr. VAN NESS. Work many hours, many days, for \$66.

The CHAIRMAN. They work a much longer time than yourself and only get \$66, is that right?

Mr. VAN NESS. That is right.

The CHAIRMAN. You are actually paying yourself how much?

Mr. VAN NESS. We have 1 man who works 6 days. He acts as our foreman, I would say. He gets \$123.50.

The CHAIRMAN. \$123.50 per week.

Mr. VAN NESS. Right, sir.

The CHAIRMAN. Whereas hers working for the same time get \$66?

Mr. VAN NESS. That is right.

The CHAIRMAN. You are paying more than double.

Mr. VAN NESS. Right.

Mr. KENNEDY. Mr. Chairman, we have subpoenaed her to testify before the committee, but she has notified us that she is ill and will not be able to attend. She is getting a doctor's certificate.

Senator McNAMARA. Mr. Chairman, I have a couple of questions. You heard the testimony of previous witnesses that they were only notified of 4 union meetings in 5 years.

Mr. VAN NESS. That is right, sir.

Senator McNAMARA. Did you have the same experience?

Mr. VAN NESS. I presume so, sir.

Senator McNAMARA. Then you were charged with not attending three consecutive meetings?

Mr. VAN NESS. That was the association. That had nothing to do with the union.

Senator McNAMARA. Did you ever attend a union meeting?

Mr. VAN NESS. No, sir.

Senator McNAMARA. You could not vote if you did?

Mr. VAN NESS. That is what they tell me, sir. I don't know. I have not attended.

Senator McNAMARA. You don't know that that was a condition.

Mr. VAN NESS. No.

Senator McNAMARA. You have every reason to believe that if you went to a union meeting, you could participate?

Mr. VAN NESS. Well, I would certainly try.

Senator McNAMARA. But you were too busy with other things to even go to the union meetings?

Mr. VAN NESS. That is right. To me it was secondary. I have too many important things to worry about.

Senator McNAMARA. You were just paying the money into the association and the union so you could continue your business, actually?

Mr. VAN NESS. That is right.

Senator McNAMARA. That is all.

The CHAIRMAN. Messrs. Montesano, you gentlemen will return after lunch. We have not quite completed your testimony.

The committee will now recess until 2 o'clock.

(Members of the select committee present at this point were Senators McClelland and McNamara.)

(Thereupon at 12:30 p. m., a recess was taken until 2 p. m., the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the afternoon session: Senators McClelland and Ives.)

The CHAIRMAN. Will the witnesses come around, please?

TESTIMONY OF JOHN MONTESANO AND ANTHONY MONTESANO—

Resumed

Mr. KENNEDY. Mr. Montesano, I want to ask you to go back to another incident regarding these courts, and the operation of the court. Was it understood when Mr. Squillante came into the association that there would not be any bidding against one another?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. You would have your property rights and territories and there would not be any bidding against another individual?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. The one who had that territory would have it?

Mr. JOHN MONTESANO. There would be no competitive bidding.

Mr. KENNEDY. What rules were laid down as far as new stops were concerned? Was it generally understood that anyone could go in on new stops?

Mr. ANTHONY MONTESANO. New stops were considered open work, and anybody could bid on it.

Mr. KENNEDY. Was there an incident that happened in connection with the Mitchel Field bidding?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. And that involved Mr. Recchia?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Is that how you pronounce his name?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Could you tell us what his personal experience was about that bid and what you learned about that?

Mr. JOHN MONTESANO. In the beginning, we had no word of Mr. Recchia.

Mr. KENNEDY. He had a company?

Mr. JOHN MONTESANO. The Trio Carting Co.

Mr. KENNEDY. How do you spell that?

Mr. JOHN MONTESANO. T-r-i-o Carting Co.

Mr. KENNEDY. That was operated by Mr. Recchia?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. How do you spell his name; do you know that?

Mr. JOHN MONTESANO. R-e-c-c-h-i-a.

Mr. KENNEDY. That is Angelo Recchia?

Mr. JOHN MONTESANO. Yes, and we had an association meeting 1 day, and it pertained to a Mitchel Field contract. It seemed that Angelo Recchia had come to the board and complained that he had lost the Sunrise Supermarkets.

Mr. KENNEDY. He had been picking up the garbage at the Sunrise Supermarkets and he was complaining to the board that he had lost that?

Mr. JOHN MONTESANO. Yes; and so the board had no knowledge of it, and why he had lost it or anything or who had taken these accounts. Then we found out that the accounts were taken by General Sanitation.

Mr. KENNEDY. Which was Nunzio Squillante's firm?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. The "whip" firm?

Mr. JOHN MONTESANO. Right. So when Jimmie was consulted on this, what had happened, he said that Angelo had stepped out of line on the Mitchel Field contract and that when he bid the job, the job was supposed to be given to Carmen DeCabia and the Mirable & DeCabia Cartage Co. He said that Angelo wouldn't "go along with them"; that was the term "he" used.

Mr. KENNEDY. Jimmie said this?

Mr. JOHN MONTESANO. Yes; and that this was to teach Angelo a lesson, and he had taken these Sunrise Supermarkets off Angelo to more or less straighten him up and keep him in line.

Mr. KENNEDY. As Jimmie Squillante explained to you, DeCabia had refused to go along on the bidding to Mitchel Field job?

Mr. JOHN MONTESANO. Not DeCabia, but Angelo Recchia.

Mr. KENNEDY. He had refused to go along on the bidding at the Mitchel Field job, and for that reason the "whip" firm, General Sanitation, was coming in to take away some of his stops?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. Those stops were at the Sunrise Stores?

Mr. JOHN MONTESANO. Sunrise Supermarkets.

Mr. KENNEDY. Was there any further discussion on it?

Mr. JOHN MONTESANO. There were 3 or 4 meetings pertaining to this Sunrise Supermarkets, because Angelo naturally always would come back and he would want to know why his stops were taken. After all, it was competitive bidding, and he had bid on the job, and for no reason at all he lost his supermarkets. In one meeting, in particular, Squillante got very violent with him and he used very abusive language, and he just told Angelo, "Well, that is the straight of it," and that was the end of it.

And Angelo had to sit down and keep quite and be thankful he only took the Sunrise Supermarkets.

When anybody started to protest, there was nothing to protest. Jimmie had the stores and that was it.

Mr. KENNEDY. And he just lost them?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Was there any further discussion about this matter at the board?

Mr. JOHN MONTESANO. Well, we stayed around awhile and we tried to straighten it out, and we felt Angelo didn't have a right to lose the stops because he hadn't done anything that was bad.

Mr. KENNEDY. Because this was a new bid?

Mr. JOHN MONTESANO. Yes; the way they had it worked out, it was new.

Mr. KENNEDY. And supposedly anyone could go in on that?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. But Squillante said the bid belonged to Carmen DeCabia?

Mr. JOHN MONTESANO. That is what he said.

Mr. KENNEDY. Was it ever resolved that you know of personally?

Mr. JOHN MONTESANO. No, sir.

Mr. KENNEDY. There was no further discussion on the board that you knew about?

Mr. JOHN MONTESANO. Not at the board; no, sir.

Mr. KENNEDY. Now, Mr. DeCabia, did he complain also about the fact that Angelo Recchio had done? Do you remember that?

Mr. JOHN MONTESANO. If my memory serves me right, on Madison Avenue one day, the day of this meeting, Carmen DeCabia did get up and say Angelo had bid on him and due to the fact that he at that time had the messhalls, he was serving all of the messhalls and the field became one big field, and it was no longer the messhalls but the whole field, he was entitled to the whole field, due to the fact he was the first cartman in there, you see.

That is when the meeting started with Jimmie, and Jimmie represented Carmen, and that was it, and he told Angelo that Angelo was wrong in taking the stops.

The CHAIRMAN. Was that a bid job?

Mr. JOHN MONTESANO. Yes, sir; it was a Government bid.

The CHAIRMAN. A Government job put out to bidders?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. The Government invited people to bid on the contract, to get the job?

Mr. JOHN MONTESANO. That's right, sir.

The CHAIRMAN. As I understand you, it was arranged that no one would bid except one man.

Mr. JOHN MONTESANO. It was arranged this way, sir: If you received the specs on it, the specifications on the bid, you had an alternative, either not to bid or to bid a higher price than the man that was supposed to get the contract.

The CHAIRMAN. In other words, it was collusion, and it was prearranged, and rigged bidding.

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. You could either not bid, if you received an invitation to bid or you could not bid at all, or if you did bid you were supposed to bid higher than the man that was designated to get it by your association?

Mr. JOHN MONTESANO. That's right.

(At this point, Senator McNamara entered the hearing room.)

The CHAIRMAN. And the man designated to get it was whom?

Mr. JOHN MONTESANO. Carmen DeCabia.

The CHAIRMAN. Who was this other one that bid?

Mr. JOHN MONTESANO. Angelo Recchia, Trio Carting.

The CHAIRMAN. He bid lower?

Mr. JOHN MONTESANO. And he got the contract.

The CHAIRMAN. Then what happened? Was he made to give up the contract?

Mr. JOHN MONTESANO. No, sir. He lost 7 Sunrise Stores, 7 or more Sunrise Stores.

The CHAIRMAN. They penalized him?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. But the whole intention was to prevent competitive bidding on a Government contract?

Mr. JOHN MONTESANO. That's right.

The CHAIRMAN. To rig the bidding so one man would get it?

Mr. JOHN MONTESANO. That's right.

The CHAIRMAN. But someone broke the agreement, if he was ever in it?

Mr. JOHN MONTESANO. I doubt if he was in it, or else he wouldn't have broken the agreement.

The CHAIRMAN. But he got it?

Mr. JOHN MONTESANO. He got the contract.

The CHAIRMAN. Then he was penalized by taking away from him some of his choice businesses, and choice accounts?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. I see.

Mr. KENNEDY. That was done through the "whip" firm, General Sanitation?

Mr. JOHN MONTESANO. Yes, sir.

The CHAIRMAN. General Sanitation stepped in and took these businesses away from him?

Mr. JOHN MONTESANO. That's right.

The CHAIRMAN. By order of whom?

Mr. JOHN MONTESANO. That we never cleared up, sir, but it must have been through Jimmie, because no one else seemed to know about it.

The CHAIRMAN. He was giving the orders pretty much at that time?

Mr. JOHN MONTESANO. Oh, yes, yes, he was; because when it did come up on the floor when they had a discussion, one of the cartmen in the organization turned around and said, "Well, if the man was wrong in his actions, why wasn't the association notified? Never mind the board of directors, you know the members." So that we know that the fellow had broken the rules of the organization.

So Jimmie turned around and he said, "Well, he was taken care of."

The CHAIRMAN. He was what?

Mr. JOHN MONTESANO. He was taken care of, and in other words, he was taught his lesson without the association being brought in on it, without the general organization being brought in on it.

Mr. KENNEDY. Didn't you raise a question on one occasion as to why the Sunrise Stores were taken away?

Mr. JOHN MONTESANO. I did, sir.

Mr. KENNEDY. Didn't you raise that question with Squillante?

Mr. JOHN MONTESANO. Yes, sir.

Mr. KENNEDY. Didn't he tell you?

Mr. JOHN MONTESANO. He told me because Angelo wouldn't stay in line on the Mitchel Field bid.

Mr. KENNEDY. There wasn't any question that he knew and was aware of it?

Mr. JOHN MONTESANO. No question in my mind.

Mr. KENNEDY. He is the one, or it was brother's firm, that took the stops away; isn't that right; Nunzio Squillante?

Mr. JOHN MONTESANO. That's right.

Mr. KENNEDY. That is all, for now.

Senator McNAMARA. Did you bid on the contract?

Mr. JOHN MONTESANO. No, sir; because I didn't receive the specs at that time.

Senator McNAMARA. That is all.

The CHAIRMAN. You may stand aside for the present. Call the next witness.

Mr. KENNEDY. Mr. Angelo Recchia.

The CHAIRMAN. Will you be sworn? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RECCHIA. I do.

TESTIMONY OF ANGELO RECCHIA

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. RECCHIA. My name is Angelo Recchia, and I live at 7 South Ninth Street, New Hyde Park, and owner of the Trio Carting Co.

The CHAIRMAN. You waive counsel, do you?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Mr. Recchia, you are in the carting business?

Mr. RECCHIA. That's right.

Mr. KENNEDY. For how long have you been in that business?

Mr. RECCHIA. Going on 8 years.

Mr. KENNEDY. What is the name of your company; Trio?

Mr. RECCHIA. Trio Carting Co.

Mr. KENNEDY. How many employees do you have?

Mr. RECCHIA. Right now, I have three.

Mr. KENNEDY. Three employees?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. I would like to point out, Mr. Chairman, that Mr. Recchia has, since we first interviewed him, cooperated with the committee.

Back in 1955, were there certain bids put out by Mitchel Field?

Mr. RECCHIA. This is other bids besides the field itself you mean?

Mr. KENNEDY. Well, was Mitchel Field, was that the first bid that came out?

Mr. RECCHIA. It was the first bid that came out.

Mr. KENNEDY. When did that come out, approximately?

Mr. RECCHIA. Sometime at the end of January.

Mr. KENNEDY. Of 1955?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. Did you receive the specifications from Mitchel Field?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. Was that an Air Force contract?

Mr. RECCHIA. Yes, an Air Force contract, and belongs to the Government.

Mr. KENNEDY. So did you decide to bid on it?

Mr. RECCHIA. Yes, sir; I did.

Mr. KENNEDY. Would you tell the committee what happened? Did you have any discussions with anybody about the bid?

Mr. RECCHIA. The day the bids were received by these carting firms, as myself, we happened to have an association meeting that evening. So I went to the meeting. As soon as I opened the door into the meeting room, on one side of the meeting room there were Jimmie Squillante, Decreesie, and Carmen DeCabia standing there. In other words, as soon as I opened the door to enter, Jimmie calls me over.

There was a little session about it. Jimmie asked me did I receive a bid sheet from Mitchel Field.

Well, I said "No," just to see what they wanted to say about it, which I did. So he said, "Well, Mitchel Field sent out the bids for the new contract"; and he said, "I want you to go along with Carmen DeCabia on the contract, and I want him to get it."

So I said "O. K." I have worked around there on another contract that is practically a Government contract, the housing project, and I have been waiting for this contract to come up. It has been coming up since 1950 or something, but they always postponed it. In other words, they canceled the contract each time the bids were received.

So, finally, they decided to go ahead. I said, "I'm going to bid on the contract regardless of what you say, because it is new business."

Carmen said he had the messhalls, and I said, "Carmen, I had the messhalls before you entered your foot in Nassau County, and that contract expired and the Government started picking up the stuff."

Mr. KENNEDY. He said Carmen DeCabia had the messhalls out there, and so, therefore, this wasn't new business and he should have the right to have it?

Mr. RECCHIA. He said it wasn't new business, but the bids were sent out.

Mr. KENNEDY. But you pointed that out?

Mr. RECCHIA. I said to him that that contract expired before Squillante came to Nassau County, and he said, "Let us forget about that. I want you to go along with DeCabia on that bid." And I told Squillante, "Well, you do what you want; if you want to bid on it yourself, you go ahead; but I am going to bid on it regardless of what you say." He said, "Well, you are going along or you are out of business."

Mr. KENNEDY. What is that?

Mr. RECCHIA. "If you don't go along, you are out of business." I said, "If you want to play rough, I am just as strong as you are in one way."

So, then I sat down, and that is it. Two days later, I got a phone call from the head guy from Sunrise Supermarkets. He said, "Discontinue the service from January 31. There is a new outfit coming in February 1." There were 10 supermarkets involved in that contract. So I guess the whip that was General Sanitation started taking over.

Mr. KENNEDY. General Sanitation started to take over your business?

Mr. RECCHIA. That's right.

Mr. KENNEDY. Ten stops from the supermarket?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. You were notified of that within a few days?

Mr. RECCHIA. A few days before the end of January, he gave me notice to discontinue service.

Mr. KENNEDY. This was a few days after you had the conversation?

Mr. RECCHIA. It was before the contract was awarded; they took that work away.

Mr. KENNEDY. But it was a few days after the conversation that you had with Squillante in which he said, "We are going to break you"?

Mr. RECCHIA. That is the time I lost the Sunrise, even before the contract with Mitchel Field was awarded.

Mr. KENNEDY. But it was before the contract was awarded, but after you notified them that you were going to bid on it, and he told you that he was going to take your business away?

Mr. RECCHIA. That's right.

Mr. KENNEDY. So that, within a few days of that, you were notified that 10 of your supermarket stops had been taken; is that right?

Mr. RECCHIA. Yes, plus Anunzio himself; they went to the corporation which is the housing project which is on the base, and that contract expired at that time, too, and so Anunzio went in and tried to take that contract away from me by giving a low, ridiculous price. I overheard the price, and so I underbid him again.

Mr. KENNEDY. Wait a minute. Let us go back. You put your contract in for the Mitchel Field situation; is that right?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. And you bid \$70,000?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. And you received that contract?

Mr. RECCHIA. Yes, sir; that is right.

Mr. KENNEDY. Now, there was another contract out there.

Mr. RECCHIA. Yes.

Mr. KENNEDY. That is Mitchel Manor?

Mr. RECCHIA. No; that contract was mine, but it lasts 4 years.

Mr. KENNEDY. What was the second contract?

Mr. RECCHIA. The second contract came out; Santini housing project on the Air Force base.

Mr. KENNEDY. Which contract is the one in which you overheard his bid?

Mr. RECCHIA. That was Mitchel Manor.

Mr. KENNEDY. Let us go back to that. That was during 1955?

Mr. RECCHIA. During 1955, and—

Mr. KENNEDY. That was an oral bid?

Mr. RECCHIA. Yes.

Mr. KENNEDY. And you had gone to Mitchel Manor to bid there?

Mr. RECCHIA. Yes, and, in other words, my contract expired for Mitchel Manor, and so I went in and gave them my new price.

Mr. KENNEDY. What was your price?

Mr. RECCHIA. \$2.35 per month per family, and that is 6-day-a-week service, which is cheap enough price. That was on a 3-year contract. So, as soon as I left the offices going down to my car, I saw these two hoodlums—they looked like hoodlums, because I never saw Anunzio before, and I knew something was fishy. So I went back in, and I waited a while, and I went back in and I sat in this waiting room by the door, and I overheard them talking, and they introduced themselves to Mr. Muss, and saying he was "general" something or other, and I didn't get the full name of it, and I heard him giving a price of \$2 per family to take the contract away from me.

So, then, before long, I left the office and I went back to my car and sat there until they left. I went back in 15 minutes later, and I gave them a new price; told them since I got the contract from Mitchel Field I have 3 more trucks and 9 more men, I could do the job faster and cheaper and easier. And so they went along with me, and I got 10 cents more than he did, \$2.10. I tried it first and they awarded me the contract.

Mr. KENNEDY. They gave you the contract?

Mr. RECCHIA. Yes; I told them since I have got a 1-year contract with Mitchel, I would like to go along with a 1-year contract just in case I don't get it next year, and so we went along on a 1-year contract for \$2.10 per family.

Mr. KENNEDY. What was the next thing that occurred?

Mr. RECCHIA. Then two more contracts came out.

Mr. KENNEDY. Santini housing project.

Mr. RECCHIA. S-a-n-t-i-n-i housing project.

Mr. KENNEDY. At Mitchel Field, still an Air Force base contract?

Mr. RECCHIA. Yes, in the area of Mitchel Field.

Mr. KENNEDY. And Roslyn Air Force Base?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. That was also on Air Force contract?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. You received specifications on those contracts?

Mr. RECCHIA. That is right.

Mr. KENNEDY. What did you decide to do on that?

Mr. RECCHIA. I figured if I took Santini housing project I would sure have my head chopped off my shoulders, and so I—

Mr. KENNEDY. Why did you think that would happen to you?

Mr. RECCHIA. Because I took new work there. And here is what this fellow said when he first came into the association. He said "As of today," when he stepped foot in the association, "We start fresh. Any new business comes up from here on is open. It is open business for anyone. Anyone who has any business, it is theirs until they get rid of it."

That is why I had the brawl on Mitchel Field, which is new business. I knew Carmine made a deal with him somehow, and that is why we had this big brawl. So if I ever took that Santini housing project, which is another big new thing which came up, since the garbage disposal had it for 11 or 12 years, and he jumped from the association and he was not a member.

Well, I knew I would never underbid Uniondale Garbage Disposal, because I have put two bids down there on that job quite a few years ago, and it seems like he always underbid everybody. So I knew Carmine or myself would never receive that bid.

Mr. KENNEDY. Let me see if I understand. There was already out there a company called Uniondale Garbage Disposal, and because they had been out there a long time you expected that they would have it?

Mr. RECCHIA. And they had that work some time.

Mr. KENNEDY. You expected they would be able to get that bid?

Mr. RECCHIA. He had that.

Mr. KENNEDY. But you expected when they awarded the new contract, because of the fact that this other company had operated in the area, that they would be able to get the new bid?

Mr. RECCHIA. That is right, and, in fact, he had that contract, and he signed a 1-year contract with the Federal Housing Association or something and they awarded the job to him. So far as I knew, he had it for another year. Then Mitchel Field took this housing project under their wing, and they demolished all of the other contracts and drew a new type of contract and they sent them on.

Mr. KENNEDY. So, Uniondale had had the contract out there, but then the Air Force had taken over that area and thrown the contract out, and now it was a question of reawarding the contract.

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. You thought because the Uniondale had been active out there in that area, that they would get the contract?

Mr. RECCHIA. That he would get it back. As far as his knowledge went, he had the contract.

Mr. KENNEDY. You thought that Uniondale would bid under you and bid under anybody else?

Mr. RECCHIA. Yes.

Mr. KENNEDY. So what did you do then?

Mr. RECCHIA. So I called up Carmine.

Mr. KENNEDY. DeCabia?

Mr. RECCHIA. Yes, and I said "There is a new job coming up, are you going to bid on it?" And he said, "No, you go ahead."

I said "If you want to bid, you go along and tell me the price you are going to bid and I will bid over it."

So the next day he called me up.

Mr. KENNEDY. This is still an Air Force contract?

Mr. RECCHIA. Yes, and the next night I got in touch with him and he gave me his price, and somehow I didn't put it on paper and he told me the price to put down.

Mr. KENNEDY. But you didn't write it down?

Mr. RECCHIA. No, because I had time, I just forgot about it and it was about a week later I started filling out the sheets. Somehow I put the wrong figure on there and it would be in my favor and so when the contract was awarded, I didn't go down because I didn't intend to get it and I thought Uniondale Garbage Disposal would get it.

Mr. KENNEDY. What happened to Uniondale?

Mr. RECCHIA. So Uniondale didn't put his bid in because when he received the sheet he told them something about Mitchel Field and he never bothered with that before.

Uniondale took that envelope and pushed it on the side of his desk, that is what he told me when I got in touch with him. So he didn't bid on it, and it was only Carmine DeCabia and myself bid on the work. Somehow in the bid Carmine was 9 cents or \$9 and when Carmine heard that, he was fit to call my—

Mr. KENNEDY. What had you done then? You had forgotten the figure?

Mr. RECCHIA. It was an error, or my mistake on putting the figure on "per homes." So he was fit to kill me and he burned the telephone wires.

Mr. KENNEDY. You had the contract?

Mr. RECCHIA. They awarded me that contract, too.

Mr. KENNEDY. You had told him that you would arrange a bid so that he would get the contract?

Mr. RECCHIA. Yes, sir; and I told him I will pay the lawyer fees to draw up a subcontract, and he would subcontract the work.

Mr. KENNEDY. This is that night?

Mr. RECCHIA. We had a special meeting with Jimmy Squillante on that.

Mr. KENNEDY. Wait a minute.

The CHAIRMAN. Let us get back to where you got your original figures. He called you up and told you what he was going to bid?

Mr. KENNEDY. Yes, sir.

The CHAIRMAN. You forgot to put those figures in?

Mr. RECCHIA. And in fact I didn't bother, because I knew right then, that was fresh to me, and a week later it wasn't fresh any more.

The CHAIRMAN. A week later it wasn't fresh, and you didn't remember it?

Mr. RECCHIA. No.

The CHAIRMAN. But you still intended to overbid him?

Mr. RECCHIA. That is right.

The CHAIRMAN. You intended to?

Mr. RECCHIA. That is right, because I didn't care, because I knew Uniondale Garbage would get it.

The CHAIRMAN. You underbid him in fact and you got the contract?

Mr. RECCHIA. That is right.

Mr. KENNEDY. Were you pleased when you heard you got the contract?

Mr. RECCHIA. No, no, I wasn't because I knew I was in for it, from Carmine or Squillante. I knew I was going to get it and in fact I got it from both of them.

Mr. KENNEDY. Did you talk to them? Tell the committee how you learned that you got the contract.

Mr. RECCHIA. Well, Carmine himself called me up and told me, and he said "What are you trying to do? What are you trying to take me for, a baby or something?"

He thought I was trying to pull a trick on him, finding out his price, and I lowered it a few dollars to get the job. It was a high price for that job anyway, and the price it was put in was ridiculous, and it was more than he should get. That is why I went along, because I knew Uniondale Garbage was going to get it for less, and somehow he didn't put a bid in.

Mr. KENNEDY. Was he mad at you?

Mr. RECCHIA. Who is that, Carmine? I won't say he was mad, he was having daggers coming out of his eyes.

Mr. KENNEDY. What was coming out of his eyes?

Mr. RECCHIA. Daggers.

Mr. KENNEDY. Were you upset yourself?

Mr. RECCHIA. Sure I was upset because I didn't know which way to move, and I almost got down on my hands and knees and pleaded to forgive me. I did an error on my part, and I will do anything to straighten this out, and still do the work and collect every penny that is coming. He just kept making a big fuss about it, that I was a such and such and he got hold of Jimmy Squillante, and he wanted to throw me out of the association, and have my whole business free for all. So I pleaded with Jimmy Squillante at that meeting that night and I pleaded with his brother, and his brother-in-law, and the board of directors, and I couldn't get head nor tail with the whole group. It was practically all relations on the table with Jimmy.

Mr. KENNEDY. Did they pay any attention to you?

Mr. RECCHIA. No, because they all were going against me.

Mr. KENNEDY. What did you say you would do?

Mr. RECCHIA. I told them I would do anything. I would pay the whole expense on the lawyers and have the papers made up that he would be the subcontractor on the job and he would collect every penny, and it would be costing me money each month for the details we have to go through.

So Jimmy was kind enough to say, "Well, maybe we can fix something up," and I don't know what happened to him. So DeCabia said, "No, you go back to the contract officer and tell him that you did a mistake on figuring, and that you can't do the job," so I went down to the contracting officer.

Mr. KENNEDY. Who did you see down there?

Mr. RECCHIA. A lieutenant.

Mr. KENNEDY. Was it Lieutenant Griffin?

Mr. RECCHIA. Yes, he was in charge of it at that time, and I went down there and I told him I had made an error on it and I didn't think I could do it, and he said, "Why can't you get out because you have 2 contracts around here plus 4 trucks and plus 9 men, why can't you make out? It is right next door and there is nothing to it and you only bid the man under a few dollars. If that guy is capable of doing it for a few dollars over you, you can sure do it."

So he said, "Anyway, it is too late to do anything, the papers are already in process."

So I went back to see the group, the committee.

Mr. KENNEDY. The board of directors?

Mr. RECCHIA. Yes, the board of directors, and they made another fuss, and so that is when Jimmy said, "Maybe we can fix up some papers between you two." And finally I got a lawyer and my lawyer got in touch with his lawyer and my lawyer sent a letter to the base, seeing what they could do about it; and they said, "Well, as long as you send us a copy of the subcontract, then you go along with the subcontract."

Mr. KENNEDY. So you agreed to subcontract?

Mr. RECCHIA. I agreed to subcontract.

Mr. KENNEDY. Did you subcontract?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. What arrangements, financial arrangements did you make as far as picking up the trash and garbage in the beginning?

Mr. RECCHIA. At the beginning I was picking up the garbage for 2 months, and at my expense, and DeCabia got the check. He got 200 percent profit by me doing all of the work. But he helped me for half a month because of a little expense on the incinerator.

Mr. KENNEDY. You did all of the work for the first 2 months?

Mr. RECCHIA. Yes; and it was an error on my part, and I wanted to get the hell out of the association, because I was really hurting in all ways.

Mr. KENNEDY. And he got the checks for the first 2 months?

Mr. RECCHIA. I received the check from the Government, and I just turned around and made one of my checks and sent it to them each month.

Mr. KENNEDY. Were you satisfied or were they satisfied with you doing this, and were they pleased with you again after you had agreed to do all of this?

Mr. RECCHIA. They didn't bother me then. Actually, I was poison to them after that.

Mr. KENNEDY. What did you think would have happened to you if you hadn't done any of this?

Mr. RECCHIA. Well, I don't think I would be sitting here today.

Mr. KENNEDY. You think something physically would have happened to you?

Mr. RECCHIA. Yes; because I went up to his office twice, and forfeited my loss, not knowing how bad he was, and the last time I went up there—I didn't go back any more because I saw the devil in that man.

Mr. KENNEDY. They threatened you at that time?

Mr. RECCHIA. Well, they talked in a round-about way, it was. You would say it was a threat.

Mr. KENNEDY. Did you understand that they had a close association with certain racketeers?

Mr. RECCHIA. No, I didn't; and I didn't know anything about the racketeers who were with him, Anastasia or anybody.

Mr. KENNEDY. Had you had any experience or seen this penalty clause used before in connection with individuals? Did you know of the penalty clause of paying 10 to 1?

Mr. RECCHIA. I was there one night, and I don't remember the name of the outfit, and we had a little discussion with Jimmy about it.

Mr. KENNEDY. You were aware of the fact that they had a penalty clause of 10 to 1 if you took someone else's business?

Mr. RECCHIA. Plus \$500 fine; yes.

Mr. KENNEDY. Did you also know the circumstances surrounding Sherman Van Ness when he left the association?

Mr. RECCHIA. I was there that night, too.

Mr. KENNEDY. What did Mr. Squillante say about the \$1,000?

Mr. RECCHIA. He was going to award \$1,000 to anyone, to any firm that would take the most business away from the Uniondale Garbage Disposal.

Mr. KENNEDY. You just last those 10 stores; is that right?

Mr. RECCHIA. It is quite a lot.

Mr. KENNEDY. That is worth about \$750 a month?

Mr. RECCHIA. Yes; it came to \$750 a month.

Mr. KENNEDY. About \$8,000 a year; is that right?

Mr. RECCHIA. Yes.

Mr. KENNEDY. That they took away from you?

Mr. RECCHIA. That is right.

The CHAIRMAN. Who did they give them to, the "whip" company?

Mr. RECCHIA. In other words, the whip went there and took it away, and they tried to take other business, but I managed to keep them. I outsmarted them in other parts of my business.

The CHAIRMAN. You saved all of your business except the 10 stores?

Mr. RECCHIA. Yes; that is right, and maybe 1 or 2 drugstores, the Levinstein Drug Co.

Mr. KENNEDY. Are you in the local 813 now?

Mr. RECCHIA. That is right.

Mr. KENNEDY. Have you been to any union meetings? Have you been invited to any union meetings over the last few years?

Mr. RECCHIA. The same as the other fellows. I had 1 or 2 letters in so many years, and I have been in there since 1951.

Mr. KENNEDY. You are a member yourself?

Mr. RECCHIA. That is right.

The CHAIRMAN. Do you ever attend any of the meetings?

Mr. RECCHIA. Never; I have no use for them.

The CHAIRMAN. Why did you have some use for them?

Mr. RECCHIA. Well, I don't know if I was the first or second outfit, but at the time I was the largest commercial carting company in Long Island. At the time they got me in the union they camped on Levinstein and put pickets in front of my business and forced me to join, and, in fact, I almost lost some of them from not signing, and I have no use for them.

The CHAIRMAN. You just joined to keep from losing your customers?

Mr. RECCHIA. That is why I signed up, yes; and it was in 1951.

The CHAIRMAN. How much does it cost you?

Mr. RECCHIA. Well, at that time I think we had to pay \$75 for the book.

The CHAIRMAN. \$75 for the book?

Mr. RECCHIA. Yes.

The CHAIRMAN. What kind of a book was that?

Mr. RECCHIA. A union book.

The CHAIRMAN. All right.

Mr. KENNEDY. Your initiation fee was \$75?

Mr. RECCHIA. That is right.

Mr. KENNEDY. Then how much did you pay a month?

Mr. RECCHIA. I think at the time it was \$4 a month dues.

Mr. KENNEDY. What are you paying now?

Mr. RECCHIA. \$6.

Mr. KENNEDY. How much are you paying for the welfare fund?

Mr. RECCHIA. \$3 a week, per person.

Mr. KENNEDY. \$3 a week per person?

Mr. RECCHIA. That is right.

Mr. KENNEDY. \$12 a month?

Mr. RECCHIA. That is right.

Mr. KENNEDY. That is, \$12 for 4 weeks?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. I just want to ask you this question: The one in which you made the mistake, that you were supposed to bid higher than Carmine DeCabia was the one at Santini?

Mr. RECCHIA. Santini housing.

Mr. KENNEDY. Was there also a Roslyn Air Force Base?

Mr. RECCHIA. Yes, sir. At the same time the contract was on both of them.

Mr. KENNEDY. Did you get both of those?

Mr. RECCHIA. No, one of them. On one of them I happened to bid the way he told me to bid.

Mr. KENNEDY. On the Roslyn Air Force Base you didn't make a mistake?

Mr. RECCHIA. No.

Mr. KENNEDY. So he got the Roslyn Air Force Base?

Mr. RECCHIA. The reason I didn't make a mistake on that one was the year before I knew the price, and I went along on that.

Mr. KENNEDY. You went along with him on the Roslyn Air Force Base and you didn't make a mistake?

Mr. RECCHIA. No.

Mr. KENNEDY. How much is that worth?

Mr. RECCHIA. \$635 a month, I think.

Mr. KENNEDY. How much was Santini?

Mr. RECCHIA. \$340 a month. It was \$4,008 a year.

Mr. KENNEDY. And the Roslyn Air Force Base was about the same, about \$5,000?

Mr. RECCHIA. Around in there, and I think it was——

Mr. KENNEDY. Have there been any renewals of those contracts?

Mr. RECCHIA. Well, the last contract I did try to take that away from DeCabia, but somehow some other outfit from the north side, they got the contract, or I think it was the south side.

Mr. KENNEDY. Did you have one renewal since this time? Did you have any renewals since 1955?

Mr. RECCHIA. Yes; Mitchel Field, and I have another 3-year contract from Mitchel Field, on different terms.

Mr. KENNEDY. And the Roslyn Air Force Base?

Mr. RECCHIA. I mean Mitchel Manor.

Mr. KENNEDY. What about the Roslyn Air Force Base? He still has that; is that right?

Mr. RECCHIA. Carmine DeCabia, he lost that.

Mr. KENNEDY. He lost that?

Mr. RECCHIA. To someone else; yes.

Mr. KENNEDY. Had you gone along on that bid?

Mr. RECCHIA. No; I tried to take that away from him so bad.

Mr. KENNEDY. You had broken with the association and with him?

Mr. RECCHIA. I stood in the association to the end, and sweat it out.

Mr. KENNEDY. So that as I understand it, on the Mitchel Field you refused to go along and that is when you lost your stops. On Santini you agreed to go along, but you made a mistake and bid lower. And on the Roslyn Air Force Base, you agreed to go along and you went along successfully; is that right?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. They were all Government contracts?

Mr. RECCHIA. That is right.

The CHAIRMAN. Is there anything further?

Senator McNAMARA. You have given us a pretty good explanation of why you joined the union and it seems to make sense. Why did you join the association?

Mr. RECCHIA. Well, at the time I joined the association, this is some time ago, this is away before Squillante ever came in, because I was working with a group of fellows, and it was good to know each other, and that is all we used to do. We had a meeting and see one another. There was no set prices or anything was said at the meetings. It was just a get-together among ourselves, who worked in the area.

Senator McNAMARA. You joined the association just to be a good fellow because the other guys in the industry were joining; is that right?

Mr. RECCHIA. Yes, sir; and to get to know each other, rather than wonder who that is.

Senator McNAMARA. You got in rather innocently?

Mr. RECCHIA. Yes, sir.

Senator McNAMARA. Now you find that this is the thing that runs the business, the strong arm that runs your business.

Mr. RECCHIA. Yes, that is since Squillante set foot in it, then it got rough and nasty and it got dirty.

Senator McNAMARA. You say that your bid at this housing job was about \$2 per month per family; was that about it?

Mr. RECCHIA. No, it was more than that. It was about \$2.20.

Senator McNAMARA. Are those the rates that usually prevail in garbage collection in the area?

Mr. RECCHIA. Around this area, guys picking up house garbage for \$2.25 or \$2.50 a month. That is only two times a week service. This is 6-day-week service.

Senator McNAMARA. Every day?

Mr. RECCHIA. Yes, sir.

Senator McNAMARA. You pick up from a central point, is it?

Mr. RECCHIA. Yes, sir; and in other words, it is like station houses, there is about 11 station houses, and it takes half an hour to go through every day.

Senator McNAMARA. The householder brings it to a central point and it is easier to pick up and so you can do it cheaper?

Mr. RECCHIA. That is right.

Senator McNAMARA. The thing that I am impressed with is that the amount you charge the householder here, where the whole operation has the appearance of a racket, doesn't seem to be out of line. It seems to be a reasonable price. This I don't understand.

Mr. RECCHIA. You can do it for less there, because you don't have to send a bill to each homeowner and you don't have to go to beg them for your money because you are getting one check from the Government every month. It was a good thing, and it was a nice, easy contract. If you can get that year after year, why not? It was something nice.

Senator McNAMARA. If it was a real racket setup, you think it would be twice as much for the householder?

Mr. RECCHIA. Yes, sir.

Senator McNAMARA. How come the price stays down?

Mr. RECCHIA. Well, if everybody went along, they won't be paying that \$2.10 or \$2.20, they will be paying \$2.80.

Senator McNAMARA. We had testimony here this morning that in Nassau County they picked up from the individual homeowners, and not a housing project, for \$2.50 per month. It seems cheap on the face of it, by comparison to other communities that we are familiar with around here. It is 3 or 4 times as much as it costs around here in some communities to pick up garbage.

Mr. RECCHIA. \$2.50 is a good price.

Senator McNAMARA. You can do all right at \$2.50?

Mr. RECCHIA. Yes, sir.

Senator McNAMARA. \$89 a week for the driver, and \$82 a week for the helper, and at \$2.50 a stop you can do all right?

Mr. RECCHIA. Yes.

Senator McNAMARA. That is interesting.

Mr. KENNEDY. I think there might be some confusion, Mr. Recchia, on this Rosslyn Air Force Base contract. Now, as I understand it, you went along successfully with him in 1955. Now, it is my understanding that the contract was renewed in 1956, and that you again made an arrangement with him in 1936 and went along successfully, and it wasn't until the contract was up again in June of 1957 that you started to bid against him?

Mr. RECCHIA. That is right.

Mr. KENNEDY. So you did go along after 1955, you did go along in 1956 again?

Mr. RECCHIA. That was the last contract, that is right, back to the end of the association, and that is when I went against him on the last one in 1957. I was trying to take that away from him.

Mr. KENNEDY. Were you physically afraid of what might happen to you?

Mr. RECCHIA. Yes, sir.

Mr. KENNEDY. During this period of time?

Mr. RECCHIA. Any period of time I was in there.

Mr. KENNEDY. Are you now?

Mr. RECCHIA. Right now, I don't know. I am not worried about myself; I am worried about my family. I just wanted it understood that if anything does happen in the future or at any time, they have to be responsible.

The CHAIRMAN. Who do you speak of when you say "they"? Can you identify them?

Mr. RECCHIA. Anyone who has anything to do with Jimmy Squillante, or any groups.

The CHAIRMAN. Who is that?

Mr. RECCHIA. Anyone that does have anything to do with Jimmy Squillante.

The CHAIRMAN. You think he is the brains of it?

Mr. RECCHIA. He will be the brain, and he must be the brain, and everybody was bowing to him.

The CHAIRMAN. He was the boss?

Mr. RECCHIA. Yes, sir; and he was the judge, jury, and the lawyer.

The CHAIRMAN. He is everything?

Mr. RECCHIA. That is right; he is everything.

The CHAIRMAN. So you think anything happened to you, he would be responsible for it?

Mr. RECCHIA. Here is one occasion I can mention like the Fair contract. I had the Mitchel Air Force contract and then the terms came to the end, and they started sending new bids out, and I knew they weren't going to go along with me in calling other outfits to go along with Trio. I knew that would never happen. So a fellow from Nassau, and he calls himself Belmore Sanitation, and he comes in and he underbids me, and he is nonassociation and nonunion. He underbids me, and he underbid everyone and he got the contract. Now, I went to see Jimmy Squillante and the other people, it was Jimmy Mancuso, and I said "He is in there; what are we going to do?" And he said "It is up to Jimmy."

I knew he was not worried about me, and there is a nonunion contract took over at Mitchel Field, which is a big job, and it should have union men, but they didn't do anything to the man. It is what-

ever Jimmy says, it goes. If Jimmy tells the union to go ahead and hit that man, they would have done it.

The CHAIRMAN. Jimmy is the boss of the union, too?

Mr. RECCHIA. It seems that way.

The CHAIRMAN. They don't cross him?

Mr. RECCHIA. No; they don't.

Mr. KENNEDY. That is all now.

The CHAIRMAN. Thank you very much.

Call the next one.

Mr. KENNEDY. Mr. Carmen DeCabia.

The CHAIRMAN. You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DECABIA. I do.

The CHAIRMAN. Will you be seated? State your name, and your place of residence, and your business or occupation.

**TESTIMONY OF CARMEN DeCABIA, ACCOMPANIED BY HIS COUNSEL,
JAMES J. McDONOUGH**

Mr. DECABIA. My name is Carmen DeCabia. My residence is 4 Center Street, Hicksville, Long Island.

The CHAIRMAN. What business are you in?

Mr. DECABIA. I am in the private garbage and rubbish removal business, sir.

The CHAIRMAN. What is the name of your firm?

Mr. DECABIA. Miraval & DeCabia.

The CHAIRMAN. Miraval & DeCabia?

Mr. DECABIA. Yes, sir.

The CHAIRMAN. You have counsel present?

Mr. DECABIA. Yes, sir; I do, sir.

The CHAIRMAN. Will you identify yourself?

Mr. McDONOUGH. James J. McDonough, residence address, 79 Island Road, Glen Cove, Nassau County.

The CHAIRMAN. Thank you very much.

All right, Mr. Counsel.

Mr. KENNEDY. How long have you been in the rubbish-removal business, Mr. DeCabia?

Mr. DECABIA. Eleven years.

Mr. KENNEDY. And how many do you have employed in your company?

Mr. DECABIA. We have 5 men, 1 part-time man, my partner, and myself.

Mr. KENNEDY. You are head of, or president of, the Inter-County Carting Association?

Mr. DECABIA. I was for a period, sir.

Mr. KENNEDY. When were you president of that?

Mr. DECABIA. I became president either May or June of 1955, until June of 1956.

Mr. KENNEDY. During that period of time, was Vincent Squillante associated with the Inter-County Carting Association?

Mr. DECABIA. Yes, sir; he was.

Mr. KENNEDY. He came in the beginning of the year?

Mr. DECABIA. He had come away back in 1954.

Mr. KENNEDY. At the end of 1954?

Mr. DeCABIA. Yes, sir.

Mr. KENNEDY. What was his position? Executive director of the association, while you were president?

Mr. DeCABIA. Yes, he was, sir.

Mr. KENNEDY. Did he actually run the association?

Mr. DeCABIA. Yes, sir.

Mr. KENNEDY. Even though you were president?

Mr. DeCABIA. Yes, sir.

Mr. KENNEDY. First, are you a member of the union?

Mr. DeCABIA. Yes, sir; I am.

Mr. KENNEDY. How long have you been in the union?

Mr. DeCABIA. November of 1952.

Mr. KENNEDY. And you have your brother, did you say, in this firm, too?

Mr. DeCABIA. No, sir; it is an uncle through marriage.

Mr. KENNEDY. Is he a member of the union?

Mr. DeCABIA. Yes; he is.

Mr. KENNEDY. How long has he been in?

Mr. DeCABIA. The same period of time.

Mr. KENNEDY. Do you have a contract with the union?

Mr. DeCABIA. Yes, sir; we do.

Mr. KENNEDY. Covering whom; all of your employees?

Mr. DeCABIA. Yes, sir.

Mr. KENNEDY. Are all of your employees members of the union?

Mr. DeCABIA. No, sir.

Mr. KENNEDY. Are any of your employees members of the union?

Mr. DeCABIA. No, sir.

Mr. KENNEDY. Nobody is a member?

Mr. McDONOUGH. If I may interrupt, I would like to have him distinguish between this master contract he is now speaking of, and he has no individual contract with the union.

Mr. KENNEDY. I appreciate that. You don't have an individual contract with the union?

Mr. DeCABIA. No, sir.

Mr. KENNEDY. It is just the association has a contract with the union; is that right?

Mr. DeCABIA. That's correct, sir.

Mr. KENNEDY. And so none of your employees, none of the employees of your firm are members of the union; is that right?

Mr. DeCABIA. That's correct.

Mr. KENNEDY. The only people who are members of the union in your organization are the employers?

Mr. DeCABIA. That's correct.

Mr. KENNEDY. You do not have a contract, an individual contract, with the union?

Mr. DeCABIA. No; I do not, sir.

Mr. KENNEDY. Now, I want to ask you about the bid at Mitchel Air Force Base. You are familiar with that?

Mr. DeCABIA. Yes, sir; I am.

Mr. KENNEDY. The Mitchel Air Force Base put out specifications for that bid, in 1955.

Mr. DeCABIA. I believe it was, sir.

Mr. KENNEDY. And you received those specifications?

Mr. DECABIA. Yes, sir; I did.

Mr. KENNEDY. Did you have any conversations with Mr. Squillante about the fact that you should receive that award?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You did not?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You had no conversations with him?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Did you have any conversations with Mr. Angelo Recchia regarding the fact that you should receive the bid?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You did not?

Mr. DECABIA. No, sir.

Mr. KENNEDY. And you had no conversations that he should bid higher than you, and that you should receive the bid?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You never heard of any conversations such as that taking place?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Is that right?

Mr. DECABIA. Yes, sir.

Mr. KENNEDY. Going on at a later time, there was a——

Mr. DECABIA. Excuse me, Mr. Kennedy.

Do you mind having this gentleman put the camera down?

The CHAIRMAN. Do they bother you?

Mr. DECABIA. Just this one. I can't see Mr. Kennedy.

The CHAIRMAN. Will the photographers adjust themselves?

Mr. KENNEDY. Later in June of 1955, I understand there were other specifications put out in connection with the Mitchel Air Force Base, namely, the Roslyn Air Force Base and Santini housing project; is that right? Are you familiar with that?

Mr. DECABIA. Yes, sir.

Mr. KENNEDY. Did you receive the specifications on those two projects?

Mr. DECABIA. Yes, sir; I did.

Mr. KENNEDY. Did you bid on those?

Mr. DECABIA. Yes; I did.

Mr. KENNEDY. Did you have any conversations with Mr. Angelo Recchia regarding what you were going to bid or what he was going to bid on those contracts?

Mr. DECABIA. No, sir.

Mr. KENNEDY. He didn't call you and say what he was going to bid; is that right?

Mr. DECABIA. No, sir.

Mr. KENNEDY. And you didn't call him and make an arrangement for bidding on the contract?

Mr. DECABIA. That's right, sir.

Mr. KENNEDY. Is that right?

Mr. DECABIA. That's right.

Mr. KENNEDY. And after he received the award at the Santini housing project, did you call him and criticize him for putting in a bid lower than yours?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You did not do anything like that?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You didn't curse him or tell him that he had betrayed you by putting in a low bid; is that right?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Did you receive actually the Roslyn Air Force bid because of the collusive agreement between you and Mr. Recchia?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You had no conversations with him about it?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Did you have any conversations with Mr. James Squillante regarding what you were going to bid on this contract?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You did not?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Do you know of any conversations Mr. Squillante had with Mr. Recchia regarding the bidding on this contract?

Mr. DECABIA. No, sir.

Mr. KENNEDY. And you were not familiar at all with the fact that Mr. Recchia was called before the board and criticized for bidding on this contract?

Mr. DECABIA. No, sir.

Mr. KENNEDY. You never heard of this situation as it was described by Mr. Montesano in testimony this afternoon, that Mr. Squillante and others were sharply critical of Mr. Recchia for having bid on this contract?

Mr. DECABIA. I don't know of any, sir.

Mr. KENNEDY. Nothing like that occurred that you know of?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Mr. Squillante never even discussed these bids with you; is that right?

Mr. DECABIA. No, sir.

Mr. KENNEDY. When the bid was put out again, in 1956, did you have any collusive agreement with Mr. Recchia at that time as to what you would bid and what he would bid, so that you would get the contract?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Nothing like that occurred?

Mr. DECABIA. No, sir.

Mr. KENNEDY. So that this whole story as told by Mr. Recchia is completely false; is that right?

Mr. DECABIA. Yes, sir.

Mr. KENNEDY. As you have heard it described.

Mr. DECABIA. To my knowledge, it is.

Mr. KENNEDY. As far as you are concerned?

Mr. DECABIA. That's right.

Mr. KENNEDY. And as far as any conversations that he had with you or any knowledge that you have about the situation, it is completely false and untrue?

Mr. DECABIA. That's right.

Mr. KENNEDY. Nothing like this ever occurred?

Mr. DECABIA. No, sir.

Mr. KENNEDY. Do you have any explanation as to why he should come in here and give this testimony to the committee, which involves Mr. Recchia himself in a crime? Can you give any explanation as to why he should come in here and give that testimony?

Mr. DECABIA. No, sir; I haven't.

Mr. KENNEDY. That he would admit to a crime such as he has in his testimony today?

Mr. DECABIA. I don't know of any reason.

Mr. KENNEDY. You say it is completely untrue?

Mr. DECABIA. It is untrue as far as my knowledge is concerned of it, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. This is the contract out at Mitchell Field?

Mr. KENNEDY. The Santini Air Force housing project.

The CHAIRMAN. As I understood this witness that preceded you, Mr. Angelo Recchia, did you hear him testify?

Mr. DECABIA. Yes, sir, I did, sir.

The CHAIRMAN. Did you take over that contract?

Mr. DECABIA. What contract is that, sir?

The CHAIRMAN. The Santini contract, did you take it over?

Mr. DECABIA. Yes, I did, sir, as a sublet contract.

The CHAIRMAN. Sublet for how much?

Mr. DECABIA. Sublet from September 1, for \$340 per month.

The CHAIRMAN. Was that the same that it was bid in at?

Mr. DECABIA. I believe it was, sir.

The CHAIRMAN. So that you did get the contract?

Mr. DECABIA. Yes, I did.

The CHAIRMAN. At the same price that he had bid it in?

Mr. DECABIA. Yes, sir.

The CHAIRMAN. Did you pay him anything for that contract?

Mr. DECABIA. No, sir.

The CHAIRMAN. He just gave it to you?

Mr. DECABIA. He explained to me at the time, sir, that he had a little too much work to handle, and if I was still interested to take over the Santini work, I could handle it.

The CHAIRMAN. Just that nice about it. And he had bid it and he had gotten it, and he decided he didn't want it and if you wanted it you could have it.

Mr. DECABIA. That is what he said to me, sir.

The CHAIRMAN. That is what he said to you?

Mr. DECABIA. Yes, sir.

The CHAIRMAN. Did he tell you why he bid on it?

Mr. DECABIA. No, he didn't tell me why he bid on it, he just explained he was having trouble.

The CHAIRMAN. You are the only two that actually bid on it, were you not?

Mr. DECABIA. I don't know, sir.

Mr. KENNEDY. We do not have the bid sheet on that.

The CHAIRMAN. Well, one of you is not telling the truth.

Mr. DECABIA. Well, I am telling you the truth, sir.

The CHAIRMAN. If you are, you are doing it with a smile.

Mr. DECABIA. I have nothing to hide.

The CHAIRMAN. Bring that witness back here.

TESTIMONY OF ANGELO RECCHIA—Resumed

The CHAIRMAN. Would you sit right down there?

Now, you boys be a little slow about the pictures for a minute or two, and let us see if we can get this thing.

Mr. Recchia, you have heard Mr. DeCabia testify here, have you?

Mr. RECCHIA. Could I turn around and look at his face and call him a goddam liar? That is about the only thing I can say.

The CHAIRMAN. I don't think that that language is quite necessary.

Mr. RECCHIA. Excuse my expression.

The CHAIRMAN. You may be on the air, and that is not very becoming and you can settle those things some other way. You are here before a committee, and I want to get the truth.

Mr. RECCHIA. I heard him.

The CHAIRMAN. He said you just had too much work and you wanted to turn this contract over to him.

Mr. RECCHIA. To say the most, it is not afterhours work for my men, who start at 5 o'clock in the morning. I have 4 trucks in that area, and my men could dump and pull in the garage at 12 or 12:30 and not even have 8 hours of work, and that is proving it. I must have had time.

The CHAIRMAN. It is a little difficult to understand you.

In other words, your men start out on this job——

Mr. RECCHIA. At 5 o'clock in the morning.

The CHAIRMAN. They are through by what time?

Mr. RECCHIA. At 12 or 12:30, as late as 1 o'clock, and not even 8 hours' work.

The CHAIRMAN. You didn't even have 8 hours' work for your men in that area at the time?

Mr. RECCHIA. In other words, I could have done that, plus more, to put in 8 hours' work per man.

The CHAIRMAN. You could have done that?

Mr. RECCHIA. Plus more.

The CHAIRMAN. And you could have done more in order to get in 8 hours of work?

Mr. RECCHIA. That's right. My men only put in 8 hours' work on a Monday morning. That's about all.

The CHAIRMAN. On a Monday morning?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. That is the only time they put 8 hours in?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. And the rest of the week?

Mr. RECCHIA. They put in 7 or 7½ hours.

The CHAIRMAN. Did you have to pay them for 8 hours?

Mr. RECCHIA. They always get paid for 8 hours.

The CHAIRMAN. Whether they worked 8 hours or not?

Mr. RECCHIA. Regardless of what hours they worked.

The CHAIRMAN. You had to pay for 8 hours?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. Now, do you want to state again that you were threatened about this thing?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. Was he present there?

Mr. RECCHIA. He was president of the association, plus he was present at the meeting.

The CHAIRMAN. He was president of the association and present at the meeting?

Mr. RECCHIA. That's right.

Mr. KENNEDY. You also had the Mitchel Air Force Base contract, which was right in that area?

Mr. RECCHIA. Right next door, and the Santini Housing is right next door to Mitchel Field and Mitchel Manor. They are all in one area.

Mr. KENNEDY. And you turned over this contract to Mr. DeCabia?

Mr. RECCHIA. That's right.

Mr. KENNEDY. Did you have to pay any legal fees?

Mr. RECCHIA. My lawyer's.

Mr. KENNEDY. How much did you have to pay for that?

Mr. RECCHIA. I don't remember.

Mr. KENNEDY. \$250?

Mr. RECCHIA. I can't tell you, but I had to pay a lawyer's fee.

Mr. KENNEDY. So you had to put out some money?

Mr. RECCHIA. Yes; plus the service which I had to do, and he collected the money.

Mr. KENNEDY. Did that happen? Did he do a month and a half service for you?

Mr. DeCABIA. No, sir.

Mr. RECCHIA. My checks will show, and my checks will prove it.

The CHAIRMAN. They can be made available?

Mr. RECCHIA. Yes; and it will show that he got 1½ months' collection, which I did a month and a half. I did 2 months' collection, and he was good enough in the end to give me half a month out of that.

The CHAIRMAN. You did 2 months' work?

Mr. RECCHIA. That's right.

The CHAIRMAN. On that contract?

Mr. RECCHIA. Yes, sir; and I only got paid for half a month.

The CHAIRMAN. As I understood your earlier testimony, the checks came in your name; did they?

Mr. RECCHIA. Yes.

The CHAIRMAN. The checks from the Government in payment of those 2 months?

Mr. RECCHIA. They came to me; yes, sir.

The CHAIRMAN. And then you in turn wrote your check?

Mr. RECCHIA. To this company.

The CHAIRMAN. Or to this man for the same amount that you got.

Mr. RECCHIA. Exactly the same amount.

The CHAIRMAN. I think that can be checked pretty well.

Mr. RECCHIA. That will show you that he is making a false statement.

**TESTIMONY OF CARMEN DeCABIA, ACCOMPANIED BY HIS COUNSEL,
JAMES J. McDONOUGH—Resumed**

The CHAIRMAN. You say he didn't do any work on this contract; is that right?

Mr. DeCABIA. No, sir; he worked 2 months on that contract and he worked the month of July and August.

The CHAIRMAN. Did you get the money for it?

Mr. DeCABIA. I did not.

The CHAIRMAN. Did he give you checks?

Mr. DeCABIA. Yes, sir.

The CHAIRMAN. What for?

Mr. DeCABIA. From September 1, from the year it started in 1955 to the last day of June, of 1956, sir. There were 10 checks involved, \$340 apiece.

The CHAIRMAN. Well, I am talking about for this 2 months that he actually did the work.

Mr. DeCABIA. I never received anything at all for those 2 months.

Mr. McDONOUGH. May I clarify this a bit?

The CHAIRMAN. If someone could clarify it, it would help.

Mr. McDONOUGH. The contract ran from July 1, 1955, to June 30, 1956, and this contract, the subletting contract, so to speak, ran from September 1, 1955 to June 30, 1956. What the witness DeCabia now says is that he handled the contract and he was paid for it from September 1, 1955 to June 30, 1956, and received no other moneys.

The CHAIRMAN. In other words, he didn't take over the contract then according to your version of it, until it had run for 2 months.

Mr. McDONOUGH. That is correct.

The CHAIRMAN. The question is, let me see, during that 2 months, the first 2 months of the contract, when did you make any payments to DeCabia here?

TESTIMONY OF ANGELO RECCHIA—Resumed

Mr. RECCHIA. It took some time. It took about a month arguing over this, and then he went away on vacation, and I had to wait until he came back, and before he got back I took off on vacation and we had to wait that long, and that is why it took 2 months.

The CHAIRMAN. Do you have the checks showing what it was paid for?

Mr. RECCHIA. I don't have them with me.

The CHAIRMAN. I didn't say with you.

Mr. RECCHIA. My accountant should have them.

The CHAIRMAN. Someone is not telling the truth here, and someone is just simply perjuring himself before this committee. I am going to order you to go back and get your checks and make them available to this committee. I want to get this thing straight. If we have perjurers up here, and I think we have one right now, I want to get it in the proper processes for adjudication. I don't know who it is, and it doesn't make any difference to me. I am going to order you to get your checks and submit them to this staff at your earliest convenience.

How soon do you think you can have them?

Mr. KENNEDY. It is possible that another witness can throw some more light on this, and we expect to call him.

The CHAIRMAN. All right, stand by, but in the meantime, get your checks that you paid him here for that period of time.

Let me ask you, after you took over the contract, Mr. DeCabia, did the checks come from the Government to you?

Mr. DECABIA. No, sir.

The CHAIRMAN. They continued to come through him?

Mr. DECABIA. Trio Carting Co., Inc.

The CHAIRMAN. That is your company?

Mr. RECCHIA. Yes, sir.

The CHAIRMAN. How would you get your money?

Mr. DECABIA. He sent his checks to me.

The CHAIRMAN. You mean the Government checks?

Mr. DECABIA. No, sir.

The CHAIRMAN. He would always send his checks?

Mr. DECABIA. He would always send his checks to me.

The CHAIRMAN. And it always ran \$340 a month under the contract?

Mr. DECABIA. Yes, sir.

The CHAIRMAN. Now you get your checks, and we can tell pretty well whether you paid him for 12 months or whether you paid him for 10. I think that will pretty well settle the issue, and you gentlemen may stand aside for the present.

Mr. Counsel, call the next witness.

Mr. KENNEDY. If you could sit right back there.

Mr. McDONOUGH. Mr. Greene indicated you might want to call me on some other unrelated matter. Do you, or don't you?

Mr. KENNEDY. Could you stand by and we can see.

The CHAIRMAN. You want to be here while your client is here, and we will try to determine that.

Mr. KENNEDY. Mr. Parise.

The CHAIRMAN. You solemnly swear the evidence you shall give before this Senate Select Committe will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PARISE. I do.

TESTIMONY OF PETER J. PARISE

The CHAIRMAN. State your name, and you place of residence and your business or occupation.

Mr. PARISE. Peter J. Parise, P-a-r-i-s-e, 351 Duck Pond Drive, Wantagh, W-a-n-t-a-g-h, Long Island, N. Y.

The CHAIRMAN. What is your business?

Mr. PARISE. Garbage collector.

The CHAIRMAN. You waive counsel?

Mr. PARISE. I do, sir.

The CHAIRMAN. How long have you been in the garbage collection business?

Mr. PARISE. Eleven years.

Mr. KENNEDY. You were a member of the association, Mr. Parise?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. I am going to go into that in some detail a little later on, but I want to ask you and get right to the point immediately, regarding the Mitchel Air Force Base contract. Were you familiar with that contract?

Mr. PARISE. In one meeting; yes, sir.

Mr. KENNEDY. Would you tell us what transpired at that meeting?

Mr. PARISE. It was a board of directors meeting, and——

Mr. KENNEDY. You were on the board of directors?

Mr. PARISE. Yes, sir. It seemed there was some discrepancy between Trio, and I don't know his name, and I only know him as "Trio," and Carmine DeCabia. And it seemed there had been an agreement between them and Trio against the agreement to underbid Carmine.

Mr. KENNEDY. How did you understand that?

Mr. PARISE. Well, he was brought up on charges.

Mr. KENNEDY. Who brought him up on charges?

Mr. PARISE. Carmine DeCabia.

Mr. KENNEDY. Carmine DeCabia brought the Trio man, Angelo Recchia, up on charges before the board of directors on the ground that he had underbid him on a contract in which they had agreed to go along?

Mr. PARISE. That is right.

Mr. KENNEDY. And on a contract at Mitchel Field where Carmine DeCabia was to get the contract? Is that right?

Mr. PARISE. So I understand.

Mr. KENNEDY. That was explained to you at the meeting?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. And was Mr. Squillante there?

Mr. PARISE. I don't think so.

Mr. KENNEDY. You do not know?

Mr. PARISE. I think Jerry Mancuso was there.

Mr. KENNEDY. And what transpired at the meeting, and what did you decide to do?

Mr. PARISE. It was quite a heated argument, and Trio was kind of afraid that things were going to be done to him, and he was told that he had to give up the contract. I took him aside and I said, "If you gave your word or you agreed to a thing, you have to live up to it and you have to keep your word," and he said he would like to but he doesn't know how to get out of it; he is afraid.

The CHAIRMAN. That took place at a board meeting?

Mr. PARISE. Yes, sir.

The CHAIRMAN. Was Mr. DeCabia there?

Mr. PARISE. Yes, sir.

The CHAIRMAN. He knows about it, then; does he?

Mr. PARISE. He should; he was concerned with Trio.

The CHAIRMAN. He was the one who brought the charges on this contract?

Mr. PARISE. Yes, sir.

The CHAIRMAN. He is the one that made the complaint?

Mr. PARISE. Yes, sir.

The CHAIRMAN. He is the one who caused the board to meet to consider the charges?

Mr. PARISE. Yes, sir.

The CHAIRMAN. And you know he knows about it?

Mr. PARISE. He should know about it, sir.

The CHAIRMAN. You were there.

Mr. PARISE. Yes, sir.

The CHAIRMAN. He was there.

Mr. PARISE. Yes, sir.

The CHAIRMAN. And Trio was there.

Mr. PARISE. Yes, sir; and other members of the board.

The CHAIRMAN. And that was the subject of discussion?

Mr. PARISE. Yes, sir.

The CHAIRMAN. They claimed that he had made an agreement not to bid, or to overbid?

Mr. PARISE. That is right.

The CHAIRMAN. And he violated it, and therefore he was subject to a penalty, or some disciplinary action by the board?

Mr. PARISE. Yes, sir.

The CHAIRMAN. And you know that that took place?

Mr. PARISE. Absolutely.

The CHAIRMAN. Are there any questions?

Mr. KENNEDY. Hadn't you in fact participated in the penalty against Trio?

Mr. PARISE. In a manner, yes.

Mr. KENNEDY. Hadn't you in fact written a letter to Sunrise Stores recommending that they leave Trio and take General Sanitation.

Mr. PARISE. Oh, no, no.

Mr. KENNEDY. At least you recommended General Sanitation?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. So you participated in that?

Mr. PARISE. I had no knowledge that Trio was going to have those stores taken away from him.

Mr. KENNEDY. You hadn't known that?

Mr. PARISE. No, sir.

Mr. KENNEDY. You did write the letter recommending General Sanitation?

Mr. PARISE. The reason I wrote the letter or I had the letter written was that Anunzio came to me and said, "Nobody knows me and I am trying to do business with people and nobody knows me. Why don't you write a letter of recommendation?"

Sometimes you do awfully stupid things, and it turned out it was a stupid thing for me to do.

The CHAIRMAN. Is this a copy of the letter that you have referred to?

Mr. PARISE. Yes, sir.

The CHAIRMAN. It may be made exhibit No. 10.

(The document referred to was marked "Exhibit No. 10" for reference and will be found in the appendix on p. 7031.)

The CHAIRMAN. That is in relation to this controversy?

Mr. PARISE. No; I didn't know that had anything to do with it.

Mr. KENNEDY. It does have something to do with it, although your testimony is that you did not know, but in fact these stops were the ones that were taken away from Trio.

Mr. PARISE. I didn't know that and I didn't know they were going to be taken away, and in fact—

Mr. KENNEDY. Actually, in fact, they did have something to do with it.

Mr. PARISE. As it turned out, that is why I say it proved to be very stupid to write such a letter, and I had no knowledge, and I never would have written the letter had I known that. I don't believe in force, because I won't let them apply it against me, sir.

The CHAIRMAN. I can believe you. If I were your size, I wouldn't let them apply it against me. They respect you?

Mr. PARISE. They have to; I am an American.

The CHAIRMAN. You didn't believe in force against this other fellow?

Mr. PARISE. I don't believe in force.

The CHAIRMAN. You believe in him keeping his word?

Mr. PARISE. That is all. If he had given his word, sure; he should have kept it. That is my only interest in that; and if he had given his word, he said he made a mistake, an honest mistake. Now, what transpired thereafter I know nothing about, nor anything that happened before. I didn't know they bid against one another.

The CHAIRMAN. But you do know that DeCabia—

Mr. PARISE. I truthfully know, sir.

The CHAIRMAN. That DeCabia brought charges against him and had him before the board on this contract, claiming that he had violated his agreement?

Mr. PARISE. Truthfully so.

Mr. KENNEDY. We had the testimony of Mr. Montesano on the same point, and about the board bringing charges.

The CHAIRMAN. Was Mr. Montesano there at the time?

Mr. PARISE. There were quite a few, and there would be other members there concerned on other cases, and I would say there were 30 men in the room.

The CHAIRMAN. Do you know Montesano?

Mr. PARISE. He just took \$7,000 worth of work from me, and I know him.

Correction, \$8,000. And I didn't threaten to shoot him, either.

The CHAIRMAN. I believe that would impress your memory for a little while at least. What I wanted to ask you—you know him—do you recall that he was at that meeting?

Mr. PARISE. I believe he was.

The CHAIRMAN. Were you there?

Mr. MONTESANO. Yes, sir; I was.

The CHAIRMAN. You were there?

Mr. MONTESANO. Yes, sir.

The CHAIRMAN. You were there when Mr. Parise was there?

Mr. MONTESANO. Yes, sir.

The CHAIRMAN. And when they brought the other man, Recchia, up before the board?

Mr. MONTESANO. I was.

The CHAIRMAN. And Mr. DeCabia was there bringing the charges?

Mr. MONTESANO. That is right.

The CHAIRMAN. And raising the dickens about this contract and him having breached his word?

Mr. MONTESANO. That is right.

The CHAIRMAN. You swear that positively, and you know it?

Mr. MONTESANO. Yes, sir.

The CHAIRMAN. Both of you do?

Mr. PARISE. Definitely.

The CHAIRMAN. Thank you.

I want Recchia to get those checks up. Is he here?

You get those checks.

Mr. KENNEDY. You own the Nassau Sanitation Co.?

Mr. PARISE. Since September of last year completely; yes, sir.

Mr. KENNEDY. And prior to that time?

Mr. PARISE. My sons and Mrs. Parise, my wife.

Mr. KENNEDY. When did you first hear from the union? Were you requested to become a member of the union?

Mr. PARISE. Requested? January 1952.

Mr. KENNEDY. What happened?

Mr. PARISE. Previously they had come before we had the Levittown contract. Joe Capola brought them in. I had given him the Levittown collection service free when it was a private collection service. He made such a mess of it they put it out on bids and we were the successful bidders, starting January 1, 1952. He said that he was going to work in Levittown, would it be all right for him to join the union. He was a union man and he had a union contract and had to carry on under the contract.

Mr. KENNEDY. When did you first hear from the union?

Mr. PARISE. That was about July, I would say, of 1951.

Mr. KENNEDY. Did you join the union at that time?

Mr. PARISE. No. I gave them a check.

Mr. KENNEDY. What about Adelstein? Had you had conversations with Adelstein?

Mr. PARISE. Yes, at that time.

Mr. KENNEDY. Had Adelstein talked to any members of your family prior to that time?

Mr. PARISE. No, sir.

Mr. KENNEDY. Had there been any threats made against you or your family?

Mr. PARISE. Not at that time, no, sir.

Mr. KENNEDY. Was there subsequently?

Mr. PARISE. Possibly.

Mr. KENNEDY. What?

Mr. PARISE. Possibly.

Mr. KENNEDY. What happened?

Mr. PARISE. Well, early in January he came to my shop on Merrick Road, and said he had the men. I told him I didn't think so. He said "Well, I have the men." It took him all afternoon and early in the evening to convince the men to join the union. Finally he came with slips and he said, "You see, I have the men."

I said "All right, if you got the men, all right. But I don't have to join the union. I don't have to."

He said, "What's the sense of having trouble? Do you know I can do this to you?"

I said "You can't do anything, because I won't let you. If you want to talk like a man, all right, I will let you. If you don't call him down, I will throw you out the door."

He called him down. He held enough votes in his hand. In fact, he had nearly 100 percent of them, he said.

Mr. KENNEDY. Did your wife receive any threatening calls?

Mr. PARISE. She seemed to think she did.

Mr. KENNEDY. You don't know whether she did or not?

Mr. PARISE. Well, she got a call, all right, and she said, "Nobody is going to threaten me." He said, "Who threatened you?" And she said "I think it was Bernie Adelstein."

I said, "Over the telephone, you can't prove anything."

She said, "I think it was Bernie Adelstein."

I said, "I will go out and get him."

I went out and got Bernie Adelstein, and I took him home, and he said he didn't threaten her. There was no proof. Somebody threatened her, and I went out and got Bernie Adelstein and took him to my house.

Mr. KENNEDY. You were in the association at this time and finally joined the union?

Mr. PARISE. No, not then. I didn't get into the association until long after, until just before the new contract come in. The new contract come in on January 1, 1954, so I was asked to meet with the association members, I think it was in November of 1953. Wait a minute. 1954. The new contract was 1955, 1956, and 1957. November of 1954. Our new contract started January 1, 1955.

Mr. KENNEDY. When did you first meet Mr. Vincent J. Squillante?

Mr. PARISE. About October or November of 1954.

Mr. KENNEDY. He came out?

Mr. PARISE. Well, I had been asked to join this association, and I didn't want to. Our type of business was entirely different than the rest of them. We only did work for the townships on contract, bidding. We had no outside work. So I didn't see any reason for us to join. But some of the garbage collectors seemed to think that we being the biggest, if we didn't come in, they couldn't get together or couldn't do anything, and we were keeping them from getting together. I didn't want them to think that we were so superior. As I went down.

As I entered the door, I saw this very pleasant young man who introduced himself to me, and he said "Pete Parise, you are the man I want to meet." He was very nice to me.

Mr. KENNEDY. So you liked him?

Mr. PARISE. I still do. I don't like some of these things he has done.

Mr. KENNEDY. Did you bring him back to the association?

Mr. PARISE. He was there in the association. I met him there at the hall in Belmore.

Mr. KENNEDY. What was the name of the association?

Mr. PARISE. Intercounty, I think it is.

Mr. KENNEDY. Intercounty. Did you decide then that you would join the Intercounty?

Mr. PARISE. The way it was put to me, it was that if I didn't go in there, they couldn't get anywhere, because I had the most men in the union, the biggest amount of work and everything, and so I thought maybe we could help our fellow man, and I went in.

Mr. KENNEDY. In being anxious to help your fellow man, did Mr. Squillante tell you how the association was going to operate at that time?

Mr. PARISE. No; this was done gradually, very adroitly.

Mr. KENNEDY. He told you what could be done about the whip company and that type of operation?

Mr. PARISE. Not at that time.

Mr. KENNEDY. Subsequently?

Mr. PARISE. You see, they were worried about me, because I am a little stubborn mule. I like to do things my own way. I think I was handled extra special, with kid gloves.

Mr. KENNEDY. Did he subsequently—I want to move along—did he subsequently tell you about the whip company and how it would operate?

Mr. PARISE. That is right.

Mr. KENNEDY. And how this would make the industry more stable, having you belong to the union and having this association and all of the operations we have had discussed here the last day or so? Is that right?

Mr. PARISE. That is right.

Mr. KENNEDY. Were you familiar with Mr. Gerdich?

Mr. PARISE. Gerdich, yes.

Mr. KENNEDY. He operated a carting company out there?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. And had local 813 struck his shops?

Mr. PARISE. No. They took—well, let's say he lost work because he wasn't a member of the union.

Mr. KENNEDY. Did you take him to see Vincent J. Squillante?

Mr. PARISE. I did.

Mr. KENNEDY. Did you take him to get him back into the association?

Mr. PARISE. I took him back. Louis wanted to get his work back, and Louis asked me would I intercede with Jimmy for him. I did. I took him to New York. I think it is 1078 Madison Avenue.

Mr. KENNEDY. Was there some discussion about particular stops?

Mr. PARISE. Yes; he had lost particular stops.

Mr. KENNEDY. Helena Rubenstein?

Mr. PARISE. That was one of them.

Mr. KENNEDY. Was there a discussion about payment to get the stop back?

Mr. PARISE. Yes.

Mr. KENNEDY. How much?

Mr. PARISE. \$2,500 was to be paid by Louis Gerdich.

Mr. KENNEDY. \$2,500 was to be given to whom?

Mr. PARISE. Squillante or someone.

Mr. KENNEDY. Mr. Gerdich, to get back into the association and get the stop back, he had to pay \$2,500 to Mr. Squillante?

Mr. PARISE. That is right, just for that one stop, Helena Rubenstein.

Mr. KENNEDY. That stop had been taken by General Sanitation?

Mr. PARISE. No; I don't think it was General Sanitation.

Mr. KENNEDY. But \$2,500 had to be paid?

Mr. PARISE. That is right.

Mr. KENNEDY. Was that \$2,500 paid?

Mr. PARISE. \$500 was paid, to my knowledge.

Mr. KENNEDY. What happened?

Mr. PARISE. I bought a truck from Louis Gerdich.

Mr. KENNEDY. What happened to the rest of the money?

Mr. PARISE. I don't know. I don't think it was ever paid. He died.

Mr. KENNEDY. Without the \$2,500 being paid?

Mr. PARISE. Yes. He died naturally, by the way.

The CHAIRMAN. That is worthy of note.

Mr. PARISE. I didn't want to get a misconception of the thing.

Mr. KENNEDY. What about the General Sanitation, the so-called whip firm. How did that originate?

Mr. PARISE. Jimmy asked me to help his brother. He said he wanted to get him off his back, and he would like to have his brother do something on his own. I helped him organize the General Sanitation. It was he and Lou Michaels, and their wives, who were the owners of stock and officers in the corporation.

Mr. KENNEDY. Louis Michaels? Has he got another name?

Mr. PARISE. Well, I now know that his name is—Iannacine, is it?

Mr. KENNEDY. Louis Iannacine?

Mr. PARISE. I believe that is it.

Mr. KENNEDY. We have not put his record in yet.

The CHAIRMAN. Iannacine's record?

Mr. KENNEDY. Yes.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Do we have Iannacine's record?

Mr. KELLY. We do, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. KELLY. The following is the criminal record of Louis Iannacine, known to the New York City Police Department as B-186102. Arrested on December 5, 1939, New York City, by the New York County district attorney's office as Louis Iannacine—extortion and conspiracy. On June 10, 1940, received 7 to 14 years in Sing Sing Prison. Details of that case were noted in the New York Post of June 10, 1940, as follows:

General Sessions Judge Wallace today sentenced to long prison terms 4 of 6 men convicted last month on charges of operating a labor shakedown in the retail fruit and vegetable industry. He called the defendants labor racketeers who gained control of a union, Local No. 1204, Retail Food Clerks, A. F. of L., solely to use it to extort money. Those sentenced today were—

and it names four men, and among them is Louis Iannacine, 28, treasurer of the local, that is, local 1204, sentenced to 7 to 14 years, Sing Sing Prison.

Mr. KENNEDY. And he has another name also, does he?

Mr. KELLY. Louis Iannacine is also known as Louis Michaels.

Mr. KENNEDY. So Louis Iannacine was the first partner of Nunzio Squillante?

Mr. PARISE. And their wives.

Mr. KENNEDY. The names of their respective wives?

Mr. PARISE. The wives were in with them. Two men and two wives.

Mr. KENNEDY. Did you put up the money to establish General Sanitation?

Mr. PARISE. I foolishly did.

Mr. KENNEDY. Did you understand that this was to be the whip firm out there?

Mr. PARISE. No, sir. I would not have given them the money. This was distinctly, as explained to me, to help them get some work. They did go out to get some work, but I don't think they ever got any in the first 6 or 7 weeks.

Mr. KENNEDY. As I understand, you understood that the area was to be split into districts and territories?

Mr. PARISE. That was the general idea of the association; yes, sir.

Mr. KENNEDY. And that was all operated by Jimmy Squillante, is that right? He was the head of it?

Mr. PARISE. You see, everything was passed by the meeting there. They are all running away from their responsibility. All these things were voted at a meeting held there. They are all running away from their responsibility. All these things were voted at a meeting held there.

Mr. KENNEDY. Including yourself?

Mr. PARISE. Yes.

Mr. KENNEDY. You did?

Mr. PARISE. Yes.

Mr. KENNEDY. You participated?

Mr. PARISE. Yes.

Mr. KENNEDY. Did you ultimately or subsequently withdraw from the Inter-County Cartmen's Association?

Mr. PARISE. I did.

Mr. KENNEDY. Why was that?

Mr. PARISE. I didn't like things that were going on. It became evident then that we weren't going to have an association to better the bargaining business or the people. It was just to better the garbage collector, and some of the ways I didn't like. I didn't want to become part of it.

Mr. KENNEDY. Were you requested at that time when you withdrew to put up security?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. How much money did the union want you to put up as security?

Mr. PARISE. It would have been around \$24,000.

Mr. KENNEDY. Was it actually \$28,000?

Mr. PARISE. It could be; yes. I had that many men.

Mr. KENNEDY. About \$28,000?

Mr. PARISE. It could be; yes.

Mr. KENNEDY. It could be? Did they request that money?

Mr. PARISE. Yes. They requested \$300 plus \$3,000 per man, and at that time I think I had 82 workmen.

Mr. KENNEDY. That is a lot of money. About \$26,000, is that right?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. Did you refuse to put up the security?

Mr. PARISE. I certainly did.

Mr. KENNEDY. Had you put up security prior to that time?

Mr. PARISE. No, sir.

Mr. KENNEDY. Had you been bothered by the union while you were in the association?

Mr. PARISE. No, not while I was in the association.

Mr. KENNEDY. After you got out of the association were you?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. And you refused to put up the \$26,000?

Mr. PARISE. Absolutely.

Mr. KENNEDY. Did anybody come to you and say they could end your union troubles?

Mr. PARISE. Did they what?

Mr. KENNEDY. Did anybody come to you after that and say they would end your union difficulties? Rose Anelli?

Mr. PARISE. This was recently. The union and I have never gotten along.

Mr. KENNEDY. What did Rose Anelli—

Mr. PARISE. I am not against unions. I want that understood. I am against the way unions are run. I am for unions.

Mr. KENNEDY. Some unions.

The CHAIRMAN. What about the one you had an experience with?

Mr. PARISE. I am against the way it is run.

Mr. KENNEDY. What did Rose Anelli tell you?

Mr. PARISE. She and her brother Mike said that it could be fixed through a rabbi that they knew.

Mr. KENNEDY. What did they mean by a rabbi?

Mr. PARISE. I don't know. You better tell me.

Mr. KENNEDY. Do you understand what was meant?

Mr. PARISE. I understand what was meant, but I took it up with the union delegate.

Mr. KENNEDY. Explain the term, "getting the rabbi."

Mr. PARISE. I don't know. They knew somebody who had some power in the union.

Mr. KENNEDY. A rabbi is another word for a fixer, is that right?

Mr. PARISE. That is right. And if I put somebody on my payroll, I would not have any more union trouble. I would rather have the union trouble, which I am still having.

Mr. KENNEDY. How much did you have to pay the union rabbi?

Mr. PARISE. \$100 to \$150 a week. Possibly \$200 a week.

Mr. KENNEDY. You refused to do that?

Mr. PARISE. I asked the delegate if anything was possible, and he said, "If you got any money, give it to a charity. It will do you more good. Nobody can fix anything."

Mr. KENNEDY. Did you know of her association with Carmine Tramunti?

Mr. PARISE. I don't know.

Mr. KENNEDY. Or Tony "Ducks" Corallo?

Mr. PARISE. No.

Mr. KENNEDY. Do you know if she was having to live up to the terms of the contract?

Mr. PARISE. I know she didn't.

Mr. KENNEDY. You know she did not?

Mr. PARISE. Yes.

Mr. KENNEDY. Do you know what arrangements she had with the union that allowed her not to live up to the terms of the contract?

Mr. PARISE. No. But some of her men came to work for me and when I paid them the first week, they brought the check back, thinking I made a mistake.

Mr. KENNEDY. What about the dance that was held by Mr. Adelstein? Did he run a dance?

Mr. PARISE. I think it is once a year?

Mr. KENNEDY. What arrangements were made about that? Was that a union dance?

Mr. PARISE. Yes. Men were sent tickets and I was told to take \$5 out of the men's pay and forward it to them.

Mr. KENNEDY. You had to do that?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. \$5 for every employee?

Mr. PARISE. That is right.

Mr. KENNEDY. And send it in to Mr. Adelstein, is that right?

Mr. PARISE. To the union.

Mr. KENNEDY. Who ran the union? Adelstein, did he not?

Mr. PARISE. I don't know.

Mr. KENNEDY. Who did you understand? Of course you know who ran the union. Who did you understand operated the union?

Mr. PARISE. I couldn't get anywhere with Bernie Adelstein, so I don't know who ran the union.

Mr. KENNEDY. Mr. Bernie Adelstein was the one who was operating the union; was he not?

Mr. PARISE. Presumably; yes.

Mr. KENNEDY. Did you have any discussions with Mr. Migliore regarding the directions for the dance?

Mr. PARISE. I did.

Mr. KENNEDY. What did you tell him?

Mr. PARISE. I asked what if the men complained, and he said "If they complain, have them get in touch with me, but take the money out."

Mr. KENNEDY. Take the money out of their pay?

Mr. PARISE. Yes.

Mr. KENNEDY. Did you do that?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. And sent it in?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. Are you a member of the union?

Mr. PARISE. Yes; not that they wanted me, but I wouldn't sign unless they took myself and my sons.

Mr. KENNEDY. Did Mr. Squillante used to bring individuals out to the association meetings?

Mr. PARISE. Yes.

Mr. KENNEDY. A lot of different people?

Mr. PARISE. Yes.

Mr. KENNEDY. Was anybody out there more frequently than others?

Mr. PARISE. His nephew Jerry.

Mr. KENNEDY. Jerry Mancuso?

Mr. PARISE. And Jimmy Rosetti.

Mr. KENNEDY. What was Mr. Rosetti's position?

Mr. PARISE. He was president of the New York Cartmen's Association.

Mr. KENNEDY. Did you ever meet the "Professor"?

Mr. PARISE. Yes.

Mr. KENNEDY. Did he ever have any official position?

Mr. PARISE. Not that I know of.

Mr. KENNEDY. That was C. Don Modica?

Mr. PARISE. Yes.

Mr. KENNEDY. He was at your association's meetings?

Mr. PARISE. Yes.

Mr. KENNEDY. What was he doing out there?

Mr. PARISE. I don't know.

Mr. KENNEDY. Did you know what his connection was?

Mr. PARISE. No.

Mr. KENNEDY. Did he just come to all the meetings?

Mr. PARISE. No; he didn't come to all the meetings.

Mr. KENNEDY. But he came to a number of them?

Mr. PARISE. Some of them.

Mr. KENNEDY. What was he doing there?

Mr. PARISE. I don't know.

Mr. KENNEDY. Did you ask about him?

Mr. PARISE. No.

Mr. KENNEDY. You didn't ask? Why didn't you ask?

Mr. PARISE. I like to mind my business. I don't mean this as fresh. But I didn't know what his connection was. I had had an experience in New York. I was talking to the professor one day at 1078 Madison Avenue, and Jimmy called me and said "Don't talk to him." I said "What's the matter? What's the matter?" He said "I don't want you to talk to him." I said "He is your man here, isn't he?" And he said "Don't talk to him. Mind your business." So from then on I had nothing to do with him.

The CHAIRMAN. Jimmy told you that, the one running the association?

Mr. PARISE. Yes, sir.

Mr. KENNEDY. How did Jimmy and the professor get along?

Mr. PARISE. I don't know. I don't think so.

Mr. KENNEDY. They didn't get along?

Mr. PARISE. There was no open conflict, but when Jimmy told me he didn't want me to talk to the professor, I am over 21, I assume there is a line between them somewhere.

Mr. KENNEDY. Can you give us any explanation as to why Jimmy kept bringing him out there, if he didn't like him?

Mr. PARISE. I don't know, sir.

Mr. KENNEDY. What impression did you get about what his position was out there?

Mr. PARISE. Well, I would say he was a watchdog.

Mr. KENNEDY. For whom?

Mr. PARISE. I don't know, honestly.

Mr. KENNEDY. Who did you think, who did you presume he was watching for?

Mr. PARISE. I didn't know until the last couple of weeks, until I read it in the papers.

Mr. KENNEDY. But you thought he was watching for someone? You thought he was a watchdog for someone?

Mr. PARISE. Evidently; yes. It was very evident.

Mr. KENNEDY. Have you come to the conclusion now who he was a watchdog for?

Mr. PARISE. The newspapers are telling all of us that he was Anastasia's man. That is the first I knew he was.

Mr. KENNEDY. But you knew he was a watchdog for someone?

Mr. PARISE. It appeared to be; yes.

Mr. KENNEDY. He kept coming out with Jimmy, he came with Jimmy but Jimmy didn't seem to like him; is that right?

Mr. PARISE. No; there was no apparent hatred. But it is as if you and I went to a place, and we didn't like one another, but we went to the same place.

The CHAIRMAN. In other words, Jimmy would consult this professor about decisions he made? Did you observe that?

Mr. PARISE. No, sir. He may have done it at other times, but I never observed that.

The CHAIRMAN. I am just trying to get your impression. But he was there, as you thought, from your observations, he was there for a purpose. He wasn't just there for a visit?

Mr. PARISE. I believe so, sir. But as I said, he didn't come too often to the meetings out here.

Mr. KENNEDY. Did you know what relationship he had with the New York City Cartmen's Association?

Mr. PARISE. No, sir.

Mr. KENNEDY. Do you know if he was a salaried employee of that organization?

Mr. PARISE. I couldn't tell you. You see, after Jimmy told me not to talk to him, I had to avoid the gentleman.

Mr. KENNEDY. Did you ever know him to be the acting secretary of the Inter-County Cartmen's Association, your association?

Mr. PARISE. No, sir.

Mr. KENNEDY. You never knew that?

Mr. PARISE. He may have been before I got into it. I don't know.

The CHAIRMAN. When did you get into it?

Mr. PARISE. Around November of 1954, sir. It could be October of 1954. You see, we were in a discussion with the union for a new contract, which expired on December 31, 1954. It was at that time that these meetings began to occur.

The CHAIRMAN. What was this professor's name?

Mr. PARISE. Modica.

The CHAIRMAN. For your information, and I will place it into the record, we have here what appears to be the minutes of the meeting of the Inter-County Cartmen's Association, Inc., board of directors meeting, February 9, 1955. These minutes of that meeting appear to be signed by Don Modica, C. Don Modica, Director of Public Relations—acting as secretary.

Mr. PARISE. I think Mr. Monesanto could tell who he had there as secretary. There was a young fellow there. I don't recall his name. The association had appointed a young man.

The CHAIRMAN. Well, he says director of public relations.

Did you know that as his capacity?

Mr. PARISE. No, sir.

The CHAIRMAN. At that particular meeting, it indicates that he was acting as secretary of that meeting.

Mr. PARISE. Either that or the notes could have been taken to New York and transcribed, sir.

Mr. KENNEDY. Why was that done; that they were taken to New York?

Mr. PARISE. I don't know.

Mr. KENNEDY. That is all.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. I just have a couple of questions.

You indicate that you are a member of the union——

Mr. PARISE. Yes, sir.

Senator McNAMARA. Because you insist on being a member. The witnesses we have had here previously indicate that they are members of the union because they felt they were compelled to be members of the union. So you are in quite a different role.

Mr. PARISE. May I explain why, sir?

Senator McNAMARA. Yes.

Mr. PARISE. Because if ever I had any trouble, I was going to take those trucks out and work. I wanted to make sure that we would be able to drive those trucks. We were committed by bond. At times I have carried \$600,000 worth of bonds.

Senator McNAMARA. Performance bonds?

Mr. PARISE. Everything we owned was placed to it, and I wasn't going to lose it, sir. Thank God I will conclude December 31, very honorably but broke. I would rather have it that way. I would rather lose the work than have anyone tell me what I should do and what work I shouldn't take.

Senator McNAMARA. So you were a member of the union because if there was any trouble——

Mr. PARISE. My sons also. I am not allowed at any meetings, you understand. Not even my employee meetings.

Senator McNAMARA. You are not allowed to attend?

Mr. PARISE. No, sir; not even of my employee meeting held about a month ago. I cannot meet with my employees.

Senator McNAMARA. Did you protest that?

Mr. PARISE. No, sir; because it doesn't worry me. If men don't like what I say, then they can look for another job. I fire them.

Senator McNAMARA. Have you fired some of them?

Mr. PARISE. You bet I have.

Senator McNAMARA. And you don't get into any particular trouble over it?

Mr. PARISE. No. Just like the threat that they were going to go on strike if I didn't put the security money up. They took me to the mediation board.

Senator McNAMARA. The New York State Mediation Board?

Mr. PARISE. Yes, sir. And I told them I wouldn't pay it, and I would still stay in business.

Senator McNAMARA. Did they order you to pay it?

Mr. PARISE. Sure they did. I didn't pay it.

Senator McNAMARA. The New York State Mediation Board ordered you to pay it?

Mr. PARISE. Yes. They kept postponing the case, until finally they forgot about it, I guess. They may take it up tomorrow, because we are not friendly.

Senator McNAMARA. You are a member of the union, but you are not participating in the union affairs?

Mr. PARISE. I am not concerned.

Senator McNAMARA. You just want to be a member——

Mr. PARISE. I am a very selfish person. I am interested in my family, first. I am going to take care of my sons and my family.

Senator McNAMARA. Well, I presume everybody else is in that same category. That is why these other people do some of the things they do, for that same reason, apparently.

Mr. PARISE. But I wasn't frightened, sir.

Senator McNAMARA. Weren't what?

Mr. PARISE. I wasn't frightened, sir. I carry a lot of insurance, sir, and I am going to make my widow rich either by working or by death, and it makes no difference to me which way. I have a very beautiful wife, too. She feels the same way I do. If we can't live free, it is best not to live.

Senator McNAMARA. Well, that sounds very good, but being a member of the union, insisting on being a member of the union, and not going to meetings, not caring when they held meetings, it just doesn't hang together very good.

Mr. PARISE. We don't get a notice of the meetings, sir.

Senator McNAMARA. You don't get a notice?

Mr. PARISE. No. I got one since you people started. Here is my card. I insisted on this, but they didn't want to give it to me.

Senator McNAMARA. You don't complain about the fact that they do not hold meetings?

Mr. PARISE. It would probably start a riot if I went in there.

Senator McNAMARA. When you were told not to talk to the professor, your courage seemed to leave you at that point. I didn't understand.

Mr. PARISE. No; you are mistaken.

Senator McNAMARA. Tell me why I am mistaken.

Mr. PARISE. As far as I knew, the professor had no standing in anything, so there was nothing I could discuss with him, because when we were discussing a subject, it was compost, it was not union. We are one of the few garbagemen that can make compost out of garbage. We enjoy the rights to a patent.

Senator McNAMARA. What has this got to do with talking to the professor?

Mr. PARISE. That is what I was talking to the professor about. Compost. It wasn't union. I wanted you to know what it was about. Jimmie said, "Don't talk to him." So, all right, don't talk to him. The hell with him.

Senator McNAMARA. Don't talk to him; so you don't talk to him?

Mr. PARISE. Don't talk to him.

Senator McNAMARA. Not that you were afraid of talking to him?

Mr. PARISE. No.

Senator McNAMARA. You just didn't want to talk to him any more because Jimmie said not to?

Mr. PARISE. That is right.

Senator McNAMARA. That is all.

The CHAIRMAN. When you spoke about going before the mediation board, about your being ordered to put up the \$300 per man as security, was Mr. Merlyn S. Pitzele chairman of the board at that time?

Mr. PARISE. I wouldn't know, sir.

The CHAIRMAN. When was it that you were carried before the board?

Mr. PARISE. On three occasions. This is one of them.

The CHAIRMAN. I am talking about the one with respect—

Mr. PARISE. I don't know who was there.

The CHAIRMAN. I didn't ask who was there. I said, What time; what year? Do you remember when it occurred?

Mr. PARISE. That would be possibly 1955 or 1956, sir.

The CHAIRMAN. What is the name of your company?

Mr. PARISE. Nassau Sanitation Co., Inc.

The CHAIRMAN. I hand you here a photostatic copy of a letter written on local union 813 stationery, dated February 14, 1956, addressed to Nassau Sanitation Co., signed by Bernard Adelstein. Will you examine that, and state if you identify it?

(A document was handed to the witness.)

The CHAIRMAN. Do you identify the letter?

Mr. PARISE. Yes, sir.

The CHAIRMAN. That may be made exhibit No. 11.

(Document referred to was marked "Exhibit No. 11" for reference and will be found in the appendix on p. 7032.)

The CHAIRMAN. Now I hand you a letter from the New York State Board of Mediation, dated March 12, 1956, addressed to your company. It says:

The issue: Payments to insurance fund, security deposit, union help, not compliance with contract.

That is the subject of the letter. It is signed by Julius J. Matson, district director. Will you examine that letter and state if you identify it and if you received it?

(A document was handed to the witness.)

Mr. PARISE. Yes, sir.

The CHAIRMAN. I believe that letter, if you will look at the stationery, shows that Pitzele was chairman of the board at the time; is that correct?

Mr. PARISE. Well, I don't think he necessarily would be the hearing judge.

The CHAIRMAN. I didn't say that. But he was chairman of the board.

Mr. PARISE. I didn't notice. I know what you are getting at now. Yes.

The CHAIRMAN. The stationery shows it?

Mr. PARISE. I know now what you mean.

The CHAIRMAN. Yes. The first letter was notifying you, since you were out of the association, that the money was due for the security, and to pay it in 48 hours; is that correct?

Mr. PARISE. Yes, sir.

The CHAIRMAN. They gave you 48 hours to get up some \$26,000 or \$28,000?

Mr. PARISE. Yes.

The CHAIRMAN. That last letter will be made exhibit 12.

(Document referred to was marked "Exhibit No. 12" for reference, and will be found in the appendix on p. 7033.)

The CHAIRMAN. Exhibit 12 was notice to you from the mediation board, and you have never complied with it, you never paid it?

Mr. PARISE. Because I was going to go to work anyhow.

The CHAIRMAN. You were going to work anyhow, whether you paid or didn't?

Mr. PARISE. I wouldn't pay it, but I was going to go to work without paying it. They couldn't stop me, and I wouldn't let them.

The CHAIRMAN. You did go to work?

Mr. PARISE. I did. I told the men if they didn't like the way I was doing things, they could get out, and I would put new men in their place. That is why I insisted on having a union card.

The CHAIRMAN. What does that union card do for you?

Mr. PARISE. I would go on as a union man. They couldn't take any stops away from me for being nonunion.

The CHAIRMAN. It is a matter of protection that they couldn't take stops away from you as long as you were in the union yourself?

Mr. PARISE. Yes; that is right. Even though the union gave out lists without my name on them, and I was the biggest member of 813.

The CHAIRMAN. They would give out a list without your name?

Mr. PARISE. They gave a list without my name on it. They gave a list of names, of member firms, but my name wasn't on there.

The CHAIRMAN. Did you make a contract with the union?

Mr. PARISE. I sure did.

The CHAIRMAN. As a member of the union, you, in effect, made a contract with yourself?

Mr. PARISE. No. What isn't right, sir, isn't right, and no one is going to force me to do it.

The CHAIRMAN. I understand. I understand that. I am talking about the situation. You belong to the union that you make a contract with.

Mr. PARISE. If they don't want me in, they can throw me out any time they want. I will still work and I will still collect garbage.

The CHAIRMAN. Well, I believe you will work, too. I am not arguing about that.

Is there anything further?

Mr. KENNEDY. That is all.

Thank you.

Mr. PARISE. You are welcome.

The CHAIRMAN. We will take a 5-minute recess.

(Thereupon, a brief recess was taken.)

(Members of the select committee present at the taking of the recess were Senators McClellan and McNamara.)

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at this point in the proceedings: Senators McClellan and McNamara.)

Mr. KENNEDY. The next witness, Mr. Chairman, is William Rombauts.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROMBAUTS. I do.

TESTIMONY OF WILLIAM ROMBAUTS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. ROMBAUTS. William Rombauts, 45 Arlington Avenue, West Babylon, doing business as Rombauts Refuse Removal.

The CHAIRMAN. Thank you very much.

Do you waive counsel?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. How do you spell your name, please?

Mr. ROMBAUTS. R-o-m-b-a-u-t-s.

Mr. KENNEDY. William Rombauts?

Mr. ROMBAUTS. That's right.

Mr. KENNEDY. You are president of the Rombauts Refuse Removal?

Mr. ROMBAUTS. Right.

Mr. KENNEDY. And you are president of the Suffolk County Garbagemen's Association?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. When did you first become a member of that? The association was formed in the spring of 1954?

Mr. ROMBAUTS. About the spring of 1954.

Mr. KENNEDY. And you had just a few members at that time?

Mr. ROMBAUTS. We had about 7 or 8 members.

Mr. KENNEDY. At that time, each member was paying \$5 per truck per month as his dues?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. And only 1 or 2 of the members, in 1954, were members of the union; is that right?

Mr. ROMBAUTS. In the beginning, no, there wasn't any that belonged to the union.

Mr. KENNEDY. But subsequently one or a couple joined?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. You were an elected president in December of 1954?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. There was an attempt to organize the association members in early 1955?

Mr. ROMBAUTS. Right.

Mr. KENNEDY. At that time, did Mr. Parise, who testified here just prior to your appearance, bring Mr. Joseph Parisi of local 27 out?

Mr. ROMBAUTS. No.

Mr. KENNEDY. Did Mr. Joseph Parisi come?

Mr. ROMBAUTS. Mr. Parisi did come later on, but it was not through Mr. Peter Parise.

Mr. KENNEDY. Did Mr. Parise come to your association meeting?

Mr. ROMBAUTS. He came to one meeting when they had a fellow from the union come out.

Mr. KENNEDY. And to address the members, urging them to join the union?

Mr. ROMBAUTS. No. I don't think Mr. Parisi said anything at that time.

Mr. KENNEDY. He did not address the association?

Mr. ROMBAUTS. No.

Mr. KENNEDY. Who addressed the association for the union?

Mr. ROMBAUTS. It was some gentleman, I do not know his name, but he got up and was speaking about the trust fund of the union.

Mr. KENNEDY. Was there any explanation at that time as to what the union could do for the association?

Mr. ROMBAUTS. No. The union itself did not say anything about that.

Mr. KENNEDY. Did anybody?

Mr. ROMBAUTS. Before that, Mr. Squillante did.

Mr. KENNEDY. You had retained Mr. Squillante by that time?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Who brought Mr. Squillante out?

Mr. ROMBAUTS. I think Mr. Peter Parise.

Mr. KENNEDY. Peter Parise?

Mr. ROMBAUTS. Right.

Mr. KENNEDY. And he introduced him to the association?

Mr. ROMBAUTS. Right.
Mr. KENNEDY. Did Mr. Squillante at that time explain what the union could do for the association, and what he could do for the association?

Mr. ROMBAUTS. At that particular meeting, no.

Mr. KENNEDY. Did he subsequently?

Mr. ROMBAUTS. Subsequently, yes.

Mr. KENNEDY. Did he explain that there would be no undercutting, that you would have certain districts, have a monopoly in certain districts, that there would be a whip firm formed, and that type of operation?

Mr. ROMBAUTS. In Suffolk County you couldn't do that, because he claimed we was out there with the rest of the Indians.

Mr. KENNEDY. You what?

Mr. ROMBAUTS. We were out there with the rest of the Indians. It was spread out too far.

Mr. KENNEDY. You couldn't do that in Suffolk County?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Were you going to be able to do that anywhere?

Mr. ROMBAUTS. We only had Suffolk County.

Mr. KENNEDY. So you couldn't do that. What was he going to do for you, then?

Mr. ROMBAUTS. It was supposed to be set up that you wouldn't lose a stop, and you would have property rights, the same as the rest of the fellows said before.

Mr. KENNEDY. There would be a whip firm, would there not?

Mr. ROMBAUTS. Yes. In the beginning, there was no such mention of a whip firm.

Mr. KENNEDY. And you would have the property rights, and the whip firm, and subsequently brought in the whip firm?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. And there would be no undercutting, no bidding against one another on business you already had?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. You had those four elements that were going to be present?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. And the union was going to assist?

Mr. ROMBAUTS. But those four elements, we only got them one at a time.

Mr. KENNEDY. Well, it didn't work perfectly, I understand.

Mr. ROMBAUTS. No.

Mr. KENNEDY. Then the union was going to come in. Was it explained that Mr. Squillante had a close association with the union?

Mr. ROMBAUTS. Well, it was explained that Mr. Squillante couldn't

do much for the association unless all the members did belong to the union.

Mr. KENNEDY. So he urged you to belong to the union; is that right?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. Were you told that he had a close association with the union?

Mr. ROMBAUTS. Not at that time; no.

Mr. KENNEDY. Subsequently were you told?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Regarding the operation of the whip firm, did he appoint a whip, a whip company?

Mr. ROMBAUTS. There was one whip company that did come out. That was the company from Nassau County.

Mr. KENNEDY. What was the name of that company?

Mr. ROMBAUTS. Rapid Sanitation.

Mr. KENNEDY. Rapid Rubbish?

Mr. ROMBAUTS. Rapid Rubbish.

Mr. KENNEDY. Headed by whom?

Mr. ROMBAUTS. Freddie Fasula.

Mr. KENNEDY. Mr. Chairman, we have already put Mr. Fasula's background into the record.

Did you meet Mr. Fasula?

Mr. ROMBAUTS. At one meeting, yes, I did.

Mr. KENNEDY. What was your impression of Mr. Fasula?

Mr. ROMBAUTS. Well, all he said to me was that he was sent out here, and he was supposed to do a job out in Islip. He claimed that he started his job, and then, one of the fellows from the association called him off, that he shouldn't take any more of the fellows' stops.

Mr. KENNEDY. Was he made sergeant at arms, or was he sergeant at arms?

Mr. ROMBAUTS. Not in our association; no.

Mr. KENNEDY. But he was at the intercounty?

Mr. ROMBAUTS. At the intercounty.

Mr. KENNEDY. Did he take work and operate out there to take stops away from nonassociation members—Fasula?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Subsequently, you had the meeting as to whether you would belong to the union, did you not?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Mr. Squillante urged you all to become members of the union?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Did you want to become a member of the union?

Mr. ROMBAUTS. I had no choice.

Mr. KENNEDY. How did that work out?

Mr. ROMBAUTS. Because I was one of the very few out in Suffolk County that had any large commercial stops.

Mr. KENNEDY. So you decided to become a member?

Mr. ROMBAUTS. Yes; I did.

Mr. KENNEDY. When was that? When did you become a member?

Mr. ROMBAUTS. About 2 or 3 years ago.

Mr. KENNEDY. About 1955?

Mr. ROMBAUTS. Around that.

Mr. KENNEDY. Was Mr. Parisi out there at that time, or Mr. Megleoria?

Mr. ROMBAUTS. Mr. Megleoria and Mr. Parisi are the only two I knew, outside of Squillante.

Mr. KENNEDY. Did you all decide to come into the union at the one time?

Mr. ROMBAUTS. All except three fellows, and they wanted to take a copy of their contract to their lawyers.

Mr. KENNEDY. When they explained it to you, did you decide right away that you would become a member of the union?

Mr. ROMBAUTS. No; I did not. I was going to go along with the rest of the fellows in the association.

Mr. KENNEDY. Did you have a recess in the association meeting?

Mr. ROMBAUTS. We didn't have the recess. The fellows in the union went outside. They had the recess. They were talking outside.

Mr. KENNEDY. Did your wife overhear a conversation they had?

Mr. ROMBAUTS. Yes; she did.

Mr. KENNEDY. Who was present in the conversation?

Mr. ROMBAUTS. My wife was sitting at a table with the owner of the tavern where we held the meeting, and they got outside and they sat at a table right next to her, and they says, "You don't have to worry about Rombauts. He has 2 or 3 big stops. We will get him in line."

Mr. KENNEDY. Your wife overheard them in that conversation?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Who was present? Squillante?

Mr. ROMBAUTS. Squillante, Parisi, I guess, Joe Parisi, and there was three other fellows there. I know there was five. I don't know them all.

Mr. KENNEDY. You joined the union at that time; did you not?

Mr. ROMBAUTS. Yes; I did.

Mr. KENNEDY. Did Squillante explain the security clause in the union to you?

Mr. ROMBAUTS. No.

Mr. KENNEDY. Was there any discussion of the fact that if you were outside of the association you would have to put up \$300 per employee?

Mr. ROMBAUTS. Not at that time it wasn't explained to us, but I think it was 3 months later something like that was explained to us.

Mr. KENNEDY. If you were in the association you would only have to put up \$25 per company?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. But if you were outside the association, the union would require \$300 from the employer; is that right?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Did he also say the union would assist the association by jumping nonassociation stops and then getting them for the association?

Mr. ROMBAUTS. If you knew of any stop that was a union shop and a nonunion garbageman was picking it up, you would let him know, and he would take care of it.

Mr. KENNEDY. Were the employers sent union books for their employees?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Were there holidays specified, in certain terms of the contract?

Mr. ROMBAUTS. Yes, there were.

Mr. KENNEDY. Were the terms of that contract lived up to?

Mr. ROMBAUTS. Not with me; no.

Mr. KENNEDY. You didn't have to live up to them?

Mr. ROMBAUTS. No.

Mr. KENNEDY. Did Squillante give you assurance at that time that you wouldn't have to live up to the terms of the contract?

Mr. ROMBAUTS. No, he did not.

Mr. KENNEDY. You just understood that you did not have to live up to it?

Mr. ROMBAUTS. I just didn't believe in some of the things they had in it, that is all.

Mr. KENNEDY. And nobody ever bothered you?

Mr. ROMBAUTS. No.

Mr. KENNEDY. And during the course of the time that you were a member of the union, you received dance tickets from Mr. Adelstein?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. And you had to deduct \$5 from the salary of each employe for the dance tickets?

Mr. ROMBAUTS. I paid for them myself.

Mr. KENNEDY. You took it out?

Mr. ROMBAUTS. No, I didn't take it out of their pay. I paid it myself.

Mr. KENNEDY. Were you told to take it out of their pay?

Mr. ROMBAUTS. Yes. I was billed for it. After they didn't pay for 3 months, they sent me the bill.

Mr. KENNEDY. You paid it yourself?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Did Squillante say what you should do about the increase in wages that you might have to pay? Did he explain how you could handle it?

Mr. ROMBAUTS. Yes; he did. He says, "If you are getting \$1.50 now, you belong to the union, you can go out tomorrow and get \$2."

Mr. KENNEDY. He said you would just pass it on to the customer?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. So any payments that you had to make to the union could be passed on to the customer?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Did Mr. Vincent Squillante bring in his brother to the association?

Mr. ROMBAUTS. Yes. In the beginning, Jimmie Squillante took care of the association himself, and then something come up and he said he was sort of busy and he wouldn't be able to make it any longer, and he would send his brother Nunzio out to be labor relations man.

Mr. KENNEDY. So Nunzio came out and held that position?

Mr. ROMBAUTS. Nunzio came out and held the position.

Mr. KENNEDY. What was Nunzio's salary?

Mr. ROMBAUTS. He got \$100 a week, plus expenses. It ran for about \$125 a week.

Mr. KENNEDY. Did you know he had a company of his own?

Mr. ROMBAUTS. I have heard something about it; yes.

Mr. KENNEDY. Do you know if that was union or nonunion?

Mr. ROMBAUTS. That I did not know.

Mr. KENNEDY. You never learned?

Mr. ROMBAUTS. I learned after awhile it wasn't.

Mr. KENNEDY. It was nonunion?

Mr. ROMBAUTS. Nonunion.

Mr. KENNEDY. General Sanitation Co.?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. And he was executive director of the association?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. And Squillante explained to you that everybody had to be in the union if they were members of the association?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. And Squillante's brother, the executive director of the association, was nonunion; is that right? He ran a nonunion operation?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Do you know when Nunzio started in that position?

Mr. ROMBAUTS. No, I don't.

Mr. KENNEDY. You don't?

Mr. ROMBAUTS. No.

Mr. KENNEDY. What about the minutes? If you were discussing the fact that there were monopolies, property rights, no jumping, and that sort of thing, did those discussions appear in the minutes?

Mr. ROMBAUTS. No matter what was discussed, the minutes were taken from our place, brought into New York City, and then for the next meeting they brought a copy out and read the minutes off.

Mr. KENNEDY. Why did he say they had to be brought into New York City?

Mr. ROMBAUTS. They had to see that everything was on the up and up.

Mr. KENNEDY. Was it a feeling that it was necessary to make sure that none of these things, such as monopolies, or any of these matters that might be considered against the law or illegal, did not appear in the minutes?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. And to insure that that didn't happen, those minutes were brought into New York City and rewritten?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. He explained that to you?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. Did you subsequently join with the associations in New York City, the other associations?

Mr. ROMBAUTS. Yes. I think we went into 2 meetings, 2 or 3.

Mr. KENNEDY. Had you voted to join with the other associations?

Mr. ROMBAUTS. No, we did not.

Mr. KENNEDY. You were just told—

Mr. ROMBAUTS. We were just told that all associations would meet together.

Mr. KENNEDY. Vincent Squillante told you that?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. He operated and ran all the associations?

Mr. ROMBAUTS. That is right.

Mr. KENNEDY. Did he tell you in one of these meetings that he would have to resign, that he was in difficulty with the law?

Mr. ROMBAUTS. No; that wasn't the reason he gave me. He told me that he was too busy at the time. That is why he had to resign from being our man. That is when we got his brother.

Mr. KENNEDY. Did you understand subsequently that he had been under income-tax investigation?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. And that he had been convicted of income-tax violation?

Mr. ROMBAUTS. Yes; I did.

Mr. KENNEDY. As I understand, you wanted to get rid of Squillante at one period of time; is that right?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. Did you tell him that you were firing him?

Mr. ROMBAUTS. We didn't tell him we was firing him. We just told him we wasn't going to pay him.

Mr. KENNEDY. What did he say to that?

Mr. ROMBAUTS. He says, "Well, if you are not going to pay me"—this was twice we were called into the city, and he wanted to know where his check was. I think he was to receive \$1,300; \$100 from each firm. He was supposed to receive \$1,300, and he wanted to know where his money was, because it wasn't a full year that he operated.

So we talked it over and we decided we wasn't going to pay him, so we told him that we wasn't going to pay him.

Mr. KENNEDY. So what happened? What did he do?

Mr. ROMBAUTS. So one of the fellows that went in, one of the board of directors that went in with us, asked him a question. I forget exactly what it was. He said, "Well, I will show you what a nickel can do." He picked up the telephone and he called somebody, and he says he no longer has anything to do with the Suffolk County Garbagemen's Association.

Mr. KENNEDY. This somebody, did you interpret him to be somebody in the union?

Mr. ROMBAUTS. It must have been.

Mr. KENNEDY. What happened after that?

Mr. ROMBAUTS. A week later we got a letter from the union saying they wanted more security from our association.

Mr. KENNEDY. How much did they say they wanted then?

Mr. ROMBAUTS. I think we paid \$1,800 and they wanted another \$1,800.

Mr. KENNEDY. So within a week of the time that you told Squillante that you were no longer going to pay him, and that you wanted to release him, within a week of that, within a week of this telephone conversation, you received notification from the union to post another \$1,800 for security?

Mr. ROMBAUTS. That is correct.

Mr. KENNEDY. This is local 813 of the teamsters, is that right, Mr. Bernie Adelstein's?

Mr. ROMBAUTS. Yes.

Mr. KENNEDY. You might be interested in this, Mr. Chairman. According to the information we have, it was Mr. Adelstein that nominated Mr. John O'Rourke for vice president of the teamsters on Mr. James Hoffa's slate at a recent convention.

Senator McNAMARA. I have a couple of questions, Mr. Chairman.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. I don't think I quite understood how Mr. Squillante got into this situation in Suffolk County. How did he get in there? By invitation? Did he muscle in, or what?

Mr. ROMBAUTS. By invitation.

Senator McNAMARA. Were you one of the parties to the invitation?

Mr. ROMBAUTS. Everyone in the association was at that time.

Senator McNAMARA. Were you an officer?

Mr. ROMBAUTS. At that time; no.

Senator McNAMARA. Subsequently, were you an officer?

Mr. ROMBAUTS. Yes.

Senator McNAMARA. How do you account for this? How come you ask this man, who turns out to be a pretty bad character, to come out there and do business for you in that area?

Mr. ROMBAUTS. No one knew he was a bad character. It was the understanding that we had that he was going to do something for the garbage industry. That is the understanding we had.

Senator McNAMARA. Where did you get that impression?

Mr. ROMBAUTS. Well, they claimed he was doing it in Nassau County, he was doing such a good job in Nassau County.

Senator McNAMARA. Who do you mean by "they claim"? The members of your association?

Mr. ROMBAUTS. No; we had some members who belonged to the Nassau County in our Suffolk County Association.

Senator McNAMARA. And they sold him to the Suffolk County Association?

Mr. ROMBAUTS. Yes.

Senator McNAMARA. In Suffolk County, how do you go into business?

Mr. ROMBAUTS. You need a permit from the town.

Senator McNAMARA. Not a county permit?

Mr. ROMBAUTS. You also need a county health permit, too.

Senator McNAMARA. You have to have a county permit and also get a permit from the municipality where you operate?

Mr. ROMBAUTS. That is correct.

Senator McNAMARA. Is the nature of your business such that you do garbage collecting mostly for organized communities, municipalities?

Mr. ROMBAUTS. No.

Senator McNAMARA. On the individual basis?

Mr. ROMBAUTS. On the individual basis.

Senator McNAMARA. About how much does a householder pay?

Mr. ROMBAUTS. Two dollars a month.

Senator McNAMARA. Two dollars?

Mr. ROMBAUTS. That is right.

Senator McNAMARA. That is for an individual house?

Mr. ROMBAUTS. That is right.

Senator McNAMARA. Did you ultimately get rid of the brother of Vincent Squillante?

Mr. ROMBAUTS. At the same time we got rid of Jimmie Squillante we got rid of Nunzio Squillante?

Senator McNAMARA. So you don't have these people representing you any more?

Mr. ROMBAUTS. No.

Senator McNAMARA. Now your business with the union is more difficult to conduct since you got rid of these people?

Mr. ROMBAUTS. Well, actually, we only had—the Suffolk County Garbagemen's Association only had a meeting about 2 weeks ago, and we sat there and we discussed it. There is only about three fellows that have any commercial accounts at all.

The rest of them, when a new contract comes up, they are not going to sign. There is two fellows that may switch, commercial for house work so they wouldn't have to sign, and let just the one man.

Senator McNAMARA. The real strength, the real hold, the union has on the business in your area is through commercial?

Mr. ROMBAUTS. Through the commercial. House stops they can't touch.

Senator McNAMARA. Most of the business is house stops?

Mr. ROMBAUTS. Yes.

Senator McNAMARA. More than 80 percent?

Mr. ROMBAUTS. Yes.

Senator McNAMARA. You shouldn't have any trouble getting rid of these people at all.

Mr. ROMBAUTS. No; most of us wouldn't. With my business, the way I figure with my business, it will cut me in half if I lose my commercials. I happen to be one of the fortunate ones; one that has some commercial stops.

Senator McNAMARA. But it probably isn't worth what it is costing you on this additional tax they are trying to levy?

Mr. ROMBAUTS. That is right.

Senator McNAMARA. They have got to the point where they are taking too much, where you can't do business?

Mr. ROMBAUTS. Well, in a way, yes.

Senator McNAMARA. Well, if it was more profitable for you to stay with them, you would probably stay. You are in business to make money.

Mr. ROMBAUTS. That is right.

Senator McNAMARA. So they got to the point where they are taking too much away, and you can't stand it?

Mr. ROMBAUTS. That is correct.

Senator McNAMARA. That is all.

Mr. KENNEDY. Did you pay the second \$1,800? I forgot to ask you.

Mr. ROMBAUTS. No; we did not. They sent 2 or 3 letters after that, and we didn't bother to answer them.

Senator McNAMARA. Have you been cited by the New York Labor Mediation Commission at all?

Mr. ROMBAUTS. No.

Senator McNAMARA. Even though you have the same violations as other people who have been brought before the Commission, you have not been cited?

Mr. ROMBAUTS. No.

Senator McNAMARA. That is interesting. Thank you.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. The next witness is Mr. Strelzin.

The CHAIRMAN. You do solemnly swear that the testimony you are about to give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STRELZIN. I do, sir.

TESTIMONY OF HARVEY L. STRELZIN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. STRELZIN. My name is Harvey L. Strelzin. My address is 15 Clark Street, Brooklyn, N. Y. I am an attorney, licensed to practice law in the State of New York.

The CHAIRMAN. And you waive additional counsel?

Mr. STRELZIN. I do, sir.

The CHAIRMAN. Thank you.

Mr. KENNEDY. Mr. Strelzin, you have held certain positions with the State of New York?

Mr. STRELZIN. I have, sir.

Mr. KENNEDY. Would you outline those?

Mr. STRELZIN. Well, I was an assistant attorney general of the State of New York between the years 1933 and 1939. I was the chairman of the Board of Assessors of the City of New York from June 1955 to May of 1957.

Mr. KENNEDY. And you are a practicing attorney?

Mr. STRELZIN. I am a practicing attorney.

I have held other positions, but not political.

Mr. KENNEDY. You have had an interest in a garbage concern, have you?

Mr. STRELZIN. I have, sir. I have a minority interest of 25 percent in the Sanitary Haulage Corp.

Mr. KENNEDY. When did you begin that?

Mr. STRELZIN. The corporation was formed in March of 1950.

Mr. KENNEDY. And you put up how much money?

Mr. STRELZIN. \$5,000.

Mr. KENNEDY. Who were your partners?

Mr. STRELZIN. My partners at the time—rather than partners, the stockholders at the time—were one Anthony Ricci, and Paul Armus. That is Maj. Paul Armus.

Mr. KENNEDY. Mr. Ricci, as I believe you know, has rather a long criminal record, and is rather an important figure in the underworld in the United States.

Mr. STRELZIN. So I learned in May of 1950.

Mr. KENNEDY. You had not known it at the time you went into business with him?

Mr. STRELZIN. I had not, sir.

Mr. KENNEDY. Had you known Mr. Ricci for a very long period of time prior to that time?

Mr. STRELZIN. I was introduced to him in the early part of 1949. I was told at the time he was a restaurateur.

Mr. KENNEDY. That he was what?

Mr. STRELZIN. A restaurateur. In the restaurant business.

Mr. KENNEDY. Where was he in the restaurant business?

Mr. STRELZIN. In the Borough of Brooklyn.

Mr. KENNEDY. Had you had any business dealings with him prior to the time that you joined in partnership?

Mr. STRELZIN. Yes. I represented his wife as attorney in two minor transactions in the year 1949. They involved loans that I made in their behalf to two different concerns.

Mr. KENNEDY. Were they clients of yours that were looking for loans and you went to Mr. Ricci?

Mr. STRELZIN. I went to Mr. Ricci, and Mr. Ricci arranged for his wife to make the loans.

Mr. KENNEDY. That was on two different occasions?

Mr. STRELZIN. On two occasions in 1949, sir.

Mr. KENNEDY. And then you would handle the money and pass it on to the clients?

Mr. STRELZIN. I would, sir, and get notes and security and see that they were paid.

Mr. KENNEDY. Why did you decide to go into business with him in the Sanitary Haulage?

Mr. STRELZIN. Well, I assumed he was substantial financially.

Mr. KENNEDY. That was the only reason?

Mr. STRELZIN. And Major Armus and myself were looking for a third partner. I discussed it with Mr. Ricci. He seemed interested, and we proceeded to investigate going into the Sanitary Haulage Corp. business.

Mr. KENNEDY. And you went in in March of 1950; is that right?

Mr. STRELZIN. Yes.

Mr. KENNEDY. How much money did he put up?

Mr. STRELZIN. Mr. Ricci put up \$5,000 and Mr. Armus put up two at the time and subsequently another three.

Mr. KENNEDY. And you put up how much?

Mr. STRELZIN. \$5,000.

Mr. KENNEDY. Did you learn subsequently of Mr. Ricci's criminal record?

Mr. STRELZIN. I did learn it, because Major Armus had called to my attention an article that was published in Look magazine of May 23, 1950.

Mr. KENNEDY. Go ahead. And you learned then about Mr. Ricci's background?

Mr. STRELZIN. I did, sir.

Mr. KENNEDY. Did you have Mr. Ricci continue? Did you want him to continue? As I understand it, you made arrangements for him to withdraw from the firm?

Mr. STRELZIN. Not only that, but Mr. Ricci actually did withdraw from the firm, as evidenced by the records from the Manufacturers Trust Co. of June 15, 1950, wherein we filed a new certificate indicating that Anthony Ricci was no longer an officer, director, or stockholder of the corporation. We filed an amended certificate in the secretary of state's office dated June 15, 1950, wherein the names of the officers and directors and the stockholders were changed to exclude Anthony Ricci as having any interest in the corporation.

Mr. KENNEDY. Who replaced Mr. Ricci?

Mr. STRELZIN. Mr. Ricci's stock was taken over by William Hockey.

Mr. KENNEDY. Did you find anything out about the background of Mr. Hockey?

Mr. STRELZIN. I knew nothing about the background of Mr. Hockey. I drew a Dun & Bradstreet report on him, in 1950, prior to his associating himself with Sanitary Haulage Corp. I inquired about him from various people. He was engaged in the television and radio business in the neighborhood wherein I lived, and he was prepared to go in to the Sanitary Haulage business with us.

Mr. KENNEDY. How long had you known Mr. Hockey?

Mr. STRELZIN. I daresay I met Mr. Hockey in 1948.

Mr. KENNEDY. How did you happen to select him to replace Mr. Ricci?

Mr. STRELZIN. I had spoken to Mr. Hockey about that prior to speaking to Mr. Ricci about it.

Mr. KENNEDY. Did you know Mr. Hockey and Mr. Ricci were close friends?

Mr. STRELZIN. No; I found that out in 1950.

Mr. KENNEDY. Did you know it at the time you brought Mr. Hockey into the firm?

Mr. STRELZIN. I did not, sir; not at the time. But when I discussed it again with Mr. Hockey the second time in 1950, he told me he knew Mr. Ricci.

Mr. KENNEDY. He knew Mr. Ricci?

Mr. STRELZIN. He did.

Mr. KENNEDY. Had you known they were in business together?

Mr. STRELZIN. I did not, sir.

Mr. KENNEDY. Did you know anything further about the background of Mr. Hockey, about any arrests that he might have?

Mr. STRELZIN. No, sir. To my knowledge Mr. Hockey never has been convicted of a crime. The people I have spoken to about Mr. Hockey speak well of him.

Mr. KENNEDY. Did you know anything of his past associations with certain criminal—

Mr. STRELZIN. I did not.

Mr. KENNEDY. Do you know at this time?

Mr. STRELZIN. I can say this, that in the 7 years that I have been associated with Mr. Hockey in the business, he has conducted it in an honorable fashion, in an upright fashion, and in a proper fashion.

Mr. KENNEDY. Did Mr. Hockey replace Mr. Ricci?

Mr. STRELZIN. Mr. Hockey replaced Mr. Ricci; yes, sir.

Mr. KENNEDY. Where did he get the money to replace Mr. Ricci?

Mr. STRELZIN. I do not know, sir.

Mr. KENNEDY. Did he buy Mr. Ricci's interest?

Mr. STRELZIN. I subsequently found out, and this was in 1956, sir, that at the time Mr. Ricci first made his investment in the Sanitary Haulage Corp., he had received a loan from Mr. Hockey of \$5,000; that after Mr. Ricci stepped out in June of 1950, Mr. Hockey assumed the stock of the corporation, and Mr. Ricci stepped out.

Mr. KENNEDY. You did not realize that was going on, either?

Mr. STRELZIN. I did not, sir.

Mr. KENNEDY. You did not realize much of what was going on in the background of your company, did you, if you did not realize any of these things?

Mr. STRELZIN. Any of what things?

Mr. KENNEDY. As I understand your last statement, the money that Mr. Ricci put up, the \$5,000 that Mr. Ricci put up, was actually put up by Mr. Hockey.

Mr. STRELZIN. I did not know that, sir.

Mr. KENNEDY. You did not learn it until when?

Mr. STRELZIN. Until 1956.

Mr. KENNEDY. That is one thing you did not know. Did Mr. Hockey tell you when you asked him if he would be interested in the company, did he tell you that he was going to buy Mr. Ricci out?

Mr. STRELZIN. Yes.

Mr. KENNEDY. Then he deceived you, did he not?

Mr. STRELZIN. I do not believe he deceived me.

Mr. KENNEDY. It was actually his money that was put into the company originally.

Mr. STRELZIN. I did not know that, sir.

Mr. KENNEDY. He did deceive you when he said he was going to buy Mr. Ricci out, when, in fact, he was not going to buy Mr. Ricci out, but it was his money all along.

Mr. STRELZIN. I did not know, sir.

Mr. KENNEDY. Mr. Strelzin, from our examination of the books of this company we find Mr. Ricci comes back on the payroll in, I believe, 1956. Could you explain that?

Mr. STRELZIN. I will be happy to, Mr. Kennedy. In June of 1950, when Mr. Armus and myself decided that either Mr. Ricci step out or we step out, he agreed to step out. The corporation had not yet engaged in any activities. In the latter part of 1949, when we had contemplated going into the sanitary haulage business, we were going to utilize new equipment, known as Dempster Dumpster equipment. Mr. Ricci, Mr. Armus, and myself made some trips to Baltimore, Md., Philadelphia, and Washington, D. C., to see how the equipment was being utilized in the removal of waste. The moneys advanced for these trips and various restaurant charges, and so forth, were advanced by Mr. Ricci. At the time he agreed to step out in June of 1950, he asked for the return of the \$400, which we were prepared to give him, and then he also said that he wanted \$500 for the time he spent. We felt we did not want to give him the \$900 at that time. We had not yet engaged in any activities. Our first account was obtained in October of 1950. This was in June of 1950, Mr. Kennedy.

Mr. KENNEDY. How much money had he used in expenses?

Mr. STRELZIN. \$400.

Mr. KENNEDY. And what was the \$500 for?

Mr. STRELZIN. \$500 he felt he was entitled to for the time he expended in investigating the merits of the Dempster Dumpster system. So we agreed that at a later date we would pay him the \$900 which we did pay him beginning with January 1, 1956.

Mr. KENNEDY. When Mr. Hockey, from what he told you, was buying his interest out, I would have thought that would have all been straightened out in 1950.

Mr. STRELZIN. No; because in 1950, the only thing Mr. Hockey did was take over the stock of the corporation, which was the \$5,000 of stock.

Mr. KENNEDY. But not to pay any of these debts?

Mr. STRELZIN. No, sir. If anybody was to pay that, that was an obligation for the corporation. It was an obligation of every stockholder of the corporation.

Mr. KENNEDY. So you waited 6 years until you started to pay Mr. Ricci?

Mr. STRELZIN. Well, it so happens that Mr. Ricci has been living in Miami Beach for many years. He came to New York City in 1955, the latter part of 1955. We had dinner at the Brass Rail. There was Mr. Ricci, Mr. Hockey, Major Armus, and myself. He said he would like a return of his \$900. That was almost 5 years after the \$400 was advanced. We agreed to give him \$500 for his services.

Mr. KENNEDY. Did you give him \$500 at that time?

Mr. STRELZIN. No; at that time we agreed to give him the \$900, plus simple interest at 6 percent a year for 5 years. I believe that it totaled \$1,170. I think it was \$54 a year for 5 years.

Mr. KENNEDY. So did you give him the \$1,170?

Mr. STRELZIN. We arranged to give him the \$1,170 over a period of weeks at \$30 a week. He insisted he did not want any difficulty with the Government. He wanted us to show it on our books. He wanted to pay the tax on it. So for a period of, I think it was 31 weeks, we gave him \$30 a week, which totaled \$1,170. Not since then has he been on the payroll of Sanitary Haulage, nor prior to that was he connected with Sanitary Haulage. I might volunteer to you, sir, that in 1956, Major Armus drew approximately \$5,000, which represented a 25-percent interest in Sanitary Haulage Corp., and I drew almost the same, which represented a 25-percent interest in Sanitary Haulage Corp.

Mr. KENNEDY. Have you ever heard of the practice followed by some racketeers to try to get on payrolls of various companies at a small amount—\$30, \$40, or \$50 a week—so that they can show some source of income to the income-tax people? That is a practice that is followed.

Mr. STRELZIN. It was not the practice by Mr. Ricci insofar as Sanitary Haulage was concerned, nor would we have countenanced it at any time.

Mr. KENNEDY. Actually these payments stopped when the New York Daily News started to look into the matter and wrote some stories.

Mr. STRELZIN. That is not true, sir, the payments; no, sir. The payments stopped approximately 3 weeks before there was any notoriety in the Daily News, and the record will so indicate. Each and every check that was given to Mr. Ricci, each and every stub had an endorsement thereon, No. 1, No. 2, No. 3, up until 32 or 31, until the full amount of the \$1,170 was paid to him.

Mr. KENNEDY. Did you take out social security on that?

Mr. STRELZIN. We paid whatever was required under the law to give him his \$30 per week to total \$1,170, because he felt that the bulk of that was in earning.

Mr. KENNEDY. The bulk of it was what?

Mr. STRELZIN. He had earned.

Mr. KENNEDY. Earnings?

Mr. STRELZIN. Yes; only \$400 represented an advance. The \$500 represented an earning.

Mr. KENNEDY. Did you take social security out on the \$400?

Mr. STRELZIN. We did, sir, and withholding taxes.

Mr. KENNEDY. Why did you do that?

Mr. STRELZIN. That was the way Mr. Hockey arranged it, and I was content to go along with it. I saw nothing wrong with it. The money was coming to him, I wanted it returned, and I wanted him to get it back.

Mr. KENNEDY. He did not have to pay that, if it was \$400 legitimate expenses.

Mr. STRELZIN. Yes; there are many ways it could have been given to him. It could have been given to him in one lump sum. We were not making any money at that time in Sanitary Haulage, and we were glad to pay it back over a weekly basis.

Mr. KENNEDY. Did you know that Mr. Ricci was keeping in rather close touch with your company during 1956?

Mr. STRELZIN. No, sir; your committee has informed me, of recent date.

Mr. KENNEDY. Did you know that those telephone calls were collect telephone calls from Miami, Fla.?

Mr. STRELZIN. You have informed me of that fact, sir.

Mr. KENNEDY. Why would he be calling collect to your company frequently, calls of \$14, \$15, or \$16 apiece?

Mr. STRELZIN. What do you mean by frequently? Over a period of years?

Mr. KENNEDY. Well, a period of time.

Mr. STRELZIN. I do know that Mr. Hockey and Mr. Ricci are friends, and I do know that Mr. Ricci, on occasion, has called Mr. Hockey to chat with him, so I have learned since you informed me about it.

Mr. KENNEDY. What?

Mr. STRELZIN. So I have learned since the committee informed me about it. But for the record, Mr. Ricci has never called me, I have never called Mr. Ricci.

Mr. KENNEDY. And these collect telephone calls were all paid out of company funds, were they not?

Mr. STRELZIN. So I have been advised, sir.

Mr. KENNEDY. And they were usually made by Mr. Ricci, using an alias?

Mr. STRELZIN. I would not know, sir.

Mr. KENNEDY. The name of Mr. Jackson?

Mr. STRELZIN. I would not know, sir.

Mr. KENNEDY. Have you learned of that?

Mr. STRELZIN. You have advised me of that.

Mr. KENNEDY. You never inquired, yourself?

Mr. STRELZIN. No; I have not.

Mr. KENNEDY. This was your company. I would think you would be interested.

Mr. STRELZIN. I am interested in the company.

Mr. KENNEDY. Would you be interested in having your partner pay for all of these collect calls from a notorious racketeer?

Mr. STRELZIN. My partner is conducting an uprighteous, proper business.

The CHAIRMAN. That really is not the question. It is a little strange that a company would be paying for long-distance calls, personal calls, I assume, from your testimony, just to have a chat. I don't quite understand it. I don't quite understand that to be a legitimate expense of your company, in the first place, and, in the second place, I can't understand any sense in it, why it would be done that way. I don't know how much these amount to. How much do they amount to? It doesn't add up.

Mr. KENNEDY. It is about how many in 1955 or 1956?

Mr. GREENE. I would say about a dozen.

Mr. STRELZIN. Mr. Hockey has informed me that over a period of years there have been approximately 7 or 8 calls that he received from Miami over a period of years.

Mr. KENNEDY. Did you inquire into why Mr. Ricci was using an alias?

Mr. STRELZIN. No. That I do not know, sir.

Mr. KENNEDY. I would think, if you were asking him about the telephone calls, you would want to find out.

Mr. STRELZIN. Frankly, I have never discussed it with Mr. Hockey. Frankly, until your committee mentioned it to me, until the very moment, I never thought of asking him.

Mr. KENNEDY. You see, it concerns us a little bit on the \$5,000. He said he did not know where Mr. Ricci got the \$5,000 to invest in the company originally. Now you tell us that Mr. Ricci got the \$5,000 from Mr. Hockey. I don't understand why Mr. Hockey would not have told us that.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. It has been a confusing matter.

Mr. STRELZIN. I don't know, sir.

Mr. KENNEDY. Do you have anything on the background of Mr. Ricci and Mr. Hockey?

Mr. KELLY. Yes. He was also known as Anthony Gobel, Anthony Goble, Anthony Gobels, Anthony Friedman, Gatano Ricci, Tony Goebels, and Bobo.

The CHAIRMAN. He was known by all those names?

Mr. KELLY. At various times, sir. He is known to the New York City Police Department under B No. 281555. He shows a record of 5 previous arrests, 2 of which were for felonious assault, 2 for grand larceny, and he has 1 conviction on July 30, 1915, a suspended sentence for assault, third.

Mr. Ricci's associates in the past have been Joe Adonis, Tony Schoemaker, Owney Madden, Pasquale Ricci, Joseph Bernava, and this woman, Anna Friedman, whose last name Ricci has at times assumed as an alias.

When he was questioned by Immigration and also by the FBI, he stated he was employed in 1944 as a chauffeur and interviewer by an outfit called Nathan Outfitters, located at 1150 Broadway in Brooklyn.

It is a coincidence that the owner of this business is the same Anna Friedman.

Going back a little further in Mr. Ricci's past, there is an interesting story about Mr. Ricci. In the 1930's, when he came from Chicago, he had been part of the Capone syndicate. When he first arrived, his hobby was kidnaping bookies at Belmont racetrack, and holding them for ransom, an item which caused quite a bit of consternation, not only by the police, but by the bookies. The bookies refused police protection, but hired their own bodyguards, at which time Mr. Ricci desisted.

Mr. KENNEDY. Has he been described as one of the leading criminals in the United States?

Mr. KELLY. In the Kefauver hearings, which began in 1950, and which coincided with his abrupt departure from Sanitary Haulage, Mr. Ricci was described by Virgil Peterson, the head of the New York Crime Commission, as an important mobster, and also connected with the Italian lottery in Brooklyn, N. Y., and with mobs in Chicago and on the west coast.

In regard to Mr. Strelzin's statement, he told us on his initial interview that he did not know about this background of Ricci's, and yet at the same time he had been introduced to Ricci by a person now dead, who was a county detective in Brooklyn, who certainly should have known of Mr. Ricci's past activities.

Mr. KENNEDY. What did we find on Mr. Hockey?

Mr. KELLY. Mr. Hockey was connected with the wire services. He conducted a business known as a telescope from 100 Willoughby Street, Brooklyn. His early experience is centered on this wire-service operation. In 1942 or thereabouts he was arrested and charged with a violation of section 580 of the penal law, conspiracy to violate section 986 of the penal law, which relates to bookmaking, bets, and wagers. However, while he was convicted on that charge, the conviction was reversed by a higher court, and Mr. Hockey was discharged from custody.

It is also interesting to note that Mr. Strelzin tells us he was unaware of his arrest until July 1, 1956, at which time the licensing department of the city of New York required all persons on the carting business to submit to fingerprinting. At that time, he states that Mr. Hockey told him about this arrest. Mr. Hockey, incidentally, was also connected with a business known as the Gil-Hoc Appliances, which obtained its name from Mr. Gilman and Mr. Hockey, who were partners. He stated that Mr. Ricci was a visitor to the store, and also purchased items there. It was an appliance store, a white-goods store, as they call it, and that he also, as the saying goes, drummed up business for Mr. Hockey. Some of his business turned out to be Albert Anastasia, Toney Bender, Willie Moriete, Joe Adonis, Vito Genoves, and other important mobsters in New York and thereabouts, who would flock from as far away as New Jersey to buy items at this little store in Brooklyn. When we asked Mr. Hockey why this was so, he spread his hands and said, "Well, maybe it was because I had good prices."

It is also interesting to know as far as the backgrounds of these mobsters are concerned, that they habitually buy at stores who are friendly to that type of person.

Mr. KENNEDY. Did Mr. Hockey tell you when you originally talked to him that he did not know where Mr. Ricci got the \$5,000?

Mr. KELLY. It was a question of the shell game, Mr. Kennedy. Nobody seemed to know where the original \$5,000 went. Mr. Strelzin said it was a matter to be discussed with Mr. Hockey. Mr. Hockey professed ignorance of the whereabouts of the original \$5,000 of Mr. Ricci. Now the story comes out at a later date that Mr. Hockey lent Mr. Ricci the money, that Ricci originally went into it, but Mr. Hockey did not admit this to us when we questioned him.

TESTIMONY OF HARVEY L. STRELZIN—Resumed

Mr. KENNEDY. I want to ask you now about your relationship with Mr. Adelstein.

Mr. STRELZIN. You may.

Mr. KENNEDY. You have been a friend of Mr. Adelstein?

Mr. STRELZIN. I met Mr. Adelstein for the first time some time in October 1950.

Mr. KENNEDY. Have you been a member of any association?

Mr. STRELZIN. Sanitary Haulage Corp. is not a member of any corporation.

Mr. KENNEDY. We have had testimony before the committee that where a company is not a member of an association, that they have to put up as security \$300 per man, per employee. Has that been required of you by Bernie Adelstein or local 813?

Mr. STRELZIN. I would not know about it at this time, sir. I do know at the time we first met Bernie Adelstein, there was Mr. Hockey, Major Armus, and myself, and Mr. Adelstein we received a contract. I read the contract. We signed the contract. At that time I am pretty certain it did not require any security. Since then I have not been active in Sanitary Haulage Corp., except meetings regularly with officers and discussing the policy.

Mr. KENNEDY. Have you put up any security?

Mr. STRELZIN. I believe we have \$300 as security on our contract.

Mr. KENNEDY. How many employess do you have?

Mr. STRELZIN. We have five.

Mr. KENNEDY. So the most you have put up, anyway, is \$300, is that right?

Mr. STRELZIN. That is what I have been told.

Mr. KENNEDY. \$300?

Mr. STRELZIN. Right.

Mr. KENNEDY. Do you know why Mr. Adelstein has seen fit to waive the security for the other employees in your case?

Mr. STRELZIN. I would not know, sir.

Mr. KENNEDY. You say that you met Mr. Adelstein in 1950. Have you done any work for Mr. Adelstein as an attorney?

Mr. STRELZIN. Not for Mr. Adelstein, but I did some work for Mr. Adelstein's brother and family of a civil nature.

Mr. KENNEDY. Have you charged Mr. Adelstein?

Mr. STRELZIN. No, I have not. George Adelstein was kind enough to send me a gift certificate from Selker's. I refused to charge for my services.

Mr. KENNEDY. I understand you also own a liquor store, is that right?

Mr. STRELZIN. I do not own a liquor store. I own a half interest in a liquor store. It is a package goods store.

Mr. KENNEDY. Bernie Adelstein owns a liquor store. Do you realize that?

Mr. STRELZIN. It is not in the same neighborhood nor did he procure his interest at the same time, nor is there any association.

Mr. KENNEDY. I am not saying that at all. I am going to another question. All I want to know is if you both own liquor stores.

Mr. STRELZIN. The implication is that we have joint interest in these liquor stores.

Mr. KENNEDY. No, that is not it. The next question is, establishing that you own a liquor store and Mr. Bernie Adelstein owns a liquor store, have you ever gone to Mr. Bernie Adelstein's store to buy liquor?

Mr. STRELZIN. I have not.

Mr. KENNEDY. Has your concern, your company, gone to Bernie Adelstein's store?

Mr. STRELZIN. Mr. Hockey has purchased liquor from both my store and from Mr. Adelstein's store.

Mr. KENNEDY. When you talk about Mr. Hockey—

Mr. STRELZIN. Sanitary Haulage Corp.

Mr. KENNEDY. Then Sanitary Haulage, in which you have a 25 per cent interest, has gone to Bernie Adelstein's liquor store to buy liquor; is that right?

Mr. STRELZIN. To make some limited purchases totaling approximately \$200 during the Christmas holiday.

Mr. KENNEDY. Why did you not buy those purchases at your store?

Mr. STRELZIN. Very often we do things to ingratiate ourselves with people, particularly if they are in a union and own a liquor store. It is a thing we all do.

Mr. KENNEDY. So you were doing it to ingratiate yourself with Bennie Adelstein?

Mr. STRELZIN. That is right. That is one of the reasons why I did not send his brother a bill. I felt it was important to have friendly relationships with union leaders, wherein our employees are union.

Mr. KENNEDY. Is George Adelstein also an officer in the union?

Mr. STRELZIN. I don't know.

Mr. KENNEDY. Is he paid by the health and welfare fund of the union? Did you know that?

Mr. STRELZIN. I did not know that. I know he is employed by the welfare fund of the sanitation union.

Mr. KENNEDY. I understand now why you did not. I just wanted to get an explanation.

The CHAIRMAN. Have you looked into the welfare fund of this particular union?

Mr. KENNEDY. They have been examined by the State insurance commission, and I don't believe they have found anything wrong.

I believe that is all.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. Who manages your company now, that is, the cartage company or sanitary company?

Mr. STRELZIN. The active partner is William J. Hockey.

Senator McNAMARA. He manages it?

Mr. STRELZIN. He does, sir.

Senator McNAMARA. Has he managed it all the time you have been in partnership?

Mr. STRELZIN. No, sir. He did not manage it during the first year. During the first year, Major Armus and myself conducted the business. You ought to know, sir, that in 1950 we did a gross business of \$3,000 and some odd. In 1951 we did a gross business of approximately \$25,000. In 1952, approximately \$40,000. Up to the present time, we do a gross business of about \$140,000. It is not a large corporation. It has been a small corporation.

Senator McNAMARA. Do you handle the legal work for the firm?

Mr. STRELZIN. I do, sir.

Senator McNAMARA. Did you say that you were a party to this business of paying \$30 a month to the gentleman who was paid off—\$30 a week in a period of what?

Mr. STRELZIN. A total of \$1,170, sir.

Senator McNAMARA. Certainly, you, as an attorney, recognize that this was subterfuge, paying this man off in this manner, apparently charging it to salary, when he was performing no service.

Mr. STRELZIN. I did not, sir, because \$500 represented a sum of money which we felt he had earned in the formative days of the corporation. He had actually devoted considerable time, and we agreed to give him \$500 as salary in 1950. That is the reason we deducted the social security, we deducted the withholding tax, even though \$400 represented moneys advanced to the corporation.

Senator McNAMARA. Well, as an attorney, I don't know how you could construe this payment over this period of time, as late as it was, in relation to the time that you recognized the indebtedness, if you will, in the form of salary on your books. Certainly it was a delayed salary.

Mr. STRELZIN. Yes, sir.

Senator McNAMARA. And expenses.

Mr. STRELZIN. Yes, sir.

Senator McNAMARA. You treated it all in your payroll checks as salary.

Mr. STRELZIN. Right, sir.

Senator McNAMARA. That obviously was subterfuge.

Mr. STRELZIN. Well, you would impugn, sir, something to my motive, if you say that.

Senator McNAMARA. I certainly intend to, yes.

Mr. STRELZIN. I insist, sir, there was no subterfuge of the payment of the \$900, with interest.

Senator McNAMARA. The \$900 with interest was made up of approximately four-ninths—

Mr. STRELZIN. Advances.

Senator McNAMARA. No, expenses.

Mr. STRELZIN. The corporation, sir, should have paid that. It was due him from the corporation. There was no question about that, Senator.

Senator McNAMARA. Then why wasn't it just paid him by the corporation?

Mr. STRELZIN. Because at the time we had not yet been conducting any business when he disassociated himself. Through the years he was not in the city of New York. When he came into New York in

1955 and insisted he wanted the return of his moneys, we agreed to pay it to him. It was coming to him, sir, just as it might be due anyone else.

Senator McNAMARA. But he was being paid a salary for something he did several years prior to that.

Mr. STRELZIN. Several years back, sir.

Senator McNAMARA. And it was carried on your books as the salary of an employee at that time.

Mr. STRELZIN. Right, sir.

Senator McNAMARA. Thank you.

The CHAIRMAN. Are there any other questions?

Mr. STRELZIN. May I make a statement, Mr. Chairman?

The CHAIRMAN. A brief one.

Mr. STRELZIN. A brief one. I should like to say, sir, that had I known of the background of Tony Ricci in 1940, in March, I would not have used his name on the original certificate of incorporation. At the time I filed the original certificate of incorporation, which was a matter of record, I used the name of Anthony Ricci, the name of Major Armus, and I used my name. I knew nothing of his reputation at the time. Had I known it, I certainly would not have used his name. It was not until May of 1950, when I read of an article in Look magazine, which was called to my attention—as a matter of fact, the exact date of the magazine is May 23, 1950. It was then for the first time that I saw Anthony Ricci's picture in the magazine and read about his reputation, sir. Until then I knew absolutely nothing about it. I state this, sir, without qualification.

Immediately after I learned of his reputation, we took steps to exclude him from our corporation. It was either he staying in and Major Armus and myself stepping out, or we staying in and his stepping out. Believe me, sir, that is a fact.

I might say this, that for the last 4 years, Major Armus has been associated with the Government in the Inspector General's Office, on official duties for the Government, and neither one of us would have countenanced Anthony Ricci in our corporation, once we found out about his background.

Let me go further, sir. In 1953, one of our men was threatened by another cartman. What did I do about it? I went to the district attorney's office in Queens. I lodged a complaint with the proper authorities. They held a hearing. I was called down at the hearing. The cartman who made the threats was called down to the hearing. He was admonished and cautioned not to make threats against our drivers. Surely individuals who are engaged in a racket don't go to the district attorney's office to make a complaint.

The CHAIRMAN. What did you do about Mr. Hockey when you took him in?

Mr. STRELZIN. I had taken a Dun & Bradstreet report on the individual.

The CHAIRMAN. That does not improve the situation very much.

Mr. STRELZIN. I don't have to take up the cudgels for Mr. Hockey. Mr. Hockey was not a bookmaker. Mr. Hockey was engaged in a news-service business. He was indicted under a section which associates bookmaking with the news services. He was convicted. The matter was taken up on appeal and he was acquitted. Mr. Hockey

is not a criminal. I don't have to take up his reputation or uphold it for him. I knew nothing about it.

The CHAIRMAN. Apparently there is no question but that there was some manipulation in this whole deal from the time it was organized.

Mr. STRELZIN. Sir, I say unequivocally that Anthony Ricci is not associated directly or indirectly, nor has he been associated, with Sanitary Haulage Corp. as officer, director, stockholder, or employee since June 15, 1950. I have said that under oath.

The CHAIRMAN. All right. It remains under oath. Apparently during that period of time, since 1950, your firm, your business, paid some \$200 in telephone calls, when he was calling up there, collect, chatting with your partner.

Mr. STRELZIN. I have found out, sir, that they are friends, and I know they are friends.

The CHAIRMAN. Let them remain friends.

Mr. STRELZIN. Before I conclude, Mr. Chairman, just one more statement. Dr. Luther Gulic, who was the city administrator of the city of New York, made an investigation of Sanitary Haulage Corp., an investigation of its activities and of all its accounts. Sir, I should like to quote from his report:

Sanitary Haulage Corp. is not a member of any rackets association or any other cartmen's association. They do business honorably.

There isn't a single concern that we deal with that has ever complained. He concluded his statement to me by saying that, if every other cartman in the city of New York was like Sanitary Haulage, New York would be a better city.

The CHAIRMAN. You admit they need some cleaning up.

Mr. STRELZIN. But not Sanitary Haulage, sir.

The CHAIRMAN. The committee stands adjourned until 2 o'clock tomorrow afternoon.

(Members of the select committee present at this point were Senators McClellan and McNamara.)

(Thereupon, at 4:54 p. m., a recess was taken until Thursday, November 14, 1957, at 2 p. m.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, NOVEMBER 14, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 2:30 p. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, of the Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Pat McNamara, Democrat, Michigan. Also present: Robert F. Kennedy, chief counsel; Jerome Adlerman, assistant chief counsel; Robert W. Greene, investigator; James P. Kelly, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at the convening of the session: Senators McClellan and McNamara.)

The CHAIRMAN. Mr. Counsel, call the first witness.

Mr. ADLERMAN. Mr. Charles Devine.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEVINE. I do.

TESTIMONY OF CHARLES DEVINE, ACCOMPANIED BY HIS COUNSEL, SIDNEY HELLER

The CHAIRMAN. State your name and your place of residence and your business or occupation, please, sir.

Mr. DEVINE. Charles Devine, 169-18 Pigeon Meadow Road, Flushing, N. Y. Occupation, manager.

The CHAIRMAN. Manager of what?

Mr. DEVINE. Of M. H. Lamston.

The CHAIRMAN. Do you have counsel with you?

Mr. DEVINE. Yes, I do.

The CHAIRMAN. Counsel, you may identify yourself for the record.

Mr. HELLER. Sidney Heller, H-e-l-l-e-r, and my office is 521 Fifth Avenue, New York City.

The CHAIRMAN. Mr. Counsel, proceed.

Mr. ADLERMAN. Mr. Devine, what is your occupation?

Mr. DEVINE. I am a manager.

Mr. ADLERMAN. Manager of what store?

Mr. DEVINE. M. H. Lamston.

Mr. ADLERMAN. Lamston's Department Store; is that right?

Mr. DEVINE. Variety store, sir.

Mr. ADLERMAN. Where is your store located?

Mr. DEVINE. 1390 North Boulevard.

Mr. ADLERMAN. Manhasset?

Mr. DEVINE. Yes, sir.

Mr. ADLERMAN. Is that on the so-called "Miracle Mile"?

Mr. DEVINE. That is the "Miracle Mile."

Mr. ADLERMAN. Is that a section where you have rather exclusive stores?

Mr. DEVINE. Well, we hope it is that way. We like to call it the Fifth Avenue of Long Island.

Mr. ADLERMAN. Now, bringing you down to a point in time of April 1955, did you have any difficulties with any union?

Mr. DEVINE. Yes; we did.

Mr. ADLERMAN. Will you explain the circumstances or the events that took place?

Mr. DEVINE. Well, I came to work that morning and on the front sidewalk there were numerous pickets walking up and down the street. They had a black card that said "Unfair," and to whom I don't recall. But they were walking up and down the sidewalk.

Mr. ADLERMAN. What other stores were there on the sidewalk?

Mr. DEVINE. There were a group of about eight stores.

Mr. ADLERMAN. What were they?

Mr. DEVINE. You have Arnold Constable, followed by Lamston's and Flint-Horner, and Michel's Shoestore, Martin's Men's Shop, Slenderella, and Food Fair.

Mr. ADLERMAN. Were the pickets walking down the entire front block?

Mr. DEVINE. As far as I could perceive; yes.

Mr. ADLERMAN. Did anybody come in to see you?

Mr. DEVINE. Shortly thereafter a man named Nolan came in.

Mr. ADLERMAN. Was his first name Tom?

Mr. DEVINE. I believe so.

Mr. ADLERMAN. And what did he state, or who did he represent that he was?

Mr. DEVINE. He represented himself as the business agent of a garbagemen's union.

Mr. ADLERMAN. Is that local 813?

Mr. DEVINE. I believe so.

Mr. ADLERMAN. And what did he state to you?

Mr. DEVINE. He said to me that he knew that we were using a non-union garbage collector.

The CHAIRMAN. What is that?

Mr. DEVINE. A nonunion garbage collector.

Mr. ADLERMAN. What company had you been using?

Mr. DEVINE. Herbert Anderson.

Mr. ADLERMAN. And they were a nonunion garbage collection outfit?

Mr. DEVINE. That is right.

Mr. ADLERMAN. What did he say after that?

Mr. DEVINE. Well, he asked me about changing over to a union collector.

Mr. ADLERMAN. Did you have a chance to observe the pickets outside the store?

Mr. DEVINE. Yes.

Mr. ADLERMAN. Do you recall whether or not they seemed to be in charge of any one person?

Mr. DEVINE. Originally, in the morning, no; they seemed to be walking up and down aimlessly.

Mr. ADLERMAN. And did you notice anybody particular who seemed to have charge of those pickets?

Mr. DEVINE. Yes; there was one man.

Mr. ADLERMAN. Who was that man?

Mr. DEVINE. A man named Squillante?

Mr. ADLERMAN. Was that Mr. Nunzio Squillante?

Mr. DEVINE. I believe so.

Mr. ADLERMAN. Did he seem to be in charge of those pickets walking up in front of your store?

Mr. DEVINE. Yes; you might say that.

Mr. ADLERMAN. Did you have any conversations with Mr. Squillante outside of your store?

Mr. DEVINE. No; it was on the inside of the store. About 1 o'clock in the afternoon it started raining, and we have an overhanging front door and the pickets had gathered under there to escape the rain. So when he came along with Nolan, I asked him whether or not he couldn't be sure that the pickets would stand away from the doorway, as it was very inconvenient for customers to have to fight their way out, and he went over to them and told them and they immediately gathered in front of the windows, leaving the doors free.

Mr. ADLERMAN. They obeyed his instructions?

Mr. DEVINE. That is right.

Mr. ADLERMAN. What happened after Mr. Nolan came in to your store and told you that you would have to use a union company?

Mr. DEVINE. Well, it is the policy of our company in anything unusual that occurs and things like this, we are to immediately call the main office for instructions. That I immediately did, calling on Mr. Marks, who then advised me.

Mr. ADLERMAN. Did he give you a list of companies that would be satisfactory to the union?

Mr. DEVINE. He showed it to me but he didn't give it to me at that time.

Mr. ADLERMAN. Is this the list of names?

The CHAIRMAN. You say he showed you a list of companies that would be satisfactory?

Mr. ADLERMAN. That is right.

The CHAIRMAN. Did he give you the list?

Mr. ADLERMAN. I don't believe he gave it to me at that time; no.

The CHAIRMAN. Did you ever have in your possession a list?

Mr. ADLERMAN. Later in the afternoon; yes.

The CHAIRMAN. Sometime later he did give it to you?

Mr. ADLERMAN. Yes, sir.

The CHAIRMAN. But not that morning?

Mr. ADLERMAN. Not at that time; no.

The CHAIRMAN. How did he give you the list? Was it just on a piece of paper or something?

Mr. DEVINE. It was on a file card, about 5 by 7, roughly.

The CHAIRMAN. On what?

Mr. DEVINE. On a filing card.

The CHAIRMAN. A filing card?

Mr. DEVINE. Yes.

The CHAIRMAN. Do you remember the names of the companies?

Mr. DEVINE. I remember a couple of them. One was General Sanitation, and there was another one, Jamaica Ash or Jamaica Sanitation, or something like that.

The CHAIRMAN. Jamaica Ash or something?

Mr. DEVINE. Something similar to that.

The CHAIRMAN. I hand you what purports to be a photostatic copy of the list he gave you and I ask you to examine it and state if you identify that as a list he gave you.

(Document handed to witness.)

Mr. DEVINE. That is the list.

The CHAIRMAN. That may be made exhibit No. 13.

(The document referred to was marked "Exhibit No. 13" for reference and will be found in the appendix on p. 7034.)

The CHAIRMAN. Proceed.

Mr. ADLERMAN. At the time he gave you that list, was Mr. Nunzio Squillante with him?

Mr. DEVINE. Yes; he was.

Mr. ADLERMAN. The two of them came into the store together to talk to you?

Mr. DEVINE. Yes, sir.

Mr. ADLERMAN. Did they urge you to take a company from that list?

Mr. DEVINE. Yes.

Mr. ADLERMAN. In place of the Anderson Co.?

Mr. DEVINE. Yes, sir.

The CHAIRMAN. Your firm was using the Anderson Co. prior to this time?

Mr. DEVINE. That is right.

The CHAIRMAN. And you got picketed?

Mr. DEVINE. That is right.

The CHAIRMAN. And the reason, they stated, was because you were not using a service that was unionized?

Mr. DEVINE. That is right.

The CHAIRMAN. Then he gave you this list and suggested you arrange with some of these that the union approved?

Mr. DEVINE. That is right.

The CHAIRMAN. All right.

Mr. ADLERMAN. You consulted with the officials, one of the chief officers of your company, and they told you to deal with them in some way?

Mr. DEVINE. He told me that since we were so closely—and by "he" I mean Mr. Marks—since we were so closely allied with Arnold Constable, he suggested that I do nothing until such time as Arnold Constable had made a decision.

The CHAIRMAN. Who was that?

Mr. DEVINE. Our Mr. Marks, of our executive office, suggested I do nothing until Arnold Constable made a decision.

Mr. ADLERMAN. As I understand it, you did not make the decision, and you called your office in New York City?

Mr. DEVINE. That is right.

Mr. ADLERMAN. The executive office?

Mr. DEVINE. Yes, sir.

Mr. ADLERMAN. And you spoke to Mr. Marks?

Mr. DEVINE. That is right.

Mr. ADLERMAN. Who told you to follow the same policy that was going to be followed by the Arnold Constable store, that was next to you; is that correct?

Mr. DEVINE. That is correct.

Mr. ADLERMAN. Now, did you sign up a contract later that day?

Mr. DEVINE. We agreed, and it wasn't a written contract.

Mr. ADLERMAN. Who did you agree to sign with?

Mr. DEVINE. I agreed to sign with General Sanitation Co.

Mr. ADLERMAN. And you accepted them as the contractor in place of Anderson Co.?

Mr. DEVINE. That is right.

Mr. ADLERMAN. Had you noticed any pickets on a parking lot of the Arnold Constable store?

Mr. DEVINE. In the morning they had them on the far parking lot; yes, sir.

Mr. ADLERMAN. Were they trying to bar the delivery of trucks to the Arnold Constable store?

Mr. DEVINE. I believe that would be the purpose they were there.

Mr. ADLERMAN. And they were trying to stop any merchandise going in or coming out of that store?

Mr. DEVINE. Yes; that is the truck delivery entrance.

Mr. ADLERMAN. Did they tell you that the General Sanitation Co., or did they lead you to believe that the General Sanitation Co., was a union company?

Mr. DEVINE. Well, yes; he said he had a list of these union companies.

Mr. ADLERMAN. As far as you know, they were a union company?

Mr. DEVINE. Of course.

Mr. ADLERMAN. I hope, Mr. Chairman, that we will be able to establish that the General Sanitation was not a union company.

The CHAIRMAN. That has already been established by the evidence.

Mr. ADLERMAN. I think Mr. Montesano and Mr. Parise both have already testified to that effect, but we will be able to secure further evidence.

The CHAIRMAN. You changed from whatever company you had on the basis of this picketing to the General Sanitation Co.?

Mr. ADLERMAN. Definitely. That is the reason we changed, was because of the pickets.

The CHAIRMAN. What apparently are the facts is that you were picketed, and the reason given was that you were not using a company that was unionized.

Mr. DEVINE. That is right.

The CHAIRMAN. Or using a service that was not unionized.

Mr. DEVINE. That is right.

The CHAIRMAN. And on the basis of that, you changed to one of the companies on the list that was handed you that would be satisfactory?

Mr. DEVINE. That is correct.

The CHAIRMAN. That turned out to be the General Sanitation Co.?

Mr. DEVINE. Yes, sir.

The CHAIRMAN. Which was not unionized.

Mr. DEVINE. I wasn't aware of that.

The CHAIRMAN. I know you were not aware of it, but if the information the committee has is correct, that would be a fact.

Mr. DEVINE. Yes, sir.

The CHAIRMAN. But you didn't know at that time?

Mr. DEVINE. No.

The CHAIRMAN. You were simply trying to find a way to get along and to have peace and I suppose you didn't care whether it was unionized or not, just so long as you got your rubbish removed?

Mr. DEVINE. That is right.

The CHAIRMAN. So you changed to the one they told you to change to or one of the ones?

Mr. DEVINE. One of the ones; yes.

The CHAIRMAN. Proceed.

Mr. ADLERMAN. Did you know at that time that Mr. Nunzio Squillante was one of the owners of the General Sanitation Co.?

Mr. DEVINE. Yes. When Nolan was in the store and he said, "Pick one," not having any personal preference, I just took the first one, which was the General Sanitation.

The CHAIRMAN. It was the first one on the list that he gave you?

Mr. DEVINE. That is right.

The CHAIRMAN. Nunzio gave that to you?

Mr. DEVINE. No; Mr. Nolan gave me the list.

Mr. ADLERMAN. Now, Mr. Devine, under the contract of the town with Mr. Anderson, did you know whether he had a partially free collection of rubbish?

Mr. DEVINE. I don't believe there is any free collection at all.

Mr. ADLERMAN. Were you entitled to deliver up to 40 pounds of rubbish without any charge?

Mr. DEVINE. No; I believe we paid all of that.

Mr. ADLERMAN. Well, did you know that that was one of the reasons why he was able to charge you only \$40 instead—how much did he charge you?

Mr. DEVINE. \$25.

Mr. ADLERMAN. That was the reason why he was able to only charge you \$25.

Mr. DEVINE. I wasn't aware of that, because I didn't open the store originally.

Mr. ADLERMAN. I would like to put in the record the fact that Anderson & Co., under their contract with the town, was given an allowance so that the commercial and industrial establishments could have a free collection of 40 pounds of rubbish, and anything over that they were entitled to charge the company.

The CHAIRMAN. Well, this contract will have to be sworn to. I don't know how you obtained it. It shall be put in later.

Proceed, and you can ask him questions about that.

Mr. ADLERMAN. Can we put this in subject to identification?

The CHAIRMAN. It will be used here and it can be referred to subject to identification later.

Mr. ADLERMAN. Now, during the time that they had this picket line, did any of the pickets cross the picket line or any of the union people cross the picket line?

Mr. DEVINE. Surely, they all came in for lunch.

Mr. ADLERMAN. They all came in for lunch?

Mr. DEVINE. They would come in for lunch and coffee.

Mr. ADLERMAN. While they had a picket line there?

Mr. DEVINE. Sure. It was a part of the day's business.

Mr. ADLERMAN. I have no further questions.

Senator McNAMARA. I would like to ask the witness to identify Mr. Marks. What was his title?

Mr. DEVINE. Mr. Marks is the secretary-treasurer of M. H. Lamston.

Senator McNAMARA. Does he handle labor relations generally, or is he just your superior?

Mr. DEVINE. No; he handles these things generally.

Senator McNAMARA. Labor relations for your company?

Mr. DEVINE. That is right.

Senator McNAMARA. That is all.

The CHAIRMAN. All right. Thank you very much.

Call the next witness.

Mr. ADLERMAN. Mrs. Patricia Kelly.

The CHAIRMAN. You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KELLY. I do.

TESTIMONY OF MRS. PATRICIA KELLY

The CHAIRMAN. State your name, and your place of residence and your business or occupation.

Mrs. KELLY. My name is Patricia Kelly. I reside at 132-48 41st Road, Flushing, and I am a personnel manager for Arnold Constable, in Manhasset.

The CHAIRMAN. For whom?

Mrs. KELLY. Arnold Constable.

The CHAIRMAN. What business are they in?

Mrs. KELLY. A department store.

The CHAIRMAN. A department store.

Mrs. KELLY. Yes, sir.

The CHAIRMAN. Do you waive counsel?

Mrs. KELLY. Yes, sir.

The CHAIRMAN. Thank you very much.

Mr. ADLERMAN. Mrs. Kelly, were you acting in a similar capacity for Arnold Constable in April of 1953?

Mrs. KELLY. Yes, sir; I was.

Mr. ADLERMAN. Did you have occasion to speak to any delegates from local 813 of the Sanitation Union?

Mrs. KELLY. I was present when Mr. Nolan came into the superintendent's office, of our store.

Mr. ADLERMAN. Was that Mr. Thomas F. Nolan?

Mrs. KELLY. That is right.

Mr. ADLERMAN. Did he give you a card showing that he was a business agent of union local 813?

Mrs. KELLY. Yes; he did.

The CHAIRMAN. Mrs. Kelly, I present to you what purports to be a photostatic copy of a card, personal card of Thomas F. Nolan, business agent, Union Local 813, IBFT, and I ask you to examine this photostatic copy and state if you identify it as such.

(Document handed to witness.)

Mrs. KELLY. Yes; that is right.

The CHAIRMAN. That may be made exhibit No. 14.

(The document referred to was marked "Exhibit No. 14" for reference and will be found in the appendix on p. 7035.)

Mr. ADLERMAN. How many times did Mr. Nolan come to your office?

Mrs. KELLY. Twice.

Mr. ADLERMAN. Will you tell us about the first time he came to your place?

Mrs. KELLY. He came in to our office, and I would say the latter part of March of 1955, and he came in to see Mr. Story, our superintendent, and I was in the office at this time. And he requested, I believe, he requested the name of our garbage collector at the time, who was Mr. Anderson. He told us that he would like us to take a union carting company and he would present us with a list of names we could choose from.

Mr. ADLERMAN. Did he present to you with a list of names of companies who were union companies or would be acceptable to the union?

Mrs. KELLY. That is what he said; yes.

Mr. ADLERMAN. I show you exhibit No. 13, and I ask you if that is the list that was given to you.

(Document handed to witness.)

Mrs. KELLY. That is right.

Mr. ADLERMAN. Now, what was the outcome of that first meeting?

Mrs. KELLY. Mr. Storey, the superintendent, told him that it was a matter that would have to be taken under discussion and they couldn't let him know that day, but that he would let him know within the very near future.

Mr. ADLERMAN. Would you tell us what the next occasion of Mr. Nolan's visit was?

Mrs. KELLY. Mr. Nolan came back, a week or 10 days later after that first meeting, to find out what the result of the discussion was, and at that time he brought the list.

The CHAIRMAN. Did the pickets remain there during that time?

Mrs. KELLY. No; there were no pickets there at that time.

The CHAIRMAN. After he agreed to have some consultations about it, and let him know, the pickets were removed?

Mrs. KELLY. I don't remember that there were any pickets there before that.

Mr. ADLERMAN. Neither on the first occasion, nor on the second occasion were there any pickets?

Mrs. KELLY. No.

Mr. ADLERMAN. But there did come a day when you did receive reports that there were pickets who were trying to block the cars driving goods to the store in your own private parking lot?

Mrs. KELLY. That is right.

Mr. ADLERMAN. And they would have to be removed, is that right?

Mrs. KELLY. That is right.

Mr. ADLERMAN. Was that the date that you finally signed a contract or made an agreement with General Sanitation?

Mrs. KELLY. Yes, sir.

The CHAIRMAN. The pickets were placed later after these earlier conversations?

Mrs. KELLY. That is right.

The CHAIRMAN. You didn't move fast enough; you got the pickets; is that it?

Mrs. KELLY. I guess that was the general idea.

The CHAIRMAN. When you got the pickets, you moved a little faster and you signed the contract?

Mrs. KELLY. We didn't sign any contract to my knowledge. It was a verbal contract, a verbal agreement.

The CHAIRMAN. You discharged your present arrangements with the Anderson Co., and took over the General Sanitation Co.?

Mrs. KELLY. Yes, sir.

The CHAIRMAN. That was all done verbally, you think?

Mrs. KELLY. Yes, sir.

Mr. ADLERMAN. Can you tell us how you happened to pick the General Sanitation in preference to the other names on that list?

Mrs. KELLY. This was the list that was given to us and General Sanitation was the first name on the list.

Mr. ADLERMAN. Did you understand that General Sanitation was a union company?

Mrs. KELLY. Yes, sir.

Mr. ADLERMAN. That was the implication that was left with you?

Mrs. KELLY. Yes; it was.

Mr. ADLERMAN. How long did General Sanitation pick up the garbage at your store?

Mrs. KELLY. Well, I would say that the firm that called itself General Sanitation picked it up for a month or two.

Mr. ADLERMAN. Then what happened?

Mrs. KELLY. Then the following bill that came in for the services was billed under Estates Carting.

Mr. ADLERMAN. Estates Carting?

Mrs. KELLY. Yes, sir.

Mr. ADLERMAN. You never engaged Estates Carting at any time?

Mrs. KELLY. No.

Mr. ADLERMAN. They just kept on taking the rubbish in place of the General Sanitation?

Mrs. KELLY. Yes, sir.

The CHAIRMAN. Was Estate Carting Co. on the list that was given to you? You have it before you, and I don't.

Mrs. KELLY. No.

The CHAIRMAN. In other words, you changed to one company, that was on the list. A month or two later you got a bill from another company?

Mrs. KELLY. That is right.

The CHAIRMAN. That was not on the list?

Mrs. KELLY. That is right.

The CHAIRMAN. Estate Carting Co.

Mrs. KELLY. That is right.

The CHAIRMAN. I present to you here an original bill from the Estate Carting Co., dated July 31, 1955, and I ask you to examine it and state if you identify it as the bill that you referred to that you received from a different company.

(Document handed to the witness.)

Mrs. KELLY. Yes; I believe it is the one.

The CHAIRMAN. That will be exhibit No. 15.

(The document referred to was marked "Exhibit No. 15" for reference and will be found in the appendix on p. 7036.)

Mr. ADLERMAN. Arnold Constable had no choice when the Estate Carting came along, and it was just that was the carting company that was picking up the rubbish?

Mrs. KELLY. That is right, we weren't informed that there was any change at all.

Mr. ADLERMAN. As long as the union didn't bother you, that was all you were interested in?

Mrs. KELLY. That is right.

The CHAIRMAN. Did your company or your employers make any arrangements with this particular company so far as you know?

Mrs. KELLY. No.

The CHAIRMAN. In other words, the bill came as a surprise?

Mrs. KELLY. That is right.

The CHAIRMAN. Do you know whether this company, the Estate Carting Co., succeeded the General Sanitation Co. that you had employed?

Mrs. KELLY. Well, when we received this bill from Estate Carting, the manager of the store made a telephone call to the number that was on the list for General Sanitation, to find out why the name of the company was changed, and at that time they told him that General Sanitation was the same as Estates Carting.

The CHAIRMAN. What do our records show, our information, Mr. Counsel, with respect to this Estates Carting Co., whether it was unionized or not? Do we have any information on that?

Mr. ADLERMAN. I believe, Senator, that the Estates Carting or the route was sold to the Estates Carting Co., although we have no particular knowledge of the exact ownership of Estates Carting.

Mrs. KELLY. It is now owned by George Trella, and it is a union firm at this time.

The CHAIRMAN. Was it unionized at that time?

Mrs. KELLY. Not directly, Senator McClellan, we do not know.

The CHAIRMAN. Proceed.

Mr. ADLERMAN. I have no further questions.

The CHAIRMAN. Any further questions, Senator McNamara?

Senator McNAMARA. I was wondering about the rate. Was it the same rate when you changed from Anderson to General Sanitation?

Mrs. KELLY. No.

Senator McNAMARA. No change in your rates?

Mrs. KELLY. Not at that time, no.

Senator McNAMARA. Were there later changes?

Mrs. KELLY. About a year later there was.

Senator McNAMARA. They were increased?

Mrs. KELLY. Yes, sir.

Senator McNAMARA. Substantially?

Mrs. KELLY. No, \$5 a month.

Senator McNAMARA. Thank you, that is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. ADLERMAN. Mr. Costigan.

The CHAIRMAN. You solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COSTIGAN. I do.

TESTIMONY OF MATTHEW COSTIGAN, ACCOMPANIED BY HIS COUNSEL, BERNARD MARGOLIS

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. COSTIGAN. Matthew Costigan, and I live at 19 Bluebell Court, Garden City, and I am manager for the Grand Union Co. of Manhasset.

The CHAIRMAN. You have counsel present, Mr. Costigan?

Mr. COSTIGAN. He is a representative of the company.

Mr. MARGOLIS. My name, sir, is Bernard Margolis, 1000 Vermont Avenue NW., Washington, D. C., and member of the District bar, and I am here at the request or suggestion of the Grand Union Co. whom I represent in Washington, on behalf of this witness.

The CHAIRMAN. Let me say this to you, that witnesses are entitled to have counsel present if they desire, that is, counsel of their own choosing. Counsel for the company, or someone else, may sit in the audience and observe, and of course they are welcome. But we have to keep this record straight.

Mr. MARGOLIS. I am here as counsel for the witness.

The CHAIRMAN. That is very good. Proceed.

Mr. ADLERMAN. Mr. Costigan, what is your occupation?

Mr. COSTIGAN. Store manager.

Mr. ADLERMAN. Of the Grand Union Supermarket?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. Located at 82 Plandum Road, Manhasset?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. Is that correct?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. Do you recall having some visitor from local 813 of the Sanitation Union to see some time about March or April of 1955?

Mr. COSTIGAN. Yes, I do.

Mr. ADLERMAN. Will you relate to us what happened at that time?

Mr. COSTIGAN. Well, they came in on a Monday morning, two gentlemen and one said they represented the union and the other said that they represented a carting company.

The CHAIRMAN. Do you remember their names?

Mr. COSTIGAN. No, sir; I do not. They stated to me having union employees in the store, a union shop, I should have a union carting company, and I said I couldn't go with them until I took it up with my district manager. One stated, "Well, you have a union shop, you might as well have a union truck, or union carting."

The CHAIRMAN. He said what?

Mr. COSTIGAN. They stated that as long as I had a union shop, union employees, I should have a union carting corporation, or union trucking company, take the rubbish away.

The CHAIRMAN. Then you took it up with your superiors?

Mr. COSTIGAN. I did, right away, that morning.

The CHAIRMAN. All right, proceed.

Mr. ADLERMAN. Will you relate what happened then?

Mr. COSTIGAN. I took it up with my district manager, and he told me to go ahead but find out how much they were going to charge me.

Mr. ADLERMAN. Did one of these gentlemen come back at a later date?

Mr. COSTIGAN. Yes, the following day, on Tuesday.

Mr. ADLERMAN. Which gentleman was that?

Mr. COSTIGAN. That was the man, I think, that represented the carting company.

Mr. ADLERMAN. Have you since been able to identify him?

Mr. COSTIGAN. I have.

Mr. ADLERMAN. If I show you this picture, would you be able to identify him?

The CHAIRMAN. In other words, would you be able to identify the man if you saw a picture of him?

Mr. COSTIGAN. I would.

The CHAIRMAN. I present to you a picture of two men, and I ask you to examine it and state if you recognize either of them, and which one was it that talked to you.

(A photograph was shown to the witness.)

Mr. COSTIGAN. It is the gentleman on my left.

The CHAIRMAN. The shorter one?

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. The black-headed one?

Mr. COSTIGAN. That is right.

The CHAIRMAN. We have that identified. Who is he?

Mr. ADLERMAN. That is Mr. Nunzio Squillante.

Mr. COSTIGAN. That is Mr. Nunzio, who was going to take care of removing my rubbish.

The CHAIRMAN. You said "Mr. Nunzio." Do you know who that is?

Mr. COSTIGAN. Squillante.

The CHAIRMAN. That is the man that you had this transaction with?

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. He is the one who was going to take care of your rubbish and demanded that you have a union shop?

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. Or a union carting company?

Mr. COSTIGAN. That is right.

The CHAIRMAN. That picture may be made exhibit No. 16 for reference only. I do not think that I want it in the record as printed, but just so we can refer to it for further identification.

(The document referred to was marked "Exhibit No. 16" for reference and may be found in the files of the Select Labor Committee.)

Mr. ADLERMAN. When you had this conversation with Mr. Nunzio Squillante, incidentally, is he the same man that came in with the union representative earlier?

Mr. COSTIGAN. Yes, sir, he was.

Mr. ADLERMAN. Have you been able to identify the union representative?

Mr. COSTIGAN. I have not been able to identify him, sir.

Mr. ADLERMAN. Did he tell you whether his name was Thomas Nolan?

Mr. COSTIGAN. He might have, sir, but I have an idea he did say, but I don't want to go on record, and I only saw the man once and I never saw him again.

Mr. ADLERMAN. At the time that Mr. Nunzio Squillante——

The CHAIRMAN. Let me ask a question there.

Is the other party in the picture the man that was there with him?

Mr. COSTIGAN. No.

The CHAIRMAN. In other words, the second person on the picture, where you have identified the picture——

Mr. COSTIGAN. I can only identify one man in that picture.

The CHAIRMAN. You do not know the other?

Mr. COSTIGAN. I do not.

Mr. ADLERMAN. When Mr. Nunzio Squillante came back, did you ask him what price he would charge?

Mr. COSTIGAN. Yes, sir, I did.

Mr. ADLERMAN. What price had you been paying Anderson & Co. up to that time?

Mr. COSTIGAN. \$40 a month.

Mr. ADLERMAN. Were you satisfied with the services of Anderson & Co.?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. What price did Mr. Squillante say he would charge?

Mr. COSTIGAN. He charged me \$50.

Mr. ADLERMAN. Now, subsequent to that time, did you find another carting company picking up the rubbish in place of the General Sanitation Co.?

Mr. COSTIGAN. Afterward, yes.

The CHAIRMAN. You dismissed the Anderson Co.?

Mr. COSTIGAN. Yes, sir; I did.

The CHAIRMAN. And employed General Sanitation?

Mr. COSTIGAN. Yes, they took over.

The CHAIRMAN. On the basis of your transaction with Mr. Squillante?

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. Now, you say after that you found another company taking over the work?

Mr. COSTIGAN. Yes, I did.

The CHAIRMAN. What company was that?

Mr. COSTIGAN. That was the Estates Carting Co.

Mr. ADLERMAN. Those trucks, did they just have a piece of paper on there with the names on the truck?

Mr. COSTIGAN. Well, I think the first company had a piece of paper on the door of the truck; the Estates has not and his name is printed right on the truck.

Mr. ADLERMAN. The first time, when the General Sanitation came around, they just had a piece of paper?

Mr. COSTIGAN. It looked like a piece of paper.

Mr. ADLERMAN. And on that was printed or written, "General Sanitation Co.?"

Mr. COSTIGAN. That is right.

Mr. ADLERMAN. Since that time, have there been subsequent raises in price?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. For the collection of rubbish?

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. And you are paying at the present time how much?

Mr. COSTIGAN. At the present time we are paying \$25 a week.

Mr. ADLERMAN. That is \$110 a month?

Mr. COSTIGAN. Roughly, yes.

The CHAIRMAN. What were you paying Anderson Co.?

Mr. COSTIGAN. \$40 a month.

The CHAIRMAN. It is now how much?

Mr. COSTIGAN. \$25 a week. How it was broke up, we were paying him \$110 a month, but the contractor of the Estates Carting Co. came to me and he said he had difficulty in making his payroll up every week when I was paying him by the month, and could I pay him by the week. I got my district manager to O. K. it and we pay him \$25 a week instead of \$110 a month.

The CHAIRMAN. When was the change made from the Anderson Co.

Mr. COSTIGAN. I think it was in the spring of 1955.

The CHAIRMAN. 1955, a little more than 2 years ago?

Mr. COSTIGAN. That is right.

The CHAIRMAN. Your rates have gone up from \$40 a month to \$25 a week.

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. In that period of time?

Mr. COSTIGAN. Yes, sir.

Mr. COSTIGAN. Yes, sir.

Mr. ADLERMAN. I have no further questions.

Senator McNAMARA. I would like to ask the witness a couple of questions.

You say that you have a union shop, the Grand Union Co. is a union operation?

Mr. COSTIGAN. It is a union organized shop.

Senator McNAMARA. Is this the Grand Union, what we knew in the old days, as the Grand Union Tea Co.?

Mr. COSTIGAN. It is a continuance of that company.

Senator McNAMARA. Do you have the same sort of merchandise?

Mr. COSTIGAN. A little more; it is a supermarket.

Senator McNAMARA. You have a supermarket setup now?

Mr. COSTIGAN. Yes, sir.

Senator McNAMARA. It was all trash and garbage?

Mr. COSTIGAN. We do have garbage, and we have vegetable waste and so on, and produce.

Senator McNAMARA. How many employees do you have, approximately?

Mr. COSTIGAN. We have 14 full-time employees, and 6 part-time.

Senator McNAMARA. You have someone designated as a shop steward?

Mr. COSTIGAN. We do but at the present time we haven't got one.

Senator McNAMARA. I mean at the time this was done?

Mr. COSTIGAN. Yes, sir.

Senator McNAMARA. Did you consult with him on this change?

Mr. COSTIGAN. I did not.

Senator McNAMARA. You do not know whether your union representative took any position on it?

Mr. COSTIGAN. They did not.

Senator McNAMARA. It was all done without their knowledge?

Mr. COSTIGAN. Yes, sir. You see, the only thing I brought up with this General Carting Co.—I took that up with my district manager. That is all of the authority I had and I could not go along with anybody until I took it up with him and he told me to go along with them.

Senator McNAMARA. I am raising a question whether or not you consulted with the union that you were doing business with, with your employees at the store. But you did not.

Mr. COSTIGAN. No.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. Just why did you make the change from Anderson Co. over to General Sanitation? Why did you make that change?

Mr. COSTIGAN. Well, the change was—I was just told that we would have to change over, having a union shop, and it would be better to have a union cartage and also there was a remark passed, "You know if you don't change over, you might get a picket line."

The CHAIRMAN. It was under a threat of a picket line?

Mr. COSTIGAN. Yes; there was a threat of a picket line.

The CHAIRMAN. Did you look into the matter to ascertain whether General Sanitation was a unionized company?

Mr. COSTIGAN. I took it for granted that they were.

The CHAIRMAN. You just took it for granted?

Mr. COSTIGAN. Yes, sir.

The CHAIRMAN. The implication in the conversation led you to believe that?

Mr. COSTIGAN. That is right.

The CHAIRMAN. And you were told you would do it or else you would have a picket line and so you took it up with your superiors and they said, "Well, go ahead and go along with it."

Mr. COSTIGAN. That is right.

The CHAIRMAN. Did you learn later that General Sanitation was not unionized?

Mr. COSTIGAN. I never knew they were not unionized and I always thought they were.

The CHAIRMAN. You did not know it was just a gang of racketeers running a business?

Mr. COSTIGAN. Well, I read that in the paper.

The CHAIRMAN. You have learned a little about it since?

Mr. COSTIGAN. That is right.

The CHAIRMAN. You did not know it at that time?

Mr. COSTIGAN. No.

The CHAIRMAN. I see.

Is there anything further?

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. ADLERMAN. Mr. Kelly, have you had an opportunity to examine the union records to determine whether or not the General Sanitation Co. is a union company?

Mr. KELLY. Yes, Mr. Adlerman; I have.

Mr. ADLERMAN. Will you tell us where you examined these records?

Mr. KELLY. Well, the records were examined initially at the office of the Manhattan district attorney some time in April or May of this year. They were again examined—the records were examined by the district attorney's office and I received a registered letter this morning from them.

However, back in May, when I examined the contracts that were on file at the district attorney's office, I looked specifically for the name of General Sanitation Co. as having a union contract on file. Now, all of these contracts have been picked up by District Attorney Hogan's office on their subpoena for examination, and they were in their custody at the time.

A check of all of those contracts revealed no contract for General Sanitation Co. I had a conversation with Mr. Adelstein, who was the secretary-treasurer and business agent of the union.

The CHAIRMAN. Of local 813?

Mr. KELLY. Yes. On May 20 of this year I asked him if General Sanitation was a union firm. He said, "I thought they were out of business." And I said, "Were they a union firm, to your knowledge?" And he said, "I can't say offhand. If they were a union firm, their contract would be on file at District Attorney Hogan's office. He has all of my contracts."

The CHAIRMAN. Then you examined the contracts?

Mr. KELLY. That is correct.

The CHAIRMAN. There was no contract on file?

Mr. KELLY. There was no contract on file at District Attorney Hogan's office.

Now, we have here photostatic copies of the receipts that were given to the Private Sanitation Union, Local 813, at their request by District Attorney Hogan's at the time that these contracts were delivered in answer to their subpoena. A review of these lists revealed no name listed for General Sanitation Co.

The CHAIRMAN. What about the Estates Carting Co.; is it on there?

Mr. KELLY. Estates Carting is listed twice on one of these lists, Senator McClellan, and after the second listing it has in parentheses the name "Trella." Now, George Trella is the present owner of Estates Carting.

The CHAIRMAN. Is there anything further?

Mr. ADLERMAN. Have you the letter from the district attorney's office?

Mr. KELLY. Yes, sir; I have.

Mr. ADLERMAN. Would you let us see it?

(A document was handed to the chairman.)

The CHAIRMAN. This letter may be made exhibit No. 17 and not necessarily printed in the record. It is for reference. The district attorney's office, after checking the records, confirms that General Sanitation was not on the list as being unionized.

(The document referred to was marked "Exhibit No. 17" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Mr. ADLERMAN. I have no other questions.

The CHAIRMAN. Thank you.

Call the next witness.

Mr. ADLERMAN. Mr. Tom Nolan.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NOLAN. I do.

TESTIMONY OF THOMAS F. NOLAN

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. NOLAN. Thomas F. Nolan, 95 McDougal Street, New York; truckdriver.

The CHAIRMAN. What is your occupation?

Mr. NOLAN. Truckdriver.

The CHAIRMAN. You are a truckdriver?

Mr. NOLAN. Yes, sir.

The CHAIRMAN. Mr. Nolan, do you have counsel?

Mr. NOLAN. I am not waiving counsel, Mr. Chairman, and I requested my testimony be postponed until tomorrow, as he is flying in tonight.

The CHAIRMAN. Will you speak a little louder, please?

Mr. NOLAN. I have a cold.

The CHAIRMAN. You have arranged for counsel?

Mr. NOLAN. Yes, I have.

The CHAIRMAN. But he is not here?

Mr. NOLAN. He is not available right now.

The CHAIRMAN. When were you notified to be here?

Mr. NOLAN. Yesterday.

The CHAIRMAN. And you arranged with counsel?

Mr. NOLAN. Yes, sir.

The CHAIRMAN. He cannot be here today?

Mr. NOLAN. He cannot be here.

The CHAIRMAN. He is not here?

Mr. NOLAN. No.

The CHAIRMAN. He can and will be here tomorrow?

Mr. NOLAN. Yes.

The CHAIRMAN. And you prefer to wait until your counsel can be present to testify?

Mr. NOLAN. Yes.

The CHAIRMAN. Are there any objections?

Under those circumstances, then you will remain over until tomorrow, subject to call, and get in touch with your counsel immediately. If you have any doubt about him being here, let us know now, or as early as you can. I am not going to require you to proceed with your testimony until a reasonable opportunity is given for counsel, but in the event there is any other contingency that you know of or you can find out about, please let us know about it sometime this afternoon.

Senator McNAMARA. Let me ask one question. I understand in stating occupation you said you were a truckdriver.

Mr. NOLAN. Yes, sir.

Senator McNAMARA. Are you not the business agent of local 813?

Mr. NOLAN. I was a business agent.

Senator McNAMARA. You are not now?

Mr. NOLAN. I am not now.

Senator McNAMARA. That is all.

The CHAIRMAN. All right. You will be available—I think the committee will recess over, when we recess today, until 10 o'clock tomorrow, and you will be available at 10 o'clock tomorrow with your counsel present.

Mr. NOLAN. Thank you very much.

The CHAIRMAN. Call the next witness.

Mr. ADLERMAN. Mr. Nunzio Squillante.

The CHAIRMAN. Will you be sworn? You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SQUILLANTE. I do.

TESTIMONY OF NUNZIO SQUILLANTE, ACCOMPANIED BY HIS COUNSEL, PATRICK GEARY

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. SQUILLANTE. Nunzio Squillante, 524 11th Avenue, Hyde Park.

The CHAIRMAN. What is your occupation, please sir?

Mr. GEARY. Mr. Chairman—

The CHAIRMAN. Just a moment.

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. I think that is sufficient notice to the committee. Do you have counsel present with you to represent you?

Mr. SQUILLANTE. Yes, sir.

The CHAIRMAN. Mr. Counsel, identify yourself for the record.

Mr. GEARY. My name is Patrick Geary, and my office is in Jamaica, Long Island, and before the committee asks any questions I would like to ask you, Senator McClellan, whether you received a copy of the statement dated November 12, 1957, which I sent to you on that date pursuant to rule 7 of the rules of the select committee, giving you advance notice we intended to read such statement into the record.

The CHAIRMAN. Just one moment. The Chair has received from counsel, Mr. Patrick Geary, a letter with a statement attached. The letter is dated November 12, and so is the statement, in which he gave notice in his letter that he proposed to read the attached statement at the time that his client was called to testify. He says he does it

under the rules of the committee, and the Chair would remind counsel that rule 6 of the committee states, and I quote—

Mr. GEARY. I am referring to rule 7, Mr. Chairman.

The CHAIRMAN. I am going to read both of them.

Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness, while he is testifying, of his legal rights, but this shall not be construed to excuse a witness from testifying in the event his counsel is ejected for contumacy or disorderly conduct; nor shall this rule be construed as authorizing counsel to coach the witness, answer for the witness, or put words in the witness' mouth. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpoena.

Rule No. 7. Any witness desiring to read a prepared or written statement in executive or public hearing shall file a copy of such statement with the counsel or chairman of the committee 24 hours in advance of the hearing at which the statement is to be presented. The committee shall determine whether such statement may be read or placed in the record of the hearing.

There is no rule of the committee that grants counsel the right to testify for his client. This committee has in the past, and will again at this time, permit counsel to raise any objection in any brief statement that he may desire to raise, but the committee will not in this instance, as it has not in the past and as I trust it will not do in the future, make this committee and these hearings available as a forum to counsel who may represent witnesses simply to try to give the committee a lecture upon its duties. Your statement is in that nature. Your statement will be filed as an exhibit for future reference. It will not be printed in the record.

(The document referred to was marked "Exhibit No. 18" for reference and may be found in the files of the select committee.)

Mr. GEARY. In lieu of its being read, Mr. Chairman, I was going to request—

The CHAIRMAN. You are at liberty to make as many copies as you wish and hand them to the press, and you can get the full benefit of it from that standpoint. The committee has read your statement and we know what it is. We are not here just to be lectured about the fifth amendment and what we ought to think about it or not think about it. We are here to interrogate witnesses, and that is what we will do.

Mr. GEARY. The statement does cover other items besides the fifth amendment. I have particular reference to our request that Mr. Bob Greene be relieved of his duties as committee investigator.

The CHAIRMAN. Mr. Bob Greene, as a member of the staff of this committee, happens not to be any of your business. That is the committee's business.

Mr. GEARY. He is employed by Newsday, and when he writes about people in his paper—

The CHAIRMAN. Just a moment. I said that you can give your statement to the press and you can get any benefit from it you can. Your objection to Mr. Greene or any other member of the staff of this committee is overruled.

Mr. GEARY. I take exception, sir.

The CHAIRMAN. You can take all of the exceptions you like, and let the exceptions be noted in the record.

Proceed with the interrogation of this witness.

Mr. ADLERMAN. Mr. Squillante, are you related to Vincent J. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Is he your brother?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Are you connected with the General Sanitation Co.?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Have you been a partner of Louis Iannacine, also known as Lou Michaels, in the Corsair Carting Co.?

Mr. SQUILLANTE. I refuse to answer on the ground that to do so might tend to incriminate me.

Mr. ADLERMAN. Were you familiar with the criminal record of Mr. Louis Iannacine when you were his partner?

Mr. SQUILLANTE. I refuse to answer on the ground that to do so might tend to incriminate me.

Mr. ADLERMAN. Were you familiar with the fact that Louis Iannacine was convicted and jailed for labor extortion in New York?

Mr. SQUILLANTE. I refuse to answer on the ground that to do so might tend to incriminate me.

The CHAIRMAN. Did you ever hear of the fifth amendment?

Mr. SQUILLANTE. I refuse to answer on the ground that to do so might tend to incriminate me.

The CHAIRMAN. I am going to overrule your answers unless you can invoke the fifth amendment.

Mr. ADLERMAN. Mr. Squillante, do you want to answer that last question?

The CHAIRMAN. If you want to invoke the fifth amendment on the ground that any testimony you give might incriminate you, that is your privilege. I have no objection. But that is the only source of authority for your refusing to answer so far as I know. If you want to invoke the fifth amendment, say so.

Mr. GEARY. On behalf of my client, may I raise another objection to these questions? I object to these questions on the ground that neither House of Congress has the power to make inquiries into the private affairs of its citizens.

The CHAIRMAN. The objection is overruled. We are making inquiry into improper practices and if your client is guilty of improper practices, we propose to interrogate him about it.

Proceed.

Mr. GEARY. Might I cite this one Supreme Court case?

The CHAIRMAN. No, sir. I am familiar with it. We know what it is.

Mr. ADLERMAN. Mr. Squillante, what has been your previous occupation?

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. Are you invoking the fifth amendment, yes or no?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. You are ordered to answer it.

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. With the authority and the approval of the committee, I will order and direct you to answer the question whether you are invoking the fifth amendment on the ground that an answer to the question might tend to incriminate you.

Mr. GEARY. May I object on the ground that Mr. Squillante is not an attorney?

The CHAIRMAN. You can object, but you are here to advise him and I am trying to get the record straight. If you do not want it straight, you can let it go this way.

Mr. GEARY. I have advised him.

The CHAIRMAN. The committee will proceed according to its judgment.

All right, proceed.

Mr. ADLERMAN. Were you employed as a florist in 1953?

Mr. SQUILLANTE. I beg your pardon. I didn't understand that question.

Mr. ADLERMAN. Were you employed as a florist or in a flower shop, in 1953?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Were you a stone mason before that time?

Mr. SQUILLANTE. I refuse to answer on the ground it might tend to incriminate me.

Mr. ADLERMAN. Had you ever had any experience in the garbage or refuse collection business until you became executive director of the Suffolk County Garbage Association?

Mr. GEARY. I object to that question. I don't think the counsel intended it to read that way. It said something about a "refusal."

Mr. ADLERMAN. What is that?

Mr. GEARY. You said something about a "refusal."

Mr. ADLERMAN. I asked if he collected any "refuse."

Mr. GEARY. You said "refusal."

Mr. ADLERMAN. I am sorry.

The CHAIRMAN. We are not trying to be cute here. Did you collect any garbage? Let us see if he can understand that one.

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Have you been down in the garbage somewhere?

Mr. SQUILLANTE. I beg your pardon?

The CHAIRMAN. Have you been involved in garbage?

Mr. GEARY. I object to that question because you are badgering the witness, obviously.

The CHAIRMAN. Is it obvious? I thought I was being subtle.

Have you been connected with the garbage business?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. It might, I do not know. You may be correct. Do you belong to any union?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. I think it will come nearer incriminating the union. Have you been active in behalf of any union?

Mr. SQUILLANTE. I beg your pardon?

The CHAIRMAN. Have you been active in behalf of any union?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Have you held any official capacity in a union?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Are you now a member of a union?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Have you ever performed any mission for the union?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Do you have any other questions?

Mr. ADLERMAN. Were you employed by the Suffolk County Cartmen's Association?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Did you receive \$100 a week salary and \$25 a week expenses from the Suffolk County Cartmen's Association, as the executive director or labor consultant?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Did you report that income in your income-tax return?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Well, we have some testimony that you are a pretty bad character. Do you want to say it might incriminate you to deny it?

Mr. GEARY. Might I object to that question?

The CHAIRMAN. Overruled.

Proceed, Mr. Witness.

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. I think that you may be right about that.

Proceed.

Mr. ADLERMAN. Were you employed as an agent of your brother to form the "whip" company, the General Sanitation Co.?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Did you run the "whip" company known as the Corsair Co. in New York?

Mr. GEARY. I object to the use of the term "whip." It calls for a conclusion.

The CHAIRMAN. Overruled. "Whip" has been testified to here under oath by other witnesses and it is a part of the record.

Proceed, Mr. Counsel.

Mr. ADLERMAN. Was the General Sanitation Co. a union company?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. At the time that you took the business away from Anderson & Co., at the Miracle Mile stores, was the General Sanitation Co. a union company?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Did you use fraud to get those shops away from the Anderson Co.?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

Mr. ADLERMAN. Did you act in collusion with Mr. Adelstein of 813 local of the cartmen's association to get those shops away from the Anderson Co.?

Mr. SQUILLANTE. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. We have some testimony here that indicates at least, and maybe conclusively and maybe not, depending upon the point of view, that you are simply a racketeer and that you have been engaged in the business of union racketeering in the breaking up of contracts between business enterprises and carters, and trying to force them to employ another contractor or service on the basis that it was a union or unionized service when it was not, and that you were threatening to use pickets and you did use pickets in some instances in order simply to intimidate business and force them to give their contracts for this service to a company in which you and your brother were interested.

Would it intimidate you to answer that truthfully?

Mr. GEARY. I object to the form of the question.

The CHAIRMAN. You may, to the form and substance, and both are noted of record and I will help you a little. They are both overruled. Proceed. I asked the witness a question.

Mr. SQUILLANTE. I don't think that I remember the question.

The CHAIRMAN. I would not expect you to, so I will repeat it.

Mr. GEARY. May we have it repeated from the record, Mr. McClellan?

The CHAIRMAN. Now, if it will help the counsel, I will be glad to defer to that request.

Will you read it from the record?

(Whereupon the pending question was read by the reporter as above recorded.)

(Members of the select committee present at this point were Senators McClellan and McNamara.)

The CHAIRMAN. Well, that is an admission that it might.

Proceed, Mr. Counsel.

Mr. GEARY. May we except to the chairman's remark?

The CHAIRMAN. Yes, sir. You may except to any opinion or conclusion that I make.

Proceed.

Mr. ADLERMAN. Yesterday, we heard testimony by Mr. Recchia, Angelo Recchia, of the Trio Carting Co.—

Mr. SQUILLANTE. Excuse me, Counsel; I did not hear the name of the company.

Mr. ADLERMAN. Trio Carting Co.—that as punishment for his first refusal to rig the bids at Mitchel Field, certain stops were taken away from him at the Sunrise Stores, 10 stops.

Would you be willing to tell us of your side of that case?

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

Mr. ADLERMAN. Did you take away 10 stops at the instructions of Vincent Squillante, your brother, of the 10 stores of Sunrise, from the Trio Carting Co.?

Mr. SQUILLANTE. I refuse to answer on the grounds it might incriminate me.

Mr. ADLERMAN. Did you later sell those stops to another company?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

Mr. ADLERMAN. Mr. Chairman, I would like to put in at this point certain checks and certain evidence, showing that the Sunrise Store stops which he took away from Mr. Recchia for Mr. Recchia's refusal to rig bids on Mitchel Field, were sold by Mr. Vincent Squillante and Nunzio Squillante.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Mr. Kelly, you have been previously sworn. You will remain under the same oath.

Proceed to interrogate Mr. Kelly.

Mr. ADLERMAN. Mr. Kelly, do you have any evidentiary material there showing that the General Sanitation Co. sold the 10 stops of the Sunrise Stores to the Jamaica Ash & Rubbish Co., Nunzio Squillante?

Mr. KELLY. Yes, sir; I do.

Mr. ADLERMAN. Would you tell us what evidence you have there?

Mr. KELLY. I have a series of checks, Mr. Counsel, from the Jamaica Ash & Rubbish Co. drawn on the bank of Westbury Trust Co., in Westbury, N. Y., signed by the principals of the Westbury Paper Stock Co., Enrico Fazzini and Emedio Fazzini, a portion of which check has written "Paid for Sun Rise Market, one note." This check was dated April 5, 1955, made out to cash, for \$500.

The CHAIRMAN. By whom was this check endorsed? By whom was the check endorsed that you just testified to?

Mr. KELLY. The check was endorsed with the signature of Nunzio Squillante.

The CHAIRMAN. This check will be made exhibit No. 19.

(The document referred to was marked "Exhibit No. 19" for reference and will be found in the appendix on p. 7037.)

Mr. GEARY. May I see the check before it is marked?

The CHAIRMAN. No, I will make it an exhibit. It has been sworn to.

Mr. GEARY. May I object to any testimony that that is Nunzio's signature, unless we have some testimony along those lines?

The CHAIRMAN. You just be patient. You will get to see all of them that you want to.

TESTIMONY OF NUNZIO SQUILLANTE, ACCOMPANIED BY HIS
COUNSEL, PATRICK GEARY—Resumed

The CHAIRMAN. I now present to the witness, Squillante, a photostatic copy of the check which Mr. Kelly just testified to and ask you to examine the check and the endorsement thereon and state if you recognize this as a photostatic copy of the original check and if the signature, endorsement, thereon is yours.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. You can tell us whether that is your signature or not. Then we will have the record straight.

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. I thought you would be helpful to your attorney. He wanted to be sure that it was your signature.

Mr. GEARY. I have other objections to it going into evidence, Mr. Chairman. It is a photostatic copy. We object that it is not the best evidence. Either produce the original or give a reason for that copy.

The CHAIRMAN. There must be an original if it is a photostatic copy.

Mr. GEARY. Not necessarily.

The CHAIRMAN. Your client might help us a little if he can say he knows nothing about any such check.

Are you willing to say that, that you know nothing about the original of that check?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. I think your counsel and the committee could get along well if we could get your cooperation.

Mr. GEARY. I have it.

The CHAIRMAN. Sir?

Mr. GEARY. I say I have his cooperation.

The CHAIRMAN. I am sure you do, but then the committee would like to have it, too. That is, if it is agreeable. If it is not, we will plod along.

All right, talk about the next one.

Mr. GEARY. Has that check been marked in evidence?

The CHAIRMAN. Yes, sir, it has been made exhibit No. 19.

Mr. GEARY. May I have an exception, Mr. Chairman?

The CHAIRMAN. Yes, you may have an exception. If you client is willing to testify about it, we maybe can remove that exception.

Do you want to see it again?

Mr. GEARY. I think it went in evidence before I had an opportunity to object or except.

The CHAIRMAN. Hand me the other checks.

Mr. GEARY. Of course, I do not know what he is going to say, Mr. Chairman—my client.

The CHAIRMAN. I thought he was cooperating with you and you with him? I thought you would know. I will do it your way if you wish.

I hand you another photostatic copy of a check dated May 3, 1955, in the amount of \$500, drawn on the Westbury Paper Stock Co. account, bearing the signature, apparently of your client, Mr. Nunzio Squillante.

Mr. GEARY. Nunzio Squillante, Mr. Chairman.

The CHAIRMAN. Did I place the wrong emphasis on it? He can correct it. I will be glad to have him correct the pronunciation and also give us some information about the check.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. All right, Mr. Witness, have you seen the check?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Place it back there right in front of him.

Look at it.

Let the record show he is looking at it whether he will answer or not. There are witnesses here that know he is looking at it.

Do you want to identify the check or would it incriminate you if you did?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Is that your signature in the endorsement of the check?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Let me have the same check. I will present it to the witness Kelly.

The check I just showed the witness that he refused to identify is made exhibit No. 20.

(The document referred to was marked "Exhibit No. 20" for reference and will be found in the appendix on p. 7038.)

The CHAIRMAN. Exhibit No. 20 is presented to you, Mr. Kelly, for any statement you wish to make about it, based on your investigation.

Mr. GEARY. May I have exception and objection, Mr. Chairman?

The CHAIRMAN. You can have it. I wanted to give you the first opportunity. You objected to that a moment ago. Now, what are you objecting to?

Mr. GEARY. To it being marked as "Exhibit 20" because it has not been properly received in evidence. Nobody has identified the signature.

The CHAIRMAN. We are going to identify it now. I did it that way a while ago and you objected and I did it your way and you objected.

Mr. KELLY. This check is dated May 3, 1955. It is drawn on a check blank of the Westbury Paper Stock Co. to the Bank of Westbury Trust Co. in Westbury, N. Y. It is signed by Enrico Fazzini and Emedio Fazzini. A note on the left corner of the check indicates it is cash for note No. 2, Sun Rise Market, paid to Squillante. The

check is made out to cash. It is endorsed by Nunzio Squillante, 524 Eleventh Avenue, NHP.

Below that are the initials N. Y. S., and C. H. A. U., and a number, 5872171. Below that is the date 7-26-54.

The CHAIRMAN. That check will be exhibit 20, as I said.

TESTIMONY OF NUNZIO SQUILLANTE, ACCOMPANIED BY HIS COUNSEL, PATRICK GEARY—Resumed

The CHAIRMAN. I now present to Witness Squillante another photostatic copy of a check dated August 3, 195—it seems to be blank. I cannot tell what year. It was paid on August 4, 1955, so I assume the date of the check is August 3, 1955.

It is made to General Sanitation in the amount of \$305. It is drawn on the Westbury Paper Stock Co., and bearing the endorsement on the reverse side of General Sanitation by N. Squillante.

I present that to the witness Squillante and ask him to examine it and state if he identifies it.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Well, you have seen the check. You have seen the photostatic copy before you there, have you not?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Let the record show that the witness will not even admit that he has seen the check. Show it to him again so everyone in the room can see it, that he is looking at it.

He has his chance to identify it.

All right, the record shows it.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Present the same check to Witness Kelly.

Mr. Kelly, testify with regard to that check, what it is.

Mr. KELLY. This check is also made out on a Westbury Paper Stock Co. check, Senator McClellan, signed also by Enrico and Emedio Fazzini. The check is on the bank of the Westbury Trust Co., Westbury, N. Y. On the left corner of the check is the notation "Sun Rise Store account."

The check is payable to General Sanitation, and the amount is \$305. The endorsement on the back of the check is "General Sanitation, N. Squillante."

The CHAIRMAN. That check may be made exhibit No. 21.

(The document referred to was marked "Exhibit No. 21" for reference and will be found in the appendix on p. 7039.)

Mr. GEARY. May I object to it going into evidence on the ground that it bears no date; the year is missing. As I recall, it says August 3, 195-, with no year.

The CHAIRMAN. Present that check to the witness again.

Look at that check and see if it does not bear a date on when it was cashed at the bank.

Mr. GEARY. I am making the objection to the date of the writing. I am making the objection, Mr. Chairman.

The CHAIRMAN. Will you answer that? Doesn't it show when it was cashed?

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

Mr. KELLY. Mr. Kelly, I present to you 2 other checks; 1 dated June 7, 1955, in the amount of \$500, drawn on the same account as these others, made payable to cash, and another one dated September 12, 1955, in the amount of \$1,000, drawn on the same account, made payable to cash, and I ask you to make any explanation of those checks upon which you have information.

(Documents handed to witness.)

Mr. GEARY. Mr. Chairman, may I object to him reading these checks? If they are going into evidence, the exhibit speaks for itself and there is no requirement nor is there any necessity for Mr. Kelly to read what is going into evidence.

The CHAIRMAN. Let the record show that counsel, to save time, objects to everything this committee is doing, or that it may do, and that his objections are overruled. Let that be for the permanent record.

Proceed, Mr. Kelly.

Mr. KELLY. This check is also on a Westbury Paper Stock Co. check on the Bank of Westbury Trust Co. It is payable to cash in the sum of \$500. The date of the check is June 7, 1955. It is signed by Enrico and Emedio Fazzini. The notation in the left corner of this check is "Squillante, for Sun Rise store." The endorsement, however, is "Santa Fazzini." I recall a conversation with this person at the time we obtained these checks originally, Senator.

The CHAIRMAN. Did you see the original checks?

Mr. KELLEY. Yes; I did.

The CHAIRMAN. All of these that have been made exhibits here?

Mr. KELLY. Yes.

The CHAIRMAN. You saw the originals?

Mr. KELLY. Yes.

The CHAIRMAN. These are accurate photostatic copies of them?

Mr. KELLY. Yes, sir.

The CHAIRMAN. And you had a conversation with him at that time?

Mr. KELLY. Mr. Fazzini told me—

Mr. GEARY. I object to any conversations on the ground that they are hearsay.

The CHAIRMAN. I have already entered the objections you will make; this one and all others.

Mr. KELLY. She told me the check was made out to cash at the insistence of Mr. Nunzio Squillante.

The CHAIRMAN. That is the witness here?

Mr. KELLY. The witness who is here today, Senator. And that she endorsed this check and gave the cash to him.

The CHAIRMAN. That check may be made exhibit 22.

(The document referred to was marked "Exhibit No. 22" for reference and will be found in the appendix on p. 7040.)

Mr. KELLY. The next check is dated September 12, 1955, the Westbury Paper Stock Co., pay to the order of cash, in the sum of \$1,000,

on the Bank of Westbury Trust Co. It is also signed by Enrico and Emedio Fazzini. The notation in the left corner of this check indicates cash for Squillante, Sun Rise Stores. The check is endorsed "Emedio Fazzini."

In a conversation with him at the time the other check was discussed, he told us that at the insistence of Nunzio Squillante, this check was also made out to cash; it was cashed by him, and the cash turned over to Mr. Squillante.

Mr. GEARY. The same objection, Mr. Chairman.

The CHAIRMAN. Proceed. All objections are overruled.

That may be made exhibit 23, that check.

(The document referred to was marked "Exhibit No. 23" for reference and will be found in the appendix on p. 7041.)

Mr. KELLY. The cash-receipts book for General Sanitation was reviewed and there was no indication that either of those checks were entered as cash receipts.

Mr. GEARY. May I object, unless Mr. Kelly produces the books?

The CHAIRMAN. As I understand, you have reviewed the books of the General Sanitation Co.?

Mr. KELLY. That is correct, sir.

The CHAIRMAN. And there was no entry of the money having been received?

Mr. KELLY. By General Sanitation.

The CHAIRMAN. By the company?

Mr. KELLY. That is correct.

The CHAIRMAN. All right. Proceed.

Mr. ADLERMAN. No further questions.

The CHAIRMAN. Senator McNamara?

Senator McNAMARA. Do you know Tom Nolan?

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

Senator McNAMARA. Are you able to order union members to picket business places?

Mr. SQUILLANTE. I refuse to answer on the ground that it might incriminate me.

Senator McNAMARA. You previously refused to answer the question "Are you a member of a union?"

Mr. SQUILLANTE. I refuse to answer—

Senator McNAMARA. I didn't ask the question yet.

Mr. SQUILLANTE. Soffy.

Senator McNAMARA. The committee has testimony indicating that you are a member or an officer of an association of businessmen engage in the cartage business. Are you or have you been a member or an officer of such an organization?

Mr. SQUILLANTE. Senator, I didn't hear the first part of that question.

Senator McNAMARA. The first part of it was a statement that this committee has testimony indicating that you are a member or an officer of an association of businessmen engaged in the cartage industry.

Mr. SQUILLANTE. I refuse—

Senator McNAMARA. The question is: Are you or have you been a member or an officer of such an organization?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

Senator McNAMARA. Thank you; that is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. ADLERMAN. Just one question.

Mr. Squillante, did you ever make any arrangement with Mr. Bernie Adelstein to have that list prepared that was given to the store owners on Miracle Mile with your name on the top?

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

Mr. ADLERMAN. Mr. Chairman, we have some information which indicates that Mr. Squillante was present at a luncheon with Mr. Albert Anastasia, Mr. Donno, Mr. Rosetti, and several other gentlemen, at a time when there was under consideration the purchase of Anderson & Co. by Donno Co. They were looking for additional capital. Mr. Anastasia was one of those that was supposed to put up that capital. I would like to ask Mr. Nunzio Squillante at this time was he present at this luncheon.

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

Mr. ADLERMAN. No further questions, Mr. Chairman.

The CHAIRMAN. This committee is investigating in the field of management-labor relations, or labor-management relations; and if management is in a conspiracy, or engaging in extortion, it is just as reprehensible, if not more so, than some isolated union official doing it.

Will you just be fair enough to both labor and management to state which side, if either, you represented in these transactions?

(The witness conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Or did you simply represent and belong, and were a part of, a gang of racketeers? It wouldn't be proper to recognize them as either legitimate management or labor.

Mr. SQUILLANTE. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. All right. Stand aside. You will remain here, subject to being recalled.

The committee will take a 5-minute recess at this time.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your witness.

Mr. KENNEDY. Don Modica.

(Members of the select committee present at this point were Senators McClellan and McNamara.)

The CHAIRMAN. Stand and be sworn.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MODICA. I do.

**TESTIMONY OF C. DON MODICA, ACCOMPANIED BY HIS COUNSEL,
PATRICK GEARY**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. MODICA. C. Don Modica, 110 Brail Avenue, Asbury Heights, N. J. I am a teacher and writer.

The CHAIRMAN. Teacher and writer?

Mr. MODICA. Yes, sir.

The CHAIRMAN. Thank you very much. Do you have counsel present to represent you?

Mr. MODICA. Yes, sir.

The CHAIRMAN. Counsel, will you identify yourself for the record?

Mr. GEARY. My name is Patrick Geary, and my office is in Jamaica, Long Island.

Mr. Chairman, I would like to call to the committee's attention something that I consider highly reprehensible that happened just a few moments ago, when Mr. Robert Kennedy, the chief counsel to this committee, called my client in the hall and asked him whether I, as attorney, advised him to take the fifth amendment. I think that is stooping pretty low.

The CHAIRMAN. You know, we have some opinions, too, of witnesses who come up here and take the fifth amendment to the questions and to the documents submitted.

Mr. KENNEDY. I would like to point out, Mr. Chairman, that I talked to Professor Modica in New York, and at that time he did not have counsel or attorney with him.

Is that correct, Mr. Modica? Professor, isn't that correct?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. I think it is pretty obvious to everyone that we are laboring under the most terrific difficulties and handicaps. We go and try to get this information that the Congress needs and we should have in order to legislate justly to eliminate the improper practices in the area of management and labor relations.

We get cooperation at times from some sources and from other sources we get no cooperation. We get only obstruction, and every hindrance placed in the way of the committee that can be placed in it. So we are not always greatly impressed when charges are made against us.

I think the record will reflect when witnesses come in here and cooperate, counsel appearing before the committee are respected. But notwithstanding, we sometimes have a conflict of duty and a conflict of interest. We try to proceed with a quorum and try to pursue the assignment that the committee has from the Senate of the United States to get along with its job and discharge its responsibilities.

All right, Mr. Kennedy, proceed.

Mr. KENNEDY. Professor Modica is important to us because he was listed as educational director of the Greater New York Cartmen's Association. He also participated in meetings—

The CHAIRMAN. Let it be noted that that is presumably a business association. That is on the side of management.

Mr. KENNEDY. When he started at that position, he received \$90 a week. He then had his salary upped to \$100 a week. It was for that reason, for whatever information he could give us about the Greater New York Cartmen's Association, that we wished to call him.

In addition, he participated in many meetings of the Intercounty Cartmen's Association. We wanted any information that he might have on that.

The CHAIRMAN. We had the proof, as I recall, that he was present at a number of meetings and at times did counsel Mr. Squillante at these meetings.

Mr. KENNEDY. That is correct.

The CHAIRMAN. Other testimony from members of the association was that they did not know what he was there for; that is, he had no official connection with the association and was not a member of it.

Mr. KENNEDY. That is correct. That is of the intercounty, but he was actually on the payroll of the Greater New York Cartmen's Association.

The CHAIRMAN. Proceed to interrogate.

Mr. KENNEDY. We have here the original minutes of the meeting when he was introduced. Mr. Chairman.

The CHAIRMAN. Have these minutes been sworn to?

Mr. KENNEDY. Mr. Kelly can swear to them.

TESTIMONY OF JAMES P. KELLY—Resumed

The CHAIRMAN. Mr. Kelly, I hold in my hand documents, photostatic copies of minutes of meetings. The title of it is, "Meeting of Greater New York Cartmen's Association," the first one that I shall refer to being dated June 3, 1953. I present to you, Mr. Kelly, and ask you to examine it and state if you identify that document and what it is and how you procured it.

(A document was handed to the witness.)

Mr. KELLY. This document, Senator McClellan, is the photostatic copy of the typewritten minutes of the Greater New York Cartmen's Association, which was held in the Yorkville Casino on June 3, 1953. This particular copy, though unsigned, was obtained from the New York County district attorney's office. It had been subpoenaed from the Greater New York Cartmen's Association by him.

The CHAIRMAN. It was obtained originally under subpoena?

Mr. KELLY. That is correct, Senator.

The CHAIRMAN. And you have it from that subpoena?

Mr. KELLY. That is correct, Senator.

The CHAIRMAN. The Chair will make this document, which you have identified, Exhibit No. 24.

(The document referred to was marked "Exhibit No. 24" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I will read from it, Mr. Counsel, so you may predicate your—

Mr. GEARY. In the first place, Mr. Chairman, if I may have my objections, Mr. Kelly testified that the document was a photostatic copy, unsigned by anyone. He also testified that he procured it from the district attorney's office of New York County. I submit that

the proper foundation has not been laid to offer or submit this paper in evidence.

The CHAIRMAN. Yes, sir; I understand, and, if we make any errors, your client will have an opportunity to correct them under oath. This states:

Meeting was called to order at 8:20 p. m. Members were asked by the president to sign the trust agreements before leaving the meeting hall. Mr. Don Modica was introduced to the members as our public-relations director. He gave us a talk as to his views. He stressed three E's—education, engineering, and enforcement.

You may interrogate the witness as to whether the Don Modica refers to him, if he was present, if he gave such a talk, and any other thing pertinent thereto.

**TESTIMONY OF C. DON MODICA, ACCOMPANIED BY HIS COUNSEL,
PATRICK GEARY—Resumed**

Mr. KENNEDY. Were you present at this meeting and did you give a talk on the three E's—education, engineering, and enforcement?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

Mr. KENNEDY. Did you find that the cartmen were receptive to this talk that you gave them, Professor?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

Mr. KENNEDY. Our information is not only that he was put on the payroll—

The CHAIRMAN. Ask him if he was put on the payroll.

Mr. KENNEDY. Were you put on the payroll, Professor?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

Mr. KENNEDY. He was put on the payroll and performed this educational function, but he also published a newspaper called the *Hired Broom*, which was distributed among the cartmen. This was put out by Mr. Modica and has various editorial notes. For instance, the editorial on this particular edition we have of October 1, 1956, is *Out of Garbage There Grows a Rose*.

Mr. GEARY. Mr. Chairman, I object to the reading of anything not in evidence. If Mr. Kennedy wants to read it, suppose we mark it as exhibit 25.

The CHAIRMAN. You know, Counsel, if you could just learn to be a little patient, you could get all of it marked properly. I will now present this document to your client, the witness, and ask him to examine it and state if he identifies it.

(A document was handed to the witness.)

The CHAIRMAN. Doctor, do you identify the document?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Do you mean making a rose out of garbage would be incriminating?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. I don't want to read something into the record if it is not fair to you. If you say that you had nothing to do with it,

that is a different thing. But I do want to be fair to you and give you the opportunity to see it and refute it if it is not true.

Mr. MODICA. I respectfully decline to answer on the ground that it might incriminate me.

The CHAIRMAN. You mean if you refuted it, it might tend to incriminate you, or do you mean if you admitted you know about it, it might incriminate you? Which do you mean?

Mr. MODICA. I refuse to answer on the ground the answer might incriminate me.

The CHAIRMAN. The document may be made exhibit 25, having been exhibited to the witness for his identification, and he takes the fifth amendment.

(The document referred to was marked "Exhibit No. 25" for identification, and may be found in the files of the select committee.)

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, I might say that the professor, when we talked to him in New York was very helpful, he answered all of our questions, and we had a long talk for over an hour, I believe. He told us of his background and his relationship with the cartmen's association.

The CHAIRMAN. Ask him direct questions about what he told you at the time and see if he will deny it.

Mr. KENNEDY. I would like to ask him if he would just be willing to repeat what he told us in that office and tell us of his association with the cartmen's association, and about his own background.

Would you be willing to do that, Professor?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

Mr. KENNEDY. Mr. Chairman, I have a memorandum on our interview with the professor. Could I go into the background?

The CHAIRMAN. Read from the memorandum of the notes you made at the time and ask him if he said it or if he did not say it.

Mr. GEARY. Mr. Chairman, may I object to any such reading? These conversations were supposed to be of a confidential nature, as I understand it. No record was to be made.

Mr. KENNEDY. It was not made.

The CHAIRMAN. The objections are overruled.

Mr. GEARY. Exception.

Mr. KENNEDY. The professor stated that he attended Columbia University.

The CHAIRMAN. Is that correct? Did you attend Columbia University?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Can you think of some university that you might have attended, which, if you admitted it, it would not incriminate you?

Mr. GEARY. May I object to that question?

The CHAIRMAN. Yes; and your objection is overruled.

(The witness conferred with his counsel.)

The CHAIRMAN. Sir?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Did you tell Mr. Kennedy you had attended Columbia University?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

Mr. KENNEDY. As I say, it was quite a long interview. He stated that he left Columbia University for several years and then restarted his education at St. Johns University.

The CHAIRMAN. Did you make that statement?

Mr. GEARY. May I object to this reading from a record that was supposed to have been confidential?

The CHAIRMAN. For the purpose of this hearing, and the interrogation of this witness, let the record show again that counsel objects to every question, and to every ruling of the Chair, and every action of the committee, and that the objections are overruled.

Proceed, Mr. Kennedy.

Mr. GEARY. Mr. Chairman, may my client have the same privilege with reference to his answers? In other words, a blanket taking of the fifth amendment, if you will? If I don't have the right to object to each and every question—

The CHAIRMAN. Do you want to sit here and waste your time and mine, too? I am perfectly willing for the record to show that you make objection to everything done and the objection is overruled. Do you want to put it on the record? Do you want to take the time?

Mr. GEARY. I don't see how you can anticipate my objection and your ruling before I make it, Mr. Chairman.

The CHAIRMAN. I was trying to be courteous to you and trying to save time.

Proceed.

If you make an objection, the Chair will rule on it at the time.

Mr. KENNEDY. He actually graduated from St. Johns University in Brooklyn, N. Y. He later went back and received a master's degree at St. Johns.

The CHAIRMAN. Is that correct?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. At a later time he was instructor in philosophy of education at New York University and held that position for several years.

The CHAIRMAN. Is that correct, Mr. Modica?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

Mr. KENNEDY. He stated that he left that position to obtain a better position with an insurance company out in Chicago, Ill.

The CHAIRMAN. Is that correct, Mr. Modica?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

The CHAIRMAN. Are you a professor?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

The CHAIRMAN. I noticed just inadvertently I had been calling you Mister. I would be very glad if you are a professor to defer to your title and call you professor. Would you like for me to do that?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. The professor stated that he had had some difficulty with the law when he was a younger man, but he was one of those who had rehabilitated himself. His criminal record indicates that he served 6 months in the State of Delaware Prison for practicing medicine without a license.

Mr. GEARY. I object to this as not the best evidence.

The CHAIRMAN. We can get the best evidence if your client will testify.

Mr. GEARY. I think it is incumbent upon the committee to show he has a record. He is not going to admit it. If Mr. Kennedy is relying upon the hearsay statements, I think it is highly improper.

Mr. KENNEDY. Mr. Chairman, at the time, all he stated was that he had a criminal record, and that he had rehabilitated himself. We made a study and his background shows that he was convicted of practicing medicine without a license in the State of Delaware, and that he was arrested in Atlantic City, N. J., for assault with intent to kill.

Mr. GEARY. May I object to these statements on the ground that they are not the best evidence? I would like to see the certificates of conviction, if the committee has them. Otherwise, I don't think Mr. Kennedy should be permitted to continue his testimony.

The CHAIRMAN. Let me try to help you and help the committee. We have other testimony here regarding Professor Modica and some of his activities in connection with management and labor relations, in a position of that kind. For your information, and I think the public already knows it, this committee is interested, and I think the public is interested and the Congress is interested, and I am quite certain that decent, honest, unionism throughout the country is interested, in trying to find out whether criminal elements have infiltrated this area of relationships between management and labor, or vice versa. Therefore, we think it is pertinent. We do think that there may be need for legislation in this field, to keep gangsters and racketeers from taking over in this area, either as representatives of management or as representatives of labor.

Therefore, when we have a witness here, where we have this information, we like to give him the opportunity to make any explanation, to refute it, or to say "Yes, but," and make his explanation. That is the purpose of the question. If your client, on your advice, does not want to answer on the grounds that it might incriminate him, that is his privilege. Proceed.

Mr. GEARY. Mr. Chairman, Mr. Kennedy made reference to an arrest, I believe it was in Atlantic City. I think he should tell the audience and the committee just what was the ultimate outcome of that arrest. Was Mr. Modica convicted or acquitted or discharged or what happened?

Mr. KENNEDY. I think if you will let me finish—

The CHAIRMAN. He should, and that will be done. It is always done. I am perfectly willing to give the witness an opportunity to answer.

Mr. GEARY. He knows what happened. This audience doesn't know.

The CHAIRMAN. I would think so, and he could be very helpful by telling us what happened.

Mr. GEARY. But Mr. Kennedy isn't telling us. I object to all of this testimony. I am not encouraging Mr. Kennedy to continue, but I do say if he is going to say that the man was arrested, he should tell us what happened after that.

The CHAIRMAN. We will proceed in our way. Mr. Kennedy, where a man was arrested, state whatever disposition was made. We do that all the time. If counsel will again have a little patience, we will get to it.

Mr. KENNEDY. Mr. Chairman, we had hoped that the professor would enlighten us on this, because there is no disposition shown on his criminal sheet. However, he was in prison in Queens County, N. Y., on a charge of grand larceny, subsequently, and he served prison time on that count. But I do not know what the disposition was on the Atlantic City, N. J., charge for assault with intent to kill.

The CHAIRMAN. Would you like to enlighten the committee, Professor?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, part of the importance of the professor is his close relationship with Albert Anastasia, which culminated in his employment with the New York Cartmen's Association. The "Professor" told us that he met Albert Anastasia in Brooklyn, N. Y., many years ago.

The CHAIRMAN. Is that correct, Professor?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

Mr. KENNEDY. He stated that both he and Anastasia resided quite close to one another and he belonged to an Italian social club where Anastasia occasionally visited; is that right, Professor?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

Mr. KENNEDY. He said that Albert Anastasia asked him to tutor his child, Umberto Anastasia, Jr.

The CHAIRMAN. We have had some positive proof here regarding that. That is under oath, and it has been testified to by other witnesses. Do you wish to make any comment on that, Professor?

Mr. MODICA. I refuse to answer on the ground it may incriminate me.

Mr. KENNEDY. He stated that he carried out that tutoring for the period of about the past 5 years.

The CHAIRMAN. Would you tell us whether for that service you were paid out of union funds or out of some business money and not from Anastasia's funds?

Mr. GEARY. In objecting to that might I cite the case of *Kilbourn v. Thompson*, which holds—

The CHAIRMAN. Just a moment, now. The case is cited and the objection is overruled. I do not want a lecture on what the case said or did not say.

Proceed, Mr. Kennedy.

Mr. KENNEDY. He said also, he tutored the children of William Moretti, who was a gambler, who was murdered in 1951, and Salvatore Moretti, who was a gambler and the brother of William, and he died in

New Jersey State Prison of a cerebral hemorrhage in 1952, and Joseph Adonis, who—

Mr. GEARY. Is he saying my client made this statement or is Mr. Kennedy embellishing something that was alleged to have been told him by Mr. Modica?

Mr. KENNEDY. The background on the individual I am giving, and the statement that he tutored the children of these individuals was made to me by the professor.

Mr. GEARY. That is all he told you?

Mr. KENNEDY. Yes.

Mr. GEARY. He did not tell you about all of these murders?

Mr. KENNEDY. No.

Mr. GEARY. Then I object to their being read into evidence.

The CHAIRMAN. Overruled.

Mr. KENNEDY. He said he tutored the children of Joseph Adonis who is a New Jersey syndicate mobster, and deported to Italy in 1954, and also the children of Vito Genonese, a gambler and prominent underworld hoodlum residing in Atlantic Highlands, N. J.

The CHAIRMAN. Professor, we give the background of these for your information, so that there will be no mistake about the identity of those whom we are talking about. In other words, as we give the background of it, that identifies not only the man, but his name and what he did and gives you as much information as we can so that there will be no mistake in identity. And then we ask you if it is true that you had that connection with them?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. I see. You see, we would not want to ask you about one name, and then you not be able to identify whom we are talking about, so in order to enlighten you before you answer or take the fifth amendment, you will know exactly what we are talking about.

Proceed.

Mr. KENNEDY. We asked him if he got paid by the parents of these children for the work that he did and he stated that he did not get paid, that he did it out of a sense of friendship although these individuals showed him their thanks by sending him an occasional turkey or ham at Christmas.

The CHAIRMAN. Would you want to comment on that, as to whether that was all of the compensation that you got?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Did you have some business connection with them and were you associated with them in business enterprises or racketeering?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Were you connected with them in any labor or management shakedowns or extortion?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. I think it would be incriminating if you did it. What we are trying to find out is to what extent they engaged in improper practices, either as businessmen, or middlemen, or laboring men, or union men, or anything in between.

You seem to have had a very close connection with them, and it might be helpful if you could give us that information.

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. Mr. Chairman, he went on to say that he had been very close personally, with the family of Albert Anastasia, and that on the day Albert was killed in the barber shop up in New York City he was one of the first ones to arrive at Albert Anastasia's home.

He said that Mrs. Anastasia is the godmother of his daughter.

The CHAIRMAN. Let me see if I understand it. You are saying that you are not going to give us any information about Mr. Anastasia, is that right?

Mr. MODICA. I refuse to answer on the ground I might incriminate myself.

The CHAIRMAN. You will not tell us anything you may know about his connection with the rackets in which he may have been involved and been identified with labor-management relations?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. We have learned independently that when Albert Anastasia was imprisoned in Michigan in the Federal Penitentiary in Michigan, that the professor was one of the few persons listed as an approved visitor and correspondent of Albert Anastasia.

I would like to also say we have some contacts——

The CHAIRMAN. Any of this information that the committee has, Mr. Professor, that you would like to refute or deny or explain, we would be very glad to have you do so.

I did not want you to think as we mention these things we are doing it for the purpose of putting it in the record except as we give you an opportunity to comment on it.

Mr. KENNEDY. He stated, Mr. Chairman, that he was also interested in teaching marine safety on the docks. He said that he was looking for a job and he was hired as vice president of the Sancor Shipbuilding Corp. during World War II, to teach marine safety.

The CHAIRMAN. Were you so employed? Did you make such a statement?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. We asked him at that time about the information that we had, that the Sancor Shipbuilding Corp. gratuitously built a home for Albert Anastasia in Fort Lee, N. J. He said he did not have any information on it at that time.

This corporation, Mr. Chairman, was labeled as a property of Albert Anastasia by Kefauver's committee.

Mr. GEARY. Might I object to that?

The CHAIRMAN. Do you know anything about that?

Mr. GEARY. Might I have a ruling?

The CHAIRMAN. Overruled. Do you know anything about that?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. He said that the president of the corporation was Joseph Sanders, and the secretary-treasurer of the corporation was Bennidetto Macri. We spoke to him about the background of Beni-

detto Macri, the president of the corporation, and the man who hired Modica, that he acted as a bodyguard for Albert Anastasia. We asked him about that.

The CHAIRMAN. What was his answer?

Mr. KENNEDY. He said he was not familiar with that, although he was familiar with the details of Mr. Macri's death. Mr. Macri was arrested in 1949 for the murder of the International Ladies' Garment Workers Union organizer, William Luri. He was tried and found not guilty when the key witnesses reneged on their testimony. Macri's bloodstained car, when pointed out to the professor, was found on the banks of the Passaic River, N. J., in 1954.

The CHAIRMAN. Did the professor say he knew anything about it?

Mr. KENNEDY. No; he said that he knew his car had been found and that he is now presumed to be dead, and that his brother, Vincent, was found in the trunk of another car about the same time, murdered, but he said he did not know anything about that.

The CHAIRMAN. Is this involved in labor-management relations?

Mr. KENNEDY. Not only were the Macris in the Sancor Shipbuilding Corp.—and Albert Anastasia is supposed to have owned or operated that corporation—but the professor arrives and gets a job there. Subsequently, the professor arrives and gets a job with the New York City Cartmen's Association, to do a job which is not very clear.

Professor, did you have both jobs at the same time, working for this corporation and also working for this cartmen's association at the same time?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. What we wanted to find out, Mr. Chairman, is whether he was Albert Anastasia's representative with the Sancor Shipbuilding Co., and then whether he was Albert Anastasia's representative on the New York City Cartmen's Association. We have a considerable number of telephone calls going from the New York City Cartmen's Association to Albert Anastasia's home during the period of time when Mr. Modica worked there. In addition, Jimmy Squillante describes himself as the godson of Albert Anastasia, and it was of great importance to determine the tieup and the connection of Albert Anastasia with these various cartmen's associations.

The CHAIRMAN. Do you have any information about his connection with the cartmen's association, Professor?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. What was there about those associations, Professor, in your wisdom and intellect that would cause you to hesitate to give any information you have about them?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. If there is something wrong with them, and we do have some testimony here that indicates some of them were just in a racket, if you have any information it would be helpful to the committee to get the record straight and to get what the facts are.

As I understand you, you cannot give it, you say, on the ground that it might tend to incriminate you if you told us. Is that correct?

Mr. MODICA. I refuse to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Also regarding his connection with the Anastasias, he also was the educational director of Anthony Anastasia's longshoremen group on the Brooklyn docks, Mr. Chairman.

The CHAIRMAN. Was that a labor group?

Mr. KENNEDY. A labor organization. He acted as educational director.

The CHAIRMAN. Did you occupy that position, Professor?

Mr. MODICA. I refuse to answer on the ground that it might tend to incriminate me.

Mr. KENNEDY. Generally we would like to find out what he was doing, as the educational director of the New York City Cartmen's Association, and whether he was in fact a representative of Albert Anastasia in that position.

The CHAIRMAN. Would you help us with that?

Mr. MODICA. I refuse to answer on the grounds that it might incriminate me.

The CHAIRMAN. Let me ask counsel, and I remember, or I recall the testimony, someone testified that he apparently was a watchman for someone, some higher up at one of the cartmen's meetings.

Mr. KENNEDY. At the Nassau Cartmen's Association. This was another association where he came out with Mr. Squillante, and according to the testimony before the committee, Mr. Squillante did not like him. According to the testimony before the committee, there were at least some individuals who felt that Mr. Modica or Professor Modica had sort of the position of a watchdog, and they were unable to determine who he was watching.

The CHAIRMAN. What was the name of that association?

Mr. KENNEDY. Inter-County Cartmen's Association.

The CHAIRMAN. That is the Greater New York County Cartmen's Association and the Inter-County Association. Did you attend the meetings of either of those associations, the board meetings, or membership meetings?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

The CHAIRMAN. Did you attend those meetings as a representative of a gangster or racketeer by the name of Albert Anastasia?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Professor Modica told one of our staff members that he had prepared a doctoral thesis.

Mr. GEARY. I don't like to interrupt—

Mr. KENNEDY. Would you not interrupt, please?

The CHAIRMAN. When counsel concludes, you may speak.

Mr. KENNEDY. He told an investigator that he has a doctoral thesis on the moral, sociological, and economic aspects of labor-management relations, and he agreed, Mr. Chairman, that he would turn that thesis over to the committee so we could make a study of the thesis when considering labor legislation. He said this thesis was based on his 25 years of experience in the labor-management field. I had hoped we were going to be able to get that thesis at this hearing.

The CHAIRMAN. Mr. Geary, you may make your objection, briefly.

Mr. GEARY. Senator McClellan, the objection is this: Generally it is considered unethical for an attorney to testify in a proceeding where he is appearing as counsel, and I believe that Mr. Kennedy as chief counsel to this committee should not be considered as an exception to this general rule. All he is doing here is testifying as a witness.

I will ask you to pass on that objection.

The CHAIRMAN. Mr. Kennedy is not testifying. He is not under oath. Anything Mr. Kennedy says is premise for a question. It is not testimony. The record will so show and as chairman of the committee I have frequently made that very clear for the record in previous hearings.

But if the professor has a thesis that could be helpful to the committee, and he voluntarily submits it for our edification, we would be very glad to have it. If he made that statement that he would be glad to turn it over to us, I would like to ask the professor now if he has such a thesis. Would you be willing to submit that to the committee for its enlightenment?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. Mr. Chairman, I would like to point out that yesterday we had the testimony of Mr. Amato regarding the prominence that certain figures in the Mafia had in the carting industry in and around New York. There is nobody more important in the Mafia than Albert Anastasia. In a number of the businesses in which Albert Anastasia had an interest over the period of the past 10 years, the professor ended up in a rather peculiar position as an educational director of the longshoremen, educational director in the Sancor Shipbuilding Co., and finally he ended up in the New York City Cartmen's Association.

The CHAIRMAN. Is that correct, Professor?

Mr. MODICA. I refuse to answer on the ground that it might incriminate me.

The CHAIRMAN. Do you know anything about the connection of Anastasia with the Mafia?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

The CHAIRMAN. Do you have any connection with it?

Mr. MODICA. I refuse to answer on the ground it might incriminate me.

Mr. KENNEDY. We felt that possibly the professor was the link between Albert Anastasia and the New York City Cartmen's Association, and that his testimony could be very enlightening to the committee if he would be willing to give us any information regarding Mr. Albert Anastasia's interest in those organizations.

Professor, would you do that?

Mr. MODICA. I refuse to answer on the grounds it might incriminate me.

The CHAIRMAN. Obviously, the witness has no present intent of enlightening the committee, and therefore the Chair has felt that we have pursued it far enough to give the witness every opportunity

to be helpful or to make explanations of the matters that are of record and under oath here before the committee. I shall not personally pursue it any further.

Senator McNamara?

Senator McNAMARA. I have no questions.

Mr. KENNEDY. That is all.

The CHAIRMAN. You may stand aside.

The committee will stand in recess until 10 o'clock in the morning.

(Committee members present at time of recess: Senators McClellan and McNamara.)

(Whereupon, at 4:45 p. m. the committee was recessed, to reconvene at 10 a. m. Friday, November 15, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, NOVEMBER 15, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the caucus room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York; Senator Pat McNamara, Democrat, Michigan. Also present: Robert F. Kennedy, chief counsel; Jerome Adlerman, assistant chief counsel; Robert W. Greene, investigator; James P. Kelly, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan, Ives, and McNamara).

The CHAIRMAN. Mr. Tom Nolan, will you come around, please?

(There was no response.)

The CHAIRMAN. Mr. Alfred C. Dutton, will you come around please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DUTTON. I do.

TESTIMONY OF ALFRED C. DUTTON

The CHAIRMAN. Will you state your name, your place of residence, and your business or occupation, Mr. Dutton?

Mr. DUTTON. Alfred C. Dutton, 49 West Drive, Manhasset, N. Y. I am an employee of Universal Utilities, Inc.

The CHAIRMAN. Do you waive counsel?

Mr. DUTTON. I do, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Dutton, you were a partner of Dante Donno in the Donno Co.?

Mr. DUTTON. I was a partner in the Donno Co., Inc.

Mr. KENNEDY. And that was a carting firm out in Manhasset, Long Island?

Mr. DUTTON. It was.

Mr. KENNEDY. You were a partner of that company until what date?

Mr. DUTTON. Until October 1956.

Mr. KENNEDY. How long were you associated with them?

Mr. DUTTON. I began as an employee of Donno Co., doing business as Donno Co., and we went into partnership and formed Donno Co., Inc.

Mr. KENNEDY. When did you form the partnership?

Mr. DUTTON. I believe in 1955, sir.

Mr. KENNEDY. You were a nonunion organization?

Mr. DUTTON. We were.

Mr. KENNEDY. Were there efforts on the part of the union to organize you?

Mr. DUTTON. At different times there were, sir.

Mr. KENNEDY. Do you remember the strikes that the union called on the Miracle Mile?

Mr. DUTTON. I do.

Mr. KENNEDY. Had there been efforts just prior to that time to organize the Donno Co. or shortly prior to that time?

Mr. DUTTON. I would say within a few months before that.

Mr. KENNEDY. There had been efforts to organize your company?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. Did Mr. Donno say that you would have to take some steps to get the union from making these efforts, to keep the union off your back?

Mr. DUTTON. Well, not at that time, sir.

Mr. KENNEDY. All right. Was there discussion at the time of the Miracle Mile, and was there a discussion about joining up with Nunzio Squillante, and General Sanitation?

Mr. DUTTON. Not during the Miracle Mile business, but after.

Mr. KENNEDY. Would you tell us what happened in connection with that?

Mr. DUTTON. Well, as far as I can recall, Mr. Donno had a conversation with Mr. Nunzio Squillante, and the first thing I knew about it, I came in to work one morning and Mr. Dunno said to me, "I have done something and I don't know whether you are going to like it or not, but I think I did something smart. We are going to take in a partner. We are going to merge General Sanitation and Donno Co., Inc."

Mr. KENNEDY. Did he explain to you at that time or later the reason why he wanted to merge with General Sanitation?

Mr. DUTTON. Well, it was always my belief and Mr. Donno inferred to me it was for our good that we merge with General Sanitation and he thought Mr. Squillante could bring in a lot of new business, and that it might keep the union off our backs for a while and also that he felt that he was protecting the other collectors on the north shore.

Mr. KENNEDY. Was it understood that the General Sanitation had a preferred position with the union because of Nunzio Squillante?

Mr. DUTTON. I assumed that, sir, yes, sir. That was my feeling.

Mr. KENNEDY. Did you also understand that the reason—I believe you stated as much—that the reason or one of the main reasons that Donno wanted to combine with General Sanitation was to keep the union away from him and keep them from bargaining.

Mr. DUTTON. I don't believe that I could say that for a fact, but I assumed that.

Mr. KENNEDY. Did you have any difficulty with the union after you joined with General Sanitation?

Mr. DUTTON. None that I know of, sir.

Mr. KENNEDY. So that the union never bothered you after that?

Mr. DUTTON. That is correct.

Mr. KENNEDY. Did you have any connection with Vincent Squillante?

Mr. DUTTON. Will you repeat that?

Mr. KENNEDY. Did you have any connection with Mr. Vincent Squillante?

Mr. DUTTON. I met Mr. Vincent Squillante about 3 or 4 times.

Mr. KENNEDY. Did you have to report to him or did you report to him at all about the progress of your business after you combined with Nunzio Squillante's company?

Mr. DUTTON. I did not, sir, no.

Mr. KENNEDY. Did Mr. Donno report to him?

Mr. DUTTON. Yes, sir, I think he did.

Mr. KENNEDY. How often did you have to go and report?

Mr. DUTTON. Every Friday from what I understand.

Mr. KENNEDY. He went in with Mr. Nunzio Squillante, did he not?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. You remained nonunion, is that right?

Mr. DUTTON. That is correct.

Mr. KENNEDY. You were not bothered by the union. Was there another nonunion shop company operating out there in that vicinity?

Mr. DUTTON. Anderson Co. was nonunion.

Mr. KENNEDY. Did there come a time when you were considering buying out Anderson Co.?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. Did Mr. Donno inform you that he was going to try to raise some \$250,000 or \$300,000?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. To buy out Anderson Co.?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. Did he inform you that Mr. Nunzio Squillante had arranged for him to meet with some individuals?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. Did he go in and meet with those people?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. He had a luncheon meeting with them?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. To try to raise the \$300,000?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. Did he tell you after the luncheon meeting with whom he had met?

Mr. DUTTON. He did not. When he returned from that luncheon engagement he did not know with whom he sat down with.

Mr. KENNEDY. Did he describe those individuals at all to you, the type of people they were?

Mr. DUTTON. He said to me that he had met with some bigtime boys from the city and he patted his armpit.

Mr. KENNEDY. What did that mean?

Mr. DUTTON. He didn't say what it meant, but to me it meant a shoulder holster.

Mr. KENNEDY. They were carrying guns?

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. He said that he went and had lunch and he was trying to raise some \$250,000 or \$300,000 to buy out Anderson Co., which was a nonunion company, and he did not have the money and so Mr. Squillante arranged for him to meet with some individuals who might put up the money; is that right?

Mr. DUTTON. Correct?

Mr. KENNEDY. He went in and met with them at lunch.

Mr. DUTTON. Yes, sir.

Mr. KENNEDY. After he came back from the lunch you had a discussion with him about with whom he met, and he said at that time that there were some boys from downtown.

Mr. DUTTON. That is correct.

Mr. KENNEDY. And then he patted his armpit, indicating that they were gangsters who carried rods; is that right?

Mr. DUTTON. That is right.

Mr. KENNEDY. Now, I understand that the money was never put up because of the fact that the Anderson Co. could not transfer its city contracts to Donno Co.; is that right?

Mr. DUTTON. I understand that was the reason.

Mr. KENNEDY. Was the main reason for that because of the connection between the Donno Co. and Nunzio Squillante?

Mr. DUTTON. I do not know the answer to that.

Mr. KENNEDY. But you do know that the stops that Anderson had where they picked up from cities or had city business, that those cities would not transfer their business if they bought out Anderson; is that right?

Mr. DUTTON. They were incorporated villages, sir, and not cities. From what I understood, the contract read that they could not be transferred.

Mr. KENNEDY. So Anderson could not transfer their contracts, is that right?

Mr. DUTTON. That is right.

Mr. KENNEDY. That is all.

Senator McNAMARA. I would like to ask the witness just a couple of questions, Mr. Chairman.

This sounds like a fantastic price for the Anderson Co. How much of that would have been in equipment in your estimation, do you know?

Mr. DUTTON. I would say well over \$100,000.

Senator McNAMARA. \$100,000 in equipment?

Mr. DUTTON. Yes, sir.

Senator McNAMARA. Would the rest be goodwill, \$200,000 or \$150,000 or \$200,000?

Mr. DUTTON. Sir, may I answer that by saying that I think Mr. Anderson, of Anderson Co., had one of the best garbage businesses on Long Island.

Senator McNAMARA. If they had \$100,000 worth of equipment it would indicate the balance was for his stops and for the goodwill involved.

Mr. DUTTON. That is correct.

Senator McNAMARA. Which still sounds to me like a fantastic price. Thank you.

The CHAIRMAN. He had a number of village contracts and municipal contracts, did he?

Mr. DUTTON. Anderson Co., yes. He had three incorporated village contracts that I know of, sir.

The CHAIRMAN. Were they pretty profitable contracts?

Mr. DUTTON. From what I understand; yes, sir.

The CHAIRMAN. So if the transaction had gone through, they would have acquired a number of customers. They would have acquired not only the equipment, but the contracts, and the business along with it.

Mr. DUTTON. That is correct.

The CHAIRMAN. But the municipalities protected themselves by not transferring.

Mr. DUTTON. That is correct.

The CHAIRMAN. They reserved control over the contract they had made with Anderson?

Mr. DUTTON. That is correct.

Senator McNAMARA. That brings up another question. Do the contracts ordinarily run for 1 year?

Mr. DUTTON. Sometimes, sir; and also 3 years.

Senator McNAMARA. One or three years?

Mr. DUTTON. Yes, sir; and Manhasset was a 3-year contract.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Mr. Dante Donno, please.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DONNO. I do.

TESTIMONY OF DANTE DONNO, ACCOMPANIED BY HIS COUNSEL

The CHAIRMAN. State your name and your residence and your business or occupation, please, sir.

Mr. DONNO. Dante Donno, 300 East Shore Road, Great Neck, Long Island; owner and partner of Donno Co.

The CHAIRMAN. You are a part owner of Donno Co.?

Mr. DONNO. Yes, sir.

The CHAIRMAN. You have counsel present. Will you identify yourself for the record.

Mr. MARGULIES. Walter Margulies, M-a-r-g-u-l-i-e-s.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Donno, you have been in the carting business for how long?

Mr. DONNO. About 25 years.

Mr. KENNEDY. You had your own company for how long, or been part owner of a company for how long?

Now, prior to 1955, had there been efforts made by the union to organize your company?

Mr. DONNO. Several times.

Mr. KENNEDY. And those were unsuccessful?

Mr. DONNO. Yes, sir.

Mr. KENNEDY. Did you express some concern at the time that the union made its efforts on the Miracle Mile out in Long Island, and they began striking some of those stops there?

Mr. DONNO. I don't remember expressing any concern over that, at that particular time because we had already gotten rid of most of our commercial houses.

Mr. KENNEDY. Were you concerned that the union might attempt to organize you?

Mr. DONNO. Always, sir.

Mr. KENNEDY. That would dig considerably into your profits; would it not?

Mr. DONNO. Yes.

Mr. KENNEDY. If they organized you?

Mr. DONNO. Yes, sir.

Mr. KENNEDY. And you were concerned that they would make these attempts to organize you; were you not?

Mr. DONNO. Yes, sir.

Mr. KENNEDY. Was one of the reasons that you combined with Mr. Nunzio Squillante and General Sanitation, to keep the union from making its efforts against your shop?

Mr. DONNO. No.

Mr. KENNEDY. It had nothing to do with it?

Mr. DONNO. No.

Mr. KENNEDY. You did combine with Nunzio Squillante?

Mr. DONNO. Yes; I did.

Mr. KENNEDY. Did you have any troubles or difficulties with the union after you joined with Nunzio Squillante?

Mr. DONNO. Not any real trouble; no.

Mr. KENNEDY. Did you have any efforts to organize you after you joined Nunzio Squillante?

Mr. DONNO. No.

Mr. KENNEDY. The union never bothered you after you combined with him?

Mr. DONNO. Other than the usual thing, where at the local incinerator they distributed circulars to the men and whatnot.

Mr. KENNEDY. They did that to everybody?

Mr. DONNO. That is right.

Mr. KENNEDY. But beyond that, they made no individual efforts to attempt to organize you, after you combined with Nunzio Squillante?

Mr. DONNO. Not that I recall.

Mr. KENNEDY. And that was Nunzio Squillante, of General Sanitation; is that correct?

Mr. DONNO. That is right.

Mr. KENNEDY. Your shop remained prounion during that period of time?

Mr. DONNO. Yes, sir.

Mr. MARGULIES. Excuse me a moment, Mr. Kennedy.

Mr. KENNEDY. What percentage of the business did Nunzio Squillante take at the time?

Mr. DONNO. Originally, there were two companies. There was Donno, Inc., which was a small outfit, which was formed originally with my brother-in-law, Charlie Dutton, and myself as partners; each one of us hold a third share.

My brother-in-law, after a short while, decided he did not like the business and we divided the company between Dutton and myself. Then when the merger was worked out between General Sanitation and Donno Co., Inc., it was split up where Squillante got 50 percent of the stock, and Dutton and I retained 25 percent apiece and, in other words, 50 percent between us.

That was the Donno Co., Inc., and there are two companies involved here. One is Donno Co. Later on there was a merger where Donno Co., Inc., purchased Donno Co. I don't know whether I make myself clear.

Mr. KENNEDY. No; you don't.

Mr. MARGULIES. Could I be permitted to explain that?

The CHAIRMAN. As I understand it, I believe that you had two companies, Donno, Inc., and Donno Co.

Mr. DONNO. Yes.

The CHAIRMAN. Maybe you had better try to explain it again.

Mr. MARGULIES. If I may be permitted to explain it, Donno Co., Inc., was a firm formed in 1954. The assets of the firm consisted of just one truck, which was sold by Mr. Donno to that corporation. The business entailed at that time was actually just one contract, I believe in the Oyster Bay area.

The purpose of forming it at the time was Mr. Donno's desire to give his brother-in-law something to do and to give Mr. Dutton compensation for his past services. It had nothing whatsoever to do with Donno Co. Donno Co. was the main company that did all of the real business.

When his brother-in-law retired, I believe in June of 1955, Mr. Donno divided his stock between Mr. Dutton and himself, so that that business never did more, if I recall correctly, than about two and a half or three thousand dollars worth of business a month, as against possibly fifty or sixty thousand dollars a month that Donno Co. did.

The agreement which was prepared when Squillante came in specifically recited that it had nothing whatsoever to do with Donno Co., and so his interest, the Squillante interest, was involved only in Donno Co., Inc., which had assets at that time of about \$1,200, represented by the equity in 1 or 2 trucks and the amount of business that it was doing, which was roughly around \$3,000 a month.

I hope that makes it clear.

The CHAIRMAN. Has your counsel correctly stated the situation?

Mr. DONNO. The only correction I would like to make is on the amount of business that Donno Co., the larger firm, did. They used to do a total of about \$30,000, rather than fifty or sixty thousand dollars.

Mr. KENNEDY. Did there come a time when you were considering buying out Anderson Co.?

Mr. DONNO. Yes, sir.

Mr. KENNEDY. Did you discuss this with Mr. Nunzio Squillante?

Mr. DONNO. At the time, yes. I would like to say that we had been trying to buy Herb Anderson and we had various deals since 1937, and in each instance Mr. Anderson backed out on the deal, so this was not something new.

Mr. KENNEDY. When was this, when you discussed it with Nunzio Squillante?

Mr. DONNO. What was that?

Mr. KENNEDY. When was it that you discussed it with Nunzio Squillante?

Mr. DONNO. Probably around September or October.

Mr. KENNEDY. Of 1955?

Mr. DONNO. Yes.

Mr. KENNEDY. Did you also discuss it with Vincent James Squillante?

Mr. DONNO. No.

Mr. KENNEDY. You did not?

Mr. DONNO. No.

Mr. KENNEDY. Had you been meeting with James Squillante during this period of time?

Mr. DONNO. I met him 4 or 5 times.

Mr. KENNEDY. Did you keep him advised as to the progress your business was making?

Mr. DONNO. No; I didn't keep him advised as to how the business was progressing. Nunzio and I had called at his office a couple of times because Nunzio wanted to go up and see his brother and we happened to be in the area a couple of times and one other time he went up to see his brother and I went along for the ride, but I had been up there on several occasions.

Mr. KENNEDY. Did you discuss your business with him at that time, when you went up to see him?

Mr. DONNO. Not other than "How's business out on the island," and the usual thing when you meet someone you know.

Mr. KENNEDY. You did not discuss the Anderson purchase with him.

Mr. DONNO. No; I did not.

Mr. KENNEDY. Did Nunzio Squillante tell you that he thought he knew a source where some money could be raised?

Mr. DONNO. I don't recall that; no.

Mr. KENNEDY. Did he make arrangements for you to meet with anybody?

Mr. DONNO. No.

Mr. KENNEDY. To discuss that?

Mr. DONNO. No.

Mr. KENNEDY. Did you in fact have a luncheon meeting with anyone, with Mr Squillante, with Mr. Nunzio Squillante?

Mr. DONNO. The only luncheon meeting I remember was at Long champs, and that, as I recall, was by accident. Mr. Squillante—we happened to be in his office—was going to lunch, and asked us to join him. We did, at Longchamps, which is 1 or 2 blocks from his office.

After we were there we were joined by several other people, but there was no discussion of any business on my part at all.

Mr. KENNEDY. Did you discuss the raising of the \$250,000 or \$300,000.

Mr. DONNO. No; I did not.

Mr. KENNEDY. Do you know who these other people were that you met with?

Mr. DONNO. No; I don't.

Mr. KENNEDY. So Mr. Dutton's testimony that you reported to Mr. Vincent James Squillante approximately once every week to tell him about your business, No. 1, and No. 2, that you had a meeting with

certain racketeers to raise \$250,000 or \$300,000 for the purchase of Anderson Co. is not correct; is that right?

Mr. DONNO. That is right.

Mr. KENNEDY. Did you know, or were you informed, who these gangsters—were you informed who these other individuals were?

Mr. DONNO. I believe on the way back from Longchamps that Nunzio and myself were riding back, and I asked him who these other people were. I believe that he said that Anastasia was there.

Mr. KENNEDY. Anastasia was there?

Mr. DONNO. That is right. And I didn't believe him.

Mr. KENNEDY. Did you tell Mr. Dutton when you returned, or shortly afterwards, that you had met with some of the boys from the lower East Side, or downtown?

Mr. DONNO. Well, he asked me where I had been. I told him where I was. And that I had had lunch down there. He asked me who some of the people were there, and I said I was told that there were some boys from downtown, and that the name Anastasia was included, and I didn't think that he was there.

Mr. KENNEDY. Did you mention to him at that time also about the fact that you were trying to raise \$250,000—

Mr. DONNO. He was well aware. Yes; we were trying to raise the money through various sources, through the local banks which we have always done business with. I have a friend who was formerly a banker who arranges all my loans.

Mr. KENNEDY. Did the Anderson deal ultimately fall through because Anderson could not transfer his city stops, his city contracts?

Mr. DONNO. No; it just fell through. That wasn't the reason for it. The contracts could have been transferred. There was various ways of working it out. I think there was a discussion of Mr. Anderson incorporating his business and getting the contracts under the corporation name, and then we take over the stock in this corporation. That way it could have been transferred.

Mr. KENNEDY. So it could have worked out, but it just never did.

Mr. DONNO. It just never did.

Mr. KENNEDY. So Mr. Dutton is wrong on that, too, is he?

Mr. DONNO. Yes; he is.

Mr. KENNEDY. I would like to add that when we questioned Mr. Anderson about this matter—I didn't know you were going to take this position when we questioned Mr. Anderson on the matter—he said the reason it fell through was because he could not transfer his commercial stops. I would like to point out also that when we questioned you originally you never mentioned the fact, up until about a half hour ago, that you knew anything about Mr. Anastasia being present at this luncheon.

Mr. DONNO. I didn't recall him being present.

Mr. KENNEDY. It was only after we told you that we had a number of witnesses to whom you mentioned this fact that you ultimately stated that it had been mentioned to you that Anastasia was there.

Mr. DONNO. Well, these witnesses that you have happen to be friends of mine, and if they say I said something like that—I actually, literally, don't recall him being there, but it is possible that Nunzio might have said that.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

Senator McNAMARA. Yes, Mr. Chairman. I would like to ask just a couple of questions.

Do I understand when you merged with this other outfit that you retained 25 percent of the stock and your partner retained 25 percent?

Mr. DONNO. That was on the original merger.

Senator McNAMARA. And 50 percent—

Mr. DONNO. There were two. There was another merger after that.

Senator McNAMARA. I am talking about the one. You mentioned the breakdown of 50, 25, and 25. This is the one I am talking about.

Mr. DONNO. Correct.

Senator McNAMARA. Did you actually lose 50 percent of your business by this merger?

Mr. DONNO. No.

Senator McNAMARA. How do you account for the breakdown?

Mr. DONNO. General Sanitation had to bring in a certain portion of business which they had. They had proportionately the same amount, or almost the same amount, of business as Donno Co., Inc., so he was entitled to 50 percent of it.

Senator McNAMARA. Then, actually, in gross business you had the same amount?

Mr. DONNO. Just about.

Senator McNAMARA. The 25 and 25 would equal 100 percent you had before, because he had twice as much?

Mr. DONNO. I believe—there was a small amount there of both firms, and I believe there was \$1,000 difference. But there was a contract of ours that was pending, and we had reason to believe that we were going to lose it. If we lost it, it would have made it exactly the same thing.

Senator McNAMARA. So, in round numbers, it was the same amount?

Mr. DONNO. Yes.

Senator McNAMARA. What induced you to go in with him? You say it was not so that you would have less trouble with the union. What induced you to go in with him?

Mr. DONNO. I have other interests, and I have been trying to go away from the garbage business, get somebody to run it for me. It is a peculiar business. You have to get somebody in there that knows it, and you have to teach it to them. Eventually, I had hoped I could leave it in someone's hands. That was the original purpose of having my brother-in-law come in. As a matter of fact, I have a brother-in-law in there, now that Nunzio left, another brother-in-law that is in there.

Senator McNAMARA. How much of your business is commercial?

Mr. DONNO. Very, very little commercial.

Senator McNAMARA. Generally, it is individual houses?

Mr. DONNO. Household.

Senator McNAMARA. How much a month do the householders pay now?

Mr. DONNO. Depending on the service, it varies anywhere from \$2 to \$3.50 a month per house. That is 3 days a week—\$3.50 is for back door, where we walk around to the back of the house for the rubbish, and \$2 would be for a curb collection.

Senator McNAMARA. How much do you pay your truckdrivers?

Mr. DONNO. Drivers as high as \$85, helpers down to \$80.

Senator McNAMARA. Considerably under the union scale?

Mr. DONNO. Yes, sir.

Senator McNAMARA. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. No.

The CHAIRMAN. All right. Thank you very much.

Mr. KENNEDY. Mr. Chairman, the two points that we are interested in making in this are: No. 1, that Mr. Donno had difficulty with the union up until the time he combined with Nunzio Squillante, and then he had no difficulties with the union after that time. It should be remembered that Nunzio Squillante's General Sanitation Co. was also a nonunion shop. The second point, of course, is that Nunzio Squillante arranged this meeting with some gangsters, included in which was Anastasia. I would like to call at this time Mr. Palminteri on just a short point.

The CHAIRMAN. Come forward, please.

Do you solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PALMINTERI. I do.

TESTIMONY OF ALBERT R. PALMINTERI

The CHAIRMAN. State your name, your place of residence, and your business or occupation, please.

Mr. PALMINTERI. My name is Albert R. Palminteri. I am in the real-estate insurance, and travel business, at 97 Main Street in Port Washington.

The CHAIRMAN. Do you waive counsel?

Mr. PALMINTERI. I do, sir.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. You are in the real-estate business?

Mr. PALMINTERI. Yes, sir.

Mr. KENNEDY. Do you have any other business?

Mr. PALMINTERI. I am in the insurance and travel business.

Mr. KENNEDY. What is the name of the travel business?

Mr. PALMINTERI. Port Washington Travel Bureau.

Mr. KENNEDY. Mr. Palminteri, you handle the insurance for Mr. Donno, do you?

Mr. PALMINTERI. Yes; we have handled it.

Mr. KENNEDY. During the spring of 1956, had you made some arrangements with Mr. Donno in connection with his passport?

Mr. PALMINTERI. Yes. I went to Mineola to secure a witness—

Mr. KENNEDY. Did you drive him in to Mineola at that time?

Mr. PALMINTERI. Yes.

Mr. KENNEDY. During that trip, did he mention to you at all about a luncheon meeting that he had had?

Mr. PALMINTERI. He did.

Mr. KENNEDY. Would you tell us what he said?

Mr. PALMINTERI. I asked how his business was, and he said fairly good, he had sold part of it, and that he had been to New York and had gone to luncheon.

Mr. KENNEDY. Did he explain to you why he had this luncheon?

Mr. PALMINTERI. No; he did not.

Mr. KENNEDY. Would you proceed?

Mr. PALMINTERI. He had a luncheon, and as he left he asked some of the men who he was with—he didn't know all the people there—he asked who was there, and the name Anastasia was mentioned.

Mr. KENNEDY. Did he mention at all about Nunzio Squillante?

Mr. PALMINTERI. He was with Nunzio Squillante.

Mr. KENNEDY. He was with Nunzio Squillante and also at the luncheon he was told was Anastasia, is that correct?

Mr. PALMINTERI. After he left the luncheon, yes.

Mr. KENNEDY. He didn't know that Anastasia would be present at the luncheon?

Mr. PALMINTERI. That was the conversation, yes.

Mr. KENNEDY. He told you that during 1956?

Mr. PALMINTERI. Yes, sir.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any questions?

If not, thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Tom Nolan.

The CHAIRMAN. Mr. Tom Nolan?

Mr. Nolan, you were sworn yesterday, I believe.

Mr. NOLAN. Yes.

The CHAIRMAN. At that time you gave us your name, address, and also your business or occupation?

Mr. NOLAN. Yes, sir.

The CHAIRMAN. You are being recalled this morning. You will remain under the oath administered yesterday.

**TESTIMONY OF THOMAS F. NOLAN, ACCOMPANIED BY HIS COUNSEL,
DAVID I. SHIVITZ—Resumed**

Mr. NOLAN. Yes.

The CHAIRMAN. At that time you said you desired counsel, and your counsel had not been able to arrange it in time. So you requested that we defer your testimony until today, which we did. You are now present. You have your counsel with you.

Mr. Counsel, identify yourself for the record.

Mr. SHIVITZ. David I. Shivitz, 271 Madison Avenue, New York City.

Mr. KENNEDY. You were a business representative and recording secretary of local 813 of the teamsters?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. For what period of time?

Mr. NOLAN. Well, I was voted in as recording secretary in 1953, and I was appointed as business agent in 1953.

Mr. KENNEDY. Did you have any opposition when you ran in 1953?

Mr. NOLAN. No, sir.

Mr. KENNEDY. And you held that position until what time?

Mr. NOLAN. Until March of 1957.

Mr. KENNEDY. And then you resigned, did you?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. And voluntarily left that position, is that right?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. As business agent, Mr. Nolan, where did you operate?

Mr. NOLAN. Well, I had no specific territory.

Mr. KENNEDY. All over?

Mr. NOLAN. All over.

Mr. KENNEDY. In the Greater New York area?

Mr. NOLAN. Yes.

Mr. KENNEDY. During March of 1955 did you go out to the so-called Miracle Mile, on Long Island?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. What was your purpose in going out there?

Mr. NOLAN. Well, there was a lot of business and stores that were being serviced by nonunion firms.

Mr. KENNEDY. Were you instructed to go around to those stores?

Mr. NOLAN. I went to those stores.

Mr. KENNEDY. By whom?

Mr. NOLAN. By my boss, Bernard Adelstein.

Mr. KENNEDY. Bernard Adelstein instructed you to go out there?

Mr. NOLAN. That was my job. That was my assignment.

Mr. KENNEDY. Were you to go around and inform the shops that they were dealing with nonunion firms?

Mr. NOLAN. That they were dealing with nonunion rubbish firms, and I requested that they hire a union firm.

Mr. KENNEDY. Did you have a list with you at that time?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. Who furnished you that list?

Mr. NOLAN. The office.

Mr. KENNEDY. Who in the office?

Mr. NOLAN. My boss, Bernard Adelstein.

Mr. KENNEDY. Mr. Bernard Adelstein furnished you with a list that you were to present to the companies?

Mr. NOLAN. Not to the companies. When I went in to these business establishments, I gave them the list, plus my business card, and asked that they hire a union rubbish man.

Mr. KENNEDY. You handed them that list as being the list of union firms which they could hire, is that right?

Mr. NOLAN. I told them to pick anybody on that list.

The CHAIRMAN. The Chair presents to you a document which is already marked "Exhibit 13" in the record of these hearings, and I ask you if that is the document which gives the list of those firms that you were suggesting as being members of the union.

(Document handed to witness, who conferred with his counsel.)

Mr. NOLAN. Yes, sir.

The CHAIRMAN. That is correct?

Mr. NOLAN. That is the list.

The CHAIRMAN. It is the correct list. Thank you very much.

Mr. KENNEDY. So I can understand it, you went around to these companies, these businesses, to inform them that they were using non-union cartmen, is that right?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. And you gave them this list as a list of union cartmen, any of which they could select, is that right?

Mr. NOLAN. Right. I didn't tell them to pick any one special. I said, "Here is the list. Choose whoever you wish."

Mr. KENNEDY. And this list had been furnished to you by Bernard Adelstein?

Mr. NOLAN. Right.

Mr. KENNEDY. Were you familiar with the names or with these companies that were on this list?

Mr. NOLAN. Yes, I would say "Yes."

Mr. KENNEDY. Were you familiar with the General Sanitation Co.?

Mr. NOLAN. Yes.

Mr. KENNEDY. Did you know whether General Sanitation Co. was union or nonunion?

Mr. NOLAN. To the best of my ability, if it was on that list, it should be a union firm.

Mr. KENNEDY. It should be union because it was given to you by Bernie Adelstein, is that right?

Mr. NOLAN. Yes.

Mr. KENNEDY. Did you know who operated and ran the General Sanitation Co.?

Mr. NOLAN. To the best of my knowledge, Nunzio Squillante.

Mr. KENNEDY. Was Nunzio Squillante with you at the time you went around to these various shops, these various businesses?

Mr. NOLAN. He was out there, yes. He was soliciting business.

Mr. KENNEDY. So as you went into some of these shops and told them that they were dealing with nonunion carting firms, Nunzio Squillante was with you, is that right?

Mr. NOLAN. He might have been. I don't recall. It is possible.

Mr. KENNEDY. But according to the testimony we have had before this committee, he was with you on at least 1 or 2 occasions.

Mr. NOLAN. It is possible.

Mr. KENNEDY. That he was with you. Is that right?

Did you know at that time that he was operating a nonunion shop?

Mr. NOLAN. No, I did not.

Mr. KENNEDY. And that General Sanitation was a nonunion shop?

Mr. NOLAN. To the best of my knowledge, if his name was on that list, I would take it for granted that he had signed a contract with the union.

Mr. KENNEDY. Did you end up picketing some of these stores?

Mr. NOLAN. I certainly did, yes. I had pickets out in front of them.

Mr. KENNEDY. How many of these stores?

Mr. NOLAN. I don't recall offhand, but I would say about 8 or 10.

Mr. KENNEDY. That you had pickets on?

Mr. NOLAN. Yes.

Mr. KENNEDY. Did you realize the implications of putting a picket outside a shop because they were using a nonunion firm and you gave them a list, on which the company at the top of the list was also nonunion?

Mr. NOLAN. Well, as I told you before, to the best of my knowledge it was a union firm.

Mr. KENNEDY. Just because Bernie Adelstein had given you the list?

Mr. NOLAN. Yes.

Mr. KENNEDY. So it is completely his responsibility?

Mr. NOLAN. He gave me the list. I don't know if it is his responsibility or not, but he gave me that list to hand out.

The CHAIRMAN. Did you personally know anything about this General Sanitation Co.?

Mr. NOLAN. No, sir.

The CHAIRMAN. You had no personal knowledge as to whether it was unionized or not?

Mr. NOLAN. To the best of my knowledge, as I told you before, Senator, the name is on there and I——

The CHAIRMAN. I said you had no personal knowledge. All the information you had was the assumption that arose by reason of the name appearing on this list, which was given to you by the head of the union, to go around and present to the folks that were not using union services?

Mr. NOLAN. Right, sir.

The CHAIRMAN. I wanted to find out if you had any personal knowledge yourself that it was not union. All right.

Mr. KENNEDY. I believe that is all.

Senator McNAMARA. Mr. Chairman, I have a couple of questions.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. You indicated that you first were elected as recording secretary of this local 813.

Mr. NOLAN. Yes, sir.

Senator McNAMARA. Did that automatically make you the business agent or was that a subsequent development?

Mr. NOLAN. No; as I told you before, I was elected as recording secretary.

Senator McNAMARA. Then you were acting as business agent?

Mr. NOLAN. I was appointed as business agent.

Senator McNAMARA. Who appointed you?

Mr. NOLAN. Bernard Adelstein.

Senator McNAMARA. Who?

Mr. NOLAN. Bernard Adelstein. Well, the membership voted—I mean, he has the power to appoint you through the membership.

Senator McNAMARA. Who was he? What was his title?

Mr. NOLAN. Recording secretary and business manager. My title did you want?

Senator McNAMARA. I wanted your title. You were recording secretary?

Mr. NOLAN. And business agent.

Senator McNAMARA. And you were elected to that job?

Mr. NOLAN. I was elected to recording secretary, and I was appointed as business agent.

Senator McNAMARA. Who had the authority to appoint you as business agent?

Mr. NOLAN. Bernard Adelstein.

Senator McNAMARA. I didn't hear you.

Mr. NOLAN. Bernard Adelstein.

Senator McNAMARA. What was his title in the union?

Mr. NOLAN. He was the secretary-treasurer and business manager.

Senator McNAMARA. You were recording secretary by election, and then he had the authority to appoint a business agent, and you were so appointed, all of that according to your local bylaws?

Mr. NOLAN. That is right, sir.

Senator McNAMARA. Was recording secretary a paid job?

Mr. NOLAN. Well, it was included in the salary.

Senator McNAMARA. I mean in itself, before you were appointed business agent, the recording secretary was a nonpaid job?

Mr. NOLAN. Right.

Senator McNAMARA. The job you were elected to carried no salary?

Mr. NOLAN. That carried a salary; yes, sir.

Senator McNAMARA. How many members did you have in local 813?

Mr. NOLAN. I would say roughly fifteen or sixteen hundred.

Senator McNAMARA. How many?

Mr. NOLAN. Roughly 1,500 or 1,600, to the best of my knowledge.

Senator McNAMARA. Fifteen or sixteen hundred.

Mr. NOLAN. Yes.

Senator McNAMARA. Did you hold regular meetings, regular monthly meetings?

Mr. NOLAN. I would say every 3 months, and then when we needed a special meeting, we would call it.

Senator McNAMARA. You would hold only about four meetings a year of the membership?

Mr. NOLAN. And there would be meetings in between, special meetings.

Senator McNAMARA. But regular meetings were about once every 3 months?

Mr. NOLAN. Every 3 months; yes.

Senator McNAMARA. Not on regular schedule?

Mr. NOLAN. Well, it would be the first Wednesday of every 3 months.

Senator McNAMARA. Then it was on a regular schedule.

Mr. NOLAN. Yes.

Senator McNAMARA. The first Wednesday of every quarter?

Mr. NOLAN. Yes.

Senator McNAMARA. Was there designated a time and place?

Mr. NOLAN. Yes.

Senator McNAMARA. What time? Eight o'clock?

Mr. NOLAN. Seven o'clock.

Senator McNAMARA. Seven o'clock.

Mr. NOLAN. Or 8 o'clock. It would depend on what time we could get the hall.

Senator McNAMARA. There wasn't designated a specific time?

Mr. NOLAN. No.

Senator McNAMARA. Did you use the same hall all the time?

Mr. NOLAN. The same hall?

Senator McNAMARA. As a meeting hall.

Mr. NOLAN. No, sir.

Senator McNAMARA. So there was no set time and no set place. It would depend on when you could make arrangements and where?

Mr. NOLAN. Well, sir, we used to have our meetings on East 14th Street, I think, and then something happened there. The building turned into a TV studio or something like that. Then we were up on Seventh Street and Second Avenue. I don't think. I know that, because I attended the meeting.

Senator McNAMARA. It was hard for the membership to know?

Mr. NOLAN. Well, they would have a card mailed to them notifying them of the meeting.

Senator McNAMARA. Every member got a card mailed to them?

Mr. NOLAN. To the best of my knowledge; yes.

Senator McNAMARA. You were the recording secretary. Would that be your responsibility, to see that they are notified?

Mr. NOLAN. Well, if some of the workers didn't get a card, he would come to you and tell you to put his name on the list and check.

Senator McNAMARA. We have had testimony from some of your members here in the last couple of days that they were notified of 4 meetings in 5 years. That is the reason for this line of questioning.

Mr. NOLAN. Senator, let me answer that. Sometimes people move and they didn't notify us. Then when the shop steward told them about a meeting or something like that, they would come to us and we would make a change in the address.

Senator McNAMARA. These people were substantial people. They were generally members of the firms that you were doing business with, who were also members.

Mr. SHIVITZ. Mr. Chairman, may I make an observation?

The CHAIRMAN. You may.

Mr. SHIVITZ. The testimony on that score, I think, was a little bit confusing, Senator McNAMARA. I received the testimony of the witnesses earlier in the week, and my recollection is that they testified there were 4 or 5 meetings over a 5-year period of the cartmen's association, not of the union. That is where the confusion is.

Senator McNAMARA. No; you are definitely wrong. This week we questioned them specifically on union meetings and not on the association.

Mr. SHIVITZ. I realize that that was the tenor of the questioning; but, if you will recheck the testimony, I think it was the first day of the hearings, there was testimony that the association met merely 4 or 5 times in a period. That isn't the fact from the information that has been made available.

Senator McNAMARA. You are referring to one particular day. But we had it on several days, specific inquiry as to the union meetings. That was the thing I was concerned with. That is the reason for this line of questioning. It does appear now that we can only conclude that there was no specific time, there was no specific place, even though the meetings were only once every 3 months. And which is a most unusual arrangement for a union, I assure you.

The CHAIRMAN. Another thing, Senator, while you are interrogating him, you might interrogate him about the right of these folks to vote. They had no right to vote, to speak, or be heard.

Senator McNAMARA. Well, I don't think that is too unusual on the face of it. I believe that employers in many instances are forced to join unions by reason of the setup and are not allowed to vote. I am not too much concerned with that point.

The CHAIRMAN. I would like some information about it.

Senator McNAMARA. Well, let's go on a little bit further. Was this Bernard Adelstein elected to the job of—what was he? What was his title?

Mr. NOLAN. Secretary-treasurer and business manager.

Senator McNAMARA. He was elected to that job?

Mr. NOLAN. Yes, sir.

Senator McNAMARA. Was he in the cartage business? Was he in the business prior to the election?

Mr. NOLAN. Not to my knowledge, sir.

Senator McNAMARA. You don't know anything about the bylaws? Do they allow the election of somebody outside of the business?

Mr. NOLAN. Not to my knowledge, sir.

Senator McNAMARA. You don't know whether the bylaws do or do not; is that right?

Mr. NOLAN. I don't recall anything in the bylaws about that.

Senator McNAMARA. Did you have bylaws?

(The witness conferred with his counsel.)

Mr. NOLAN. Yes; we have bylaws.

Senator McNAMARA. I would like to ask the chairman: Does the staff have a copy of the bylaws of local 813?

Mr. KENNEDY. We have them downstairs.

The CHAIRMAN. You better send someone to get them. We may need them.

Senator McNAMARA. It is a little bit hard for me to accept the fact that you did not know that this company which you were recommending to take the place of a nonunion company was nonunion. Do you have any explanation of that outside the fact that somebody handed you the list?

(The witness conferred with his counsel.)

Mr. NOLAN. Senator, can I clear up one thing? You said that I recommended it. I did not.

Senator McNAMARA. Yes; you did. You handed the man the list. You said "Pick one of these. These are companies that are satisfactory to us."

Mr. NOLAN. I was confused. I thought that you said I recommended General Sanitation.

Senator McNAMARA. I said somebody handed you a list. You say that you didn't know there were nonunion people on the list.

Mr. NOLAN. Yes.

Senator McNAMARA. And you were an officer of the union?

Mr. NOLAN. Right.

Senator McNAMARA. That is all.

Mr. NOLAN. Can I say one other thing, Senator? After being questioned by Mr. Kennedy last Saturday, I find out that that firm has a union contract.

Senator McNAMARA. Who has a union contract?

Mr. NOLAN. General Sanitation.

Senator McNAMARA. Did they have it at the time that you were recommending them?

(The witness conferred with his counsel.)

Senator McNAMARA. They had a contract with your union?

Mr. NOLAN. They did.

Senator McNAMARA. Who was authorized by your local 813 to negotiate contracts?

Mr. NOLAN. Bernard Adelstein.

Senator McNAMARA. Who?

Mr. NOLAN. Bernard Adelstein.

Senator McNAMARA. He alone? You didn't have anybody except one man?

Mr. NOLAN. Well, when you negotiate contracts, you would have a committee.

Senator McNAMARA. Did you have a committee?

Mr. NOLAN. Yes.

Senator McNAMARA. Was he a member of the committee?

Mr. NOLAN. Yes.

Senator McNAMARA. That is all.

Mr. KENNEDY. How did you find out it had a union contract?

Mr. NOLAN. Mr. Bernard Adelstein told me.

Mr. KENNEDY. Do you have the contract with you?

Mr. SHIVITZ. We do, Mr. Kennedy. And let the record show that I advised Mr. Kennedy on last Saturday that it was our opinion that there was such a contract in existence. When I spoke to Mr. Adlerman earlier in the week, I told him that we had located such a contract.

Mr. KENNEDY. Would you get the contract?

Mr. SHIVITZ. Sure. Mr. Wolbert has it. He will be here later this morning.

Mr. KENNEDY. Where is Mr. Wolbert?

Mr. SHIVITZ. He will be here.

Mr. KENNEDY. Have you seen the union contract?

Mr. NOLAN. I have.

Mr. KENNEDY. When were you informed that there was a union contract?

Mr. NOLAN. Just——

(The witness conferred with his counsel.)

Mr. KENNEDY. When? Just now, Mr. Nolan?

(The witness conferred with his counsel.)

Mr. NOLAN. I think it was Monday or Tuesday. Don't hold me to the exact date.

The CHAIRMAN. Who informed you?

Mr. NOLAN. Mr. Bernard Adelstein.

The CHAIRMAN. Did you inform the staff that you found out they had a contract?

Mr. NOLAN. No, sir.

The CHAIRMAN. When you were first interrogated, you didn't know they had a contract, did you?

Mr. NOLAN. No, sir.

The CHAIRMAN. You didn't know until a moment ago. In fact, when you were first interrogated here, you didn't know they had a union contract; did you?

Mr. NOLAN. Either Monday or Tuesday, as I said before, I was informed.

The CHAIRMAN. I understood you to say in the earlier interrogation, that you didn't know they had a contract. You assumed they did. That is what you said this morning on the witness stand.

Mr. NOLAN. When you asked me about the card.

The CHAIRMAN. I didn't ask you about the card. About this list, if you call that the card, exhibit 13.

Mr. NOLAN. Yes. At that time I didn't recall.

The CHAIRMAN. "At that time I didn't recall," but you had been told Monday or Tuesday that they had a contract, when I first interrogated you about it.

(At this point Senator McNamara left the hearing room.)

Mr. NOLAN. May I make it clear? When I handed this list out, as I said before, I took it for granted that these were union firms.

The CHAIRMAN. I can understand that. I can understand you to take it for granted that they were all union, when you handled it

that way. I am not questioning you about that. But what I am questioning you about is that right now it appears to me that you have just gotten information that they had a union contract. In your earlier testimony this morning, when I asked you about it, you said you assumed that they had a contract.

Mr. SHIVITZ. Senator, if I may——

The CHAIRMAN. I want the witness to answer. That is the way it appears from your testimony. You say you think you got the information, now you say Monday or Tuesday.

Mr. NOLAN. Monday or Tuesday of this week.

The CHAIRMAN. I can't understand why you didn't know about it when I asked you about it.

Mr. SHIVITZ. This witness was asked, when he handed the list out, was he under the impression that this was a union company.

The CHAIRMAN. Well, I think the record will speak for itself. If I make an error, the record will reflect it, and if you are in error, likewise.

Proceed.

Mr. KENNEDY. If they have a contract, certainly the dues are paid by the members?

Mr. NOLAN. To the best of my knowledge they would be.

Mr. KENNEDY. That is the common procedure: is it not?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. Were there any dues or welfare payments made by General Sanitation?

Mr. NOLAN. I called the office and they tell me——

Mr. KENNEDY. Just answer the question. When you had this conversation with Mr. Adelstein, did you also discuss whether any dues were paid or any welfare-fund payments?

Mr. NOLAN. No; I did not.

Mr. KENNEDY. You didn't discuss that? You didn't talk about that at all?

Mr. NOLAN. No.

Mr. KENNEDY. Do you know if that happened?

Mr. NOLAN. I wouldn't know.

Mr. KENNEDY. The books certainly would reflect it if it happened, would they not?

Mr. NOLAN. Yes.

Mr. KENNEDY. That is a common procedure, is it not?

Mr. NOLAN. Yes.

Mr. KENNEDY. Do you know of any cases in which a company has a contract where no dues are paid and no pension and welfare payments are made?

Mr. NOLAN. Well, it is mostly all mailed in. Most of it is mailed in.

Mr. KENNEDY. But do you know of any company which has a contract where that is not done?

Mr. NOLAN. To the best of my knowledge, no.

Mr. KENNEDY. You don't know of any company in which that is done?

Mr. NOLAN. To the best of my knowledge, no.

Mr. KENNEDY. But as far as you know, the dues are always paid by a company, is that right?

Mr. NOLAN. They are mailed in. They are notified.

Mr. KENNEDY. If there is a contract.

Mr. NOLAN. If there is a contract; yes sir. They are mailed in and notified about it.

Mr. KENNEDY. So the books of the union would reflect such a payment and the books of the company would reflect it. The books of the union would reflect the receipt of the payment and the books of the company should reflect the dues payment, is that correct?

Mr. NOLAN. It should, sir.

Mr. KENNEDY. If the dues were made. And the same thing for welfare funds, is that right?

Mr. NOLAN. Yes, sir.

Mr. KENNEDY. What are your duties as recording secretary?

Mr. NOLAN. To take the minutes.

Mr. KENNEDY. To take the minutes?

Mr. NOLAN. Yes.

The CHAIRMAN. Did you keep accurate minutes?

Mr. NOLAN. I took notes at meetings.

The CHAIRMAN. Did you take accurate minutes at meetings?

Mr. NOLAN. To the best of my ability, yes.

Mr. KENNEDY. We have another name here on the list, Merval Decabia. Was that a union shop?

Mr. NOLAN. To the best of my knowledge.

Mr. KENNEDY. Mr. DeCabia testified before this committee that none of his employees were members of the union. He had five employees and none of them were members of the union. There were no dues and no welfare payments for his employees.

Would you explain that?

Mr. NOLAN. I don't know anything about that.

Mr. KENNEDY. But this list was furnished by Mr. Bernard Adelstein?

Mr. NOLAN. Yes.

Mr. KENNEDY. You have no explanation as to why any of his employees were members of the union, and yet you went around and gave this as an acceptable company, a union concern, is that right?

Mr. NOLAN. Because it was given to me.

Mr. KENNEDY. By Mr. Adelstein?

Mr. NOLAN. Yes.

The CHAIRMAN. All right. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, we are going now into the New York City Cartmen's Association. We would like to call the president of that, Mr. James Rosetti. Mr. Rosetti was the one, according to the information we have, that was responsible for hiring the professor. I would like to determine why he was hired and the relationship between Mr. Rosetti and Mr. Squillante.

The CHAIRMAN. Be sworn, Mr. Rosetti.

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSETTI. I do.

TESTIMONY OF JAMES ROSETTI, ACCOMPANIED BY HIS COUNSEL,
IRVING BUSH

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. ROSETTI. My name is James Rosetti, 823 Hollywood Avenue, Bronx, N. Y.

The CHAIRMAN. What is your business or occupation, Mr. Rosetti?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. You have counsel present?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Counsel, you may stand aside until your client acknowledges you.

(The witness conferred with his counsel.)

Mr. ROSETTI. Irving Bush.

The CHAIRMAN. Will you identify yourself for the record, counsel.

Mr. BUSH. Irving Bush, 41 East 42d Street, New York City.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, according to the information we have, Mr. Rosetti is president of the Greater New York Cartmen's Association, and has been president since its inception.

Would you tell us if that is true?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Rosetti, also, according to the information we have, was the one who gave Vincent James Squillante his start. Mr. Squillante was first hired by Mr. Rosetti in the Greater New York Cartmen's Association. It was from there that Mr. Squillante was able to spread out into Nassau and Suffolk Counties.

I would like to ask you if that is true.

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. What kind of a gang do you have up there, that you all can't tell about your business? What kind of a gang of hoodlums is it? I ask you seriously. Can you tell us that?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. What I would like to find out would be why Mr. Rosetti hired Mr. Squillante, what Mr. Squillante's qualifications were for his job, and who recommended Mr. Squillante to Mr. Rosetti in the New York Cartmen's Association.

The CHAIRMAN. What does this fellow do in New York?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. What does he do?

Mr. KENNEDY. He is president of the Cartmen's Association in New York City.

Senator IVES. May I ask a question, Mr. Chairman?

I don't think I can get anything out of the witness, and probably his counsel doesn't want him to talk. I will ask our counsel.

Just exactly what area does this Cartmen's Association in New York City embrace?

The CHAIRMAN. Mr. Kelly has been sworn.

MR. KELLY. This Cartmen's Association embraces membership firms in the Bronx, the area of Manhattan and Queens.

Senator IVES. Nothing in Kings?

Mr. KING. Kings has its own association.

Senator IVES. Thank you.

Mr. KELLY. And Brooklyn, likewise.

Mr. KENNEDY. Could you tell us anything about why it was that you retained Mr. Squillante, Mr. Rosetti?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. We have had testimony that Mr. Squillante was the prominent figure in the Mafia, that he was involved in policy, that he was involved in narcotics during this period of time. Did you know all of that?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. It is my understanding also, Mr. Rosetti, that when the Stork Club was having its difficulties, that you and Mr. Squillante went by there and said that you could straighten out the difficulties, and be able to bring your cartmen through the strike. Is that true?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. What connections did you have that would permit you to be able to settle that strike and be able to bring the deliveries through at the Stork Club, Mr. Rosetti?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Did you take your instructions on what you did from Mr. Squillante?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Senator IVES. Mr. Chairman, I would like to make one more inquiry. Has this witness been sentenced for any offense of any kind?

Mr. KENNEDY. Not that I know of.

Senator IVES. Is he under indictment?

Mr. KENNEDY. Not that I know of.

Senator IVES. He has no real reason, then, that you know of, for refusing to answer on the grounds that the answer might tend to incriminate him?

Mr. KENNEDY. Except what we have developed so far in his relations with Mr. Squillante and the underworld in New York City. I expect Mr. Rosetti has a good deal of information regarding that, and also the connection of Mr. Bernie Adelstein and local 813 in this whole operation. I think he could be very helpful to the committee. I don't know how far he is personally involved in it. It is possible that that is the reason he refuses to answer, Senator.

Senator IVES. Can we get all of that into our record? I would like to know who some of these birds are that we have.

Mr. KENNEDY. From Albert Anastasia's home, Senator Ives, there were 18 telephone calls to the New York City Cartmen's Association.

The CHAIRMAN. Over what period of time?

Mr. KENNEDY. July 1956 to January 1957.

The CHAIRMAN. A period of 5 or 6 months?

Mr. KENNEDY. Six months.

The CHAIRMAN. How many calls?

Mr. KENNEDY. From Anastasia to the association.

The CHAIRMAN. That is about three a month. Go ahead.

Mr. KENNEDY. Could you tell us why it was necessary to be in touch with Albert Anastasia so frequently?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Also, according to the information we have, it was you that hired the professor, Don Modica. Can you tell us at whose suggestion you hired the professor?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Did the professor tutor you a little bit?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Did he tutor your children?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Would it tend to incriminate them to have him tutor them?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Proceed, Mr. Counsel.

Mr. KENNEDY. Did you know of the connection between the professor and Albert Anastasia when you hired him?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. And the professor was tutoring young Albert Anastasia in your office?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Did you understand that the professor was there as a watchdog for Albert Anastasia?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us anything about the tieup between your association of cartmen and the underworld in New York City, particularly the Mafia?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. That is all, Mr. Chairman.

Senator IVES. Mr. Chairman, all of this testimony we are getting is definitely opening a rather sinister note as we go along. The other day we discovered that the Mafia is involved directly in the control of this operation on Long Island, apparently, the greater city of New York—at least in these three counties where this particular association is concerned. It occurs to me that it might be a good idea to have an investigation to find out how much the Mafia is concerned in the activities of the teamsters generally. You have a great deal of racketeering and corruption in the teamsters that we know of. How

much is the Mafia responsible for that? Have we any record on that?

Mr. KENNEDY. We have some information, Senator.

Senator IVES. I wish we could develop it.

Mr. KENNEDY. I think in the course of the hearings that we expect to have next year there will be more information regarding the Mafia.

Senator IVES. All right.

The CHAIRMAN. As I understand, these carting companies are licensed by the city, or by some governing authority, at least, in the State of New York. Is that correct?

Mr. ROSETTI. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. All I can say to you, sir, is I hope, in view of your attitude that it might tend to incriminate you if you got a license, I hope the State of New York or the city of New York, or the Government authorities, in view of that reflection upon them, will refute it by revoking the license. I would have to be serving on a board granting licenses to people like you, and have you take the statement under oath, make a statement under oath, that to say you were licensed by that board might tend to incriminate you. I think they can move to incriminate you by simply canceling your license.

Senator IVES. I would suggest, Mr. Chairman, that we send this information to the State of New York, the attorney general and other people.

The CHAIRMAN. The transcript of this testimony may be made available to any of the authorities in New York. We have to get to a point some day so we can determine whether this Government is bigger than gangsters, hoodlums, and crooks, or whether they are running the country.

Senator IVES. I agree with you on that, Mr. Chairman. We are going to beat this thing, if it is the last thing we do. We can beat it.

The CHAIRMAN. That is what I am saying. We have to beat it or they are going to take over.

All right. Call the next witness.

Mr. KENNEDY. Anne Daria, Mr. Chairman, secretary for the Greater New York Cartmen's Association.

The CHAIRMAN. What is the name?

Mr. KENNEDY. Anne Daria.

The CHAIRMAN. Will you be sworn, please?

You do solemnly swear the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss DARIA. I do.

TESTIMONY OF ANNE DARIA, ACCOMPANIED BY HER COUNSEL, IRVING BUSH

The CHAIRMAN. State your name, your place of residence, and your business or employment, please.

Miss DARIA. My name is Anne Daria. I live at 2400 Maclay Avenue, Bronx, N. Y.

The CHAIRMAN. By whom are you employed?

Miss DARIA. I refuse to answer on the ground that the answer might tend to incriminate me.

The CHAIRMAN. Do you have counsel present?

Miss DARIA. I have.

The CHAIRMAN. Counsel, you may identify yourself for the record.

Mr. BUSH. Irving Bush, 41 East 42d Street, New York City.

Mr. KENNEDY. Mr. Chairman, the interesting point of Anne Daria is the fact that she was secretary of the Greater New York Cartmen's Association, and that she worked for James Rosetti and Vincent J. Squillante. I would like to ask her about what arrangements there were for Vincent J. Squillante to be hired by the New York Cartmen's Association.

Would you tell me about that?

Miss DARIA. I beg your pardon? I wasn't listening. I am sorry.

Mr. KENNEDY. Tell me if you know Vincent J. Squillante.

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Would you tell us how he happened to be hired by the New York Cartmen's Association?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And what work he was doing for the New York Cartmen's Association?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Are you under threats if you testify here?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Can you tell us about Squillante bringing in his nephew, Jerry Mancuso, and being put on the payroll of the New York Cartmen's Association?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know anything about the Cartmen's defense fund, Miss Daria?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know anything about the Carters Investors Corp.?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. You are accounting secretary for the Carters Investors Corp.?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Dante Gallo?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know who Dante Gallo is?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Is it not true that for a period of time you lived at Mr. Dante Gallo's home?

Miss DARIA. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have evidence and information that Miss Daria lived at Dante Gallo's home for a period of time.

Did you know about Mr. Gallo's criminal record?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KENNEDY. Mr. Kelly, do you have Mr. Gallo's background?

Mr. KELLY. Yes, sir; I do. Dante Gallo is also known as Danny Lee. He is known to the New York Police Department under B No. 145159. It shows his first arrest on April 29, 1928, as Dominick Gallo from the Bronx, burglary.

On September 7, 1930, as Dante Gallo in the Bronx, robbery and assault. He was committed to Elmira Reformatory in 1930, indeterminate sentence.

Now, on October 24, 1933, as Dante Gallo of the Bronx, he applied for treatment of a gunshot wound at Fordham Hospital, and he told them there he had been shot in the right forearm and the right buttock and claims he received these wounds while standing on the corner of 225th Street and White Plains Avenue. He said he did not know why he had been shot.

On May 7, 1936, as Dante Gallo, he was arrested in Manhattan under the Code of Criminal Procedure and discharged on the following day.

On October 2, 1946, as Dante Gallo, he was arrested in Manhattan, criminally receiving, and this case was dismissed.

On November 18, 1946, he was arrested in the Bronx for 986 of the penal law, and on the 26th of November of 1946 he received a \$75 fine in gamblers court.

Mr. KENNEDY. Did you know all of that about Mr. Gallo?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Do you have something further?

Mr. KELLY. Investigation, Mr. Kennedy, reveals that Dante Gallo lived at 2305 Vance Avenue in the Bronx. This is an address that I believe the witness is familiar with. While Gallo was living there, it was also the address of the "Bun Brothers," mentioned yesterday, Theodore and Benjamin DeMartino, who are on the major violators of the Federal Narcotics Bureau.

TESTIMONY OF ANNE DARIA—Resumed

The CHAIRMAN. How long have you been in with that gang?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

The CHAIRMAN. I agree with you.

Proceed.

Mr. KENNEDY. Could you tell us how the New York cartmen's defense fund was set up?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Now, didn't you handle the checks for the New York cartmen's defense fund?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. And you handled the checks and deposited them at the Royal State Bank in the Bronx?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Why did you select the Royal State Bank in the Bronx?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. When Mr. Anastasia called at the office or telephoned at the office, did you talk to him?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. You answered the telephone at that office; did you not?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, I would like to put into the record the background on the cartmen's defense fund, and how it originated and what happened to the money.

If Miss Daria will not help us or assist us, maybe one of our investigators could testify as to what the record shows.

The CHAIRMAN. Let him come around and we will interrogate him and then interrogate the witness about her knowledge regarding it.

He might make some mistake and I suggest you listen closely and you might want to correct it.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KELLY. The minutes of the meetings of the Greater New York Cartmen's Association, which were held June 7, 1956, at the Vasa Temple in the Bronx, N. Y., indicate that Vincent James Squillante discussed the necessity of starting a defense fund for the members of the carting industry.

I am reading from the minutes now and we have these in our possession.

Mr. Squillante started by describing what happened to the association in Suffolk County. He reported that he represented a group of 60 members at a rate of \$100 per year a firm.

Mr. Squillante requested the board of directors to meet in order to submit his resignation. He reported that Newsday reported the event as a discharge of Mr. Squillante. He also represented the Intercounty Association and during this time he was subjected to attack by newspapers as a racketeer. The newspaper showed his picture and others.

This attack was started by the National Republican Party and was then taken up by Gulletta. He directed the president of the Intercounty Cartmen's Association to discharge Jimmy Squillante and Jerry Mancuse.

He reported that Gulletta's men ran the meeting. In spite of the fact that Jimmy Squillante and Jerry Mancuse were placed under arrest and were unable to attend, the vote was favorable to Jimmy Squillante and Jerry Mancuse.

Another meeting was called with secret ballot. Present were 6 detectives, 2 attorneys, and representatives of the press. Ballot showed 27 to 4 in favor of Jimmy Squillante and Jerry Mancuse.

Vincent Squillante revealed to the membership that due to the fact that he failed to file a return one year he was convicted of a misdemeanor. He was

fined and placed on probation for 3 years. At the completion of his 3-year term, he was given an additional 2-year probation period because it was charged that he had not made an honest effort to pay his taxes.

He also stated he was being attacked by the attorney general's office, to summarize this, Senator. The attorney general's office, the city commissioner of investigation, Tenney, and Mr. Gulotta, the D. A. in Nassau County, and Frank Hogan, the district attorney in Manhattan.

He stated that the only plan of defense was to engage the best legal service, the biggest legal mind. "We do not stand a chance, otherwise," was his conclusion. He advised that the members had to be prepared to spend substantial sums of money in order to engage this type of counsel.

He advised that there had to be collective action, all members should forget their own individual problems and band together to meet the attack. He advised that each individual should not wait until he is touched and then attempt to defend himself individually. He called for action along the line of deciding what action should be taken "to defend ourselves."

The CHAIRMAN. Who is that doing this talking?

Mr. KELLY. This is Mr. Vincent Squillante, sir.

The CHAIRMAN. Proceed.

Is he your boss?

Miss DARIA. What is that?

The CHAIRMAN. Is that fellow your boss, this Squillante?

Miss DARIA. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KELLY. Mr. Squillante stated the only method of fighting was to retain the services of a reputable, large legal firm and the only way to engage such a firm is with money. Mr. Squillante stated that if he could obtain 5 minutes' time on television, he would personally borrow all of the money necessary to give his story to the public, but it would take large funds of which he does not possess.

Mr. KENNEDY. I might say there that Mr. Squillante will be called this afternoon.

The CHAIRMAN. He will be given an opportunity then, before television to tell his story.

Mr. KENNEDY. And it will all be free.

The CHAIRMAN. Yes, it will be.

Mr. KELLY (reading):

Mr. Rossetti, the previous witness, then reported that he had been subjected to vilification just to help the industry. He has, personally, nothing but headaches as a result of all of his work for the industry and his years of painstaking leadership.

Mr. Joseph Melillo advised the organization that the contribution was to be voluntary and was to be set up in a special defense fund. A figure of \$250 per truck was agreed upon. A committee was appointed to administer the cartmen's defense fund as follows:

Michael Fidanza, George DeLalla, Frank Sabatolli, Louis Zassarino, and William Tedese.

The Chair reported that the body had agreed to voluntarily contribute \$250 per truck to be used as follows:

Mr. KENNEDY. This is the important part, as to how the money was to be used.

Mr. KELLY (reading) :

1. For the defense of the association and its members.
2. For the defense of Vincent J. Squillante (in any shape or form).
3. For the defense of any cartman, regardless of membership (if any), area, color, or creed.
4. For publicity, investigations and research.
5. Toward any charities, for the benefit of mankind.

The CHAIRMAN. There is a little noble sentiment expressed there for a change.

Mr. KELLY (reading) :

The Chair asked for a standing vote of confidence for Mr. Squillante and Mr. Rossetti and asked that the body refuse to accept the resignations.

The minutes are signed, "John Jay Torti," and they are approved by S. Theodore Feingold, who incidentally, was the accountant for the Greater New York Cartmen's Association.

The CHAIRMAN. What is the date of those minutes?

Mr. KELLY. June 7, 1956, Senator.

Mr. KENNEDY. Could we have these made an exhibit?

The CHAIRMAN. They may be made exhibit 26.

(The document referred to was marked "Exhibit No. 26" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Now, I would like to point out, Mr. Chairman, that as Mr. Kelly read these minutes, the purpose of the fund was to protect the association and then it gives the five specific purposes.

Now, I would like to ask you, Mr. Kelly, did you find that they did go ahead and raise some money?

Mr. KELLY. The special meeting held of the Association of Trade Waste Removers of Greater New York, which is a downtown association of cartmen, was held on June 12, 1956, at the Second Avenue Manor, New York City.

Mr. Squillante, under the heading "New business," states:

Mr. James Squillante, our labor-relations counsel, advised us of investigations being conducted by the attorney general's office of the State of New York, and the district attorney of New York County. These investigations were aimed to prove conspiracy, restraint of trade, and monopolistic practices on the part of the private sanitation industry.

In view of the fact that the membership of the association was completely unconcerned and indifferent to the injustice of these investigations, Mr. Squillante tenders his resignation as labor-relations counsel to the association.

The citation of the investigations and the act of resignation by Mr. Squillante caused considerable discussion among the members. As a result of this discussion upon a motion made by Joseph Prelirno and seconded by Nick Dirago, it was resolved that a fund be created to defend the industry, and it was further established that a voluntary contribution of \$250 per truck be made.

The purpose of this fund was to retain eminent legal counsel to represent the industry and to retain a public-relations firm on behalf of the industry, and to do any and all other things requisite for the benefit of the industry.

It states that if the fund is not entirely used, it will be reduced. The date is June 12, 1956.

The CHAIRMAN. Did the rates to the customers go up along about that time?

Mr. KELLY. I have no independent observation, but I would suspect it.

The CHAIRMAN. I imagine that fund was all passed on to the people they were serving?

Mr. KELLY. We are getting to that now.

The CHAIRMAN. I would like to see what happened.

Mr. KELLY. The cartmen's defense fund opened an account in the Royal State Bank of New York City on June 11, 1956. They opened this account with checks totaling \$1,500. On the following day, June 12, they deposited an additional \$2,750 at one time and \$4,240 at another time on the same date, all in checks.

Mr. KENNEDY. Would you repeat those figures so we make sure we get them?

Mr. KELLY. The figures for June 11, 1956, the deposit totaled \$1,500 in checks. For June 12, there were 2 deposits, one of \$2,750 in checks and another of \$4,250 in checks, a grand total of \$8,500.

The CHAIRMAN. That was in 3 days' time?

Mr. KELLY. That is correct, sir. Actually it was 2 days, Senator.

The CHAIRMAN. Yes.

Mr. KELLY. Now, on the 14th of June, there was then \$8,500 in the balance and uncollected checks. On the 14th of June, a deposit of \$6,750 in checks was made. There was another deposit of \$3,000 in check and again these were uncollected funds.

However, on the 14th of June, we find a check from the account of the cartmen's defense fund made out to the Royal State Bank, and dated June 14, 1956, in the amount of \$14,215.99. At the same time, there is a cashier's check received from the bank made out to Vincent J. Squillante for the identical amount.

The CHAIRMAN. What is the amount of that check?

Mr. KELLY. \$14,215.99. The endorsement on this check reads:

Pay to the order of the Director of Internal Revenue, for 1948 and 1949 income taxes, penalties and interest in full, Vincent J. Squillante.

The CHAIRMAN. So. Mr. Squillante had himself a pretty nice racket of taking care of his income tax.

Mr. KELLY. The story gets more interesting as we go along.

The CHAIRMAN. We will see if we can stand it.

Mr. KENNEDY. The money came out of the bank, actually, on the 14th of June, when in fact, approximately over \$14,000 came out of the bank on the 14th of June, when in fact there was only approximately \$8,000 in the account.

Mr. KELLY. Some of that I believe was uncollected funds.

Mr. KENNEDY. Do we have any explanation as to why this particular bank would make such a transaction?

Mr. KELLY. I have my own explanation of that, Mr. Kennedy, but no official one.

The CHAIRMAN. Let us get these checks in the record. The Chair will make the photostatic copy of a check No. 9290 in the amount of \$14,215.99, drawn on the Royal State Bank of New York, exhibit No. 27.

(The document referred to was marked "Exhibit No. 27" for reference and will be found in the appendix on p. 7042.)

The CHAIRMAN. I will make the original check, drawn in the amount of \$14,215.99 made payable to the Royal Bank of New York, signed by George De Lalla and Michael Fidanza, exhibit No. 28.

(The document referred to was marked "Exhibit No. 28" for reference and will be found in the appendix on p. 7043.)

The CHAIRMAN. As I understand, this money was withdrawn from this cartmen's defense fund as shown by this check.

Mr. KELLY. That is correct.

The CHAIRMAN. And placed in another bank or a cashier's check was bought from the other bank.

Mr. KELLY. That is right, sir.

The CHAIRMAN. And it has on it the endorsement—and let me see that endorsement on exhibit 27, please.

(A document was handed to the chairman.)

The CHAIRMAN. The endorsement on the back of the check says, "Pay to the order of Director of Internal Revenue for 1948 and 1949 income taxes, penalties and interest in full, Vincent J. Squillante."

That is the check with which his income tax was paid, and it came out of this defense fund.

Mr. KELLY. That was one of the checks.

The CHAIRMAN. We will go along.

Mr. KENNEDY. Why was it necessary for Mr. Squillante to have this check drawn on the 14th of June?

Mr. KELLY. Because there was a crash program in progress, Mr. Kennedy, in which the attorney had notified the Federal payroll agency that the taxes would be paid by the 15th.

Mr. KENNEDY. So he had to get the money by the 14th of June?

Mr. KELLY. That is right.

Mr. KENNEDY. As far as this bank making these unusual arrangements, does that bank have a large number of racketeers as its customers?

Mr. KELLY. It seems to be a popular watering place for them, Mr. Kennedy. They all seem to congregate there.

Mr. KENNEDY. At that bank?

Mr. KELLY. That is correct, sir.

On June 15, the following day, there was another check made out on the checks of the cartmen's defense fund, care of M. Fidanza, 402 West 14th Street, New York City, dated June 15, 1956, paid to the order of Royal State Bank of New York, \$1,433.75. It is signed by George DeLalla, secretary, and Michael Budanz.

The CHAIRMAN. Let that check be made exhibit No. 29.

(Document referred to was marked "Exhibit No. 29" for reference and will be found in the appendix on p. 7044.)

Mr. KELLY. The Royal State Bank then gives a check on the same date to H. Jordan Lee, who was the attorney for Mr. Squillante in these tax matters, for the same amount.

The CHAIRMAN. Let that check be made exhibit No. 30.

(Document referred to was marked "Exhibit No. 30" and will be found in the appendix on p. 7045.)

Mr. KELLY. Then there is another check on the cartmen's defense fund, the same date, June 15, 1956, the same bank, Royal State Bank of New York, for \$1,564.20, with the same signatures.

The CHAIRMAN. That may be made exhibit No. 31.

(Document referred to was marked "Exhibit No. 31" and will be found in the appendix on p. 7046.)

Mr. KELLY. The bank gives them a check with the same date, made out to H. Jordan Lee, in the same amount.

The CHAIRMAN. That will be made exhibit No. 32.

(Document referred to was marked "Exhibit No. 32" and will be found in the appendix on p. 7047.)

The CHAIRMAN. Does the last check show what it is in payment for?

Mr. KELLY. Both of those checks to Jordan Lee are endorsed "For deposit only, H. Jordan Lee, special."

The CHAIRMAN. Who is H. Jordan Lee?

Mr. KELLY. The attorney for Vincent J. Squillante in these tax matters.

The CHAIRMAN. He got two checks?

Mr. KELLY. Yes, sir.

The CHAIRMAN. How much do they total? In round numbers, \$3,000?

Mr. KELLY. A little over \$3,000.

The CHAIRMAN. A little more than \$3,000. So he not only paid his income tax, interest and penalties thereon, but also paid his attorney out of this defense fund; is that correct?

Mr. KELLY. He didn't pay the attorney, sir. He made the checks out to the attorney and the attorney paid the State tax, to New York State. The total, as far as taxes are concerned, is \$17,213.94. There was additional money taken out, Senator; \$5,300 was taken out of this cartmen's defense fund and paid to John T. Lynch, who is a private investigator. I believe he is located in Detroit, Mich.

The stubs of the checks on the defense fund indicate that this is for research. A check or checks totaling \$2,250 are made out to Mr. Geary, R. J. Geary.

The CHAIRMAN. You are testifying now from the stubs of the checks?

Mr. KELLY. From notes that were made, sir. We have the check-book here, I believe.

The CHAIRMAN. You have examined the checkbook?

Mr. KELLY. Yes.

The CHAIRMAN. What you are stating is accurate as reflected by the checkbook?

Mr. KELLY. The check stubs reflect that this was for legal services.

Mr. KENNEDY. Who was this to?

Mr. KELLY. To Mr. R. J. Geary.

Mr. KENNEDY. That was the attorney that appeared yesterday?

Mr. KELLY. There was a \$1,000 check to Miller, Green & Bush, also for legal services, and a check for \$794.14 to Arnold Roseman, for the same purposes. That totals \$26,558.08.

Mr. KENNEDY. Were those attorney fees all in connection with Mr. Squillante or his brother?

Mr. KELLY. The attorney fees were explained by Squillante himself in a signed statement, when he was talking about regarding this as a loan. They were listed as "Expenses in connection with action against officials of Nassau County, on behalf of myself, Nunzio Squillante, and Gennaro Mancuso."

Mr. KENNEDY. He was upset because the district attorney out in Nassau County was investigating him; is that right?

Mr. KELLY. That is an understatement, sir.

Mr. KENNEDY. So he used some of this money to hire investigators and hired attorneys for himself, his brother, and nephew to investigate the district attorney?

Mr. KELLY. And the county of Nassau.

Mr. KENNEDY. The county officials in Nassau County?

Mr. KELLY. That is right, sir.

Mr. KENNEDY. So the total out of the defense fund that was used on behalf of Vincent J. Squillante was approximately \$26,000?

Mr. KELLY. \$26,558.08.

Mr. KENNEDY. That is to pay his taxes, both Federal and State, and to investigate the officials of Suffolk County?

Mr. KELLY. Nassau County.

Mr. KENNEDY. And to pay attorney fees?

Mr. KELLY. That is correct.

Mr. KENNEDY. Have you made a study to find out how much money they raised?

Mr. KELLY. They raised a total of \$57,855; \$51,855 of this money came from the Greater New York Cartmen's Association, and the balance of \$6,000 came from the Association of Trade Waste Removers of Greater New York.

The CHAIRMAN. I wonder if there would be an income tax due on this money?

Mr. KELLY. I will explain how he gets around that, Senator.

On October 31, 1956, after local newspapers had revealed this windfall, Mr. Squillante writes a letter to the cartmen's defense fund at 1078 Madison Avenue, which is the address of the Greater New York Cartmen's Association—the address on the checks was on 14th Street—

The CHAIRMAN. Do you have the letter?

Mr. KELLY. I have a carbon copy of the letter, but it is signed by Vincent J. Squillante.

The CHAIRMAN. Signed by Squillante?

Mr. KELLY. That is correct, sir.

The CHAIRMAN. Read the letter.

Mr. KELLY. (reading):

CARTMEN'S DEFENSE FUND,
107 Madison Avenue, New York, N. Y.

I hereby agree to pay to the cartmen's defense fund the sum of \$26,558.08, less \$1,500 heretofore paid in installments of \$50 weekly.

There was another letter preceding this in July in which he agrees to pay them \$50 weekly.

This agreement shall supersede the previous agreement to repay the sum of \$17,213.94—

that was the figure just for the repayment of taxes with interest—

loaned to me by the defense fund for the payment of Federal and State income taxes, including penalties and interest.

The above amount of \$26,558.08 consists of the following amounts loaned to me: States and Federal income taxes, including penalties and interest, \$17,213.94; expenses in connection with actions against officials of the Nassau County on behalf of myself, Nunzio Squillante, and Gennaro Mancuso as follows: John T. Lynch, \$5,700; P. J. Beary, \$2,250; Miller, Green & Bush, \$1,000; Arnold Roseman, \$794.14. A total of \$26,558.08, less paid on account, \$1,500 a balance of \$25,058.08.

It is signed "Vincent J. Squillante."

The CHAIRMAN. Those letters may be made exhibits Nos. 33 and 34.

(Documents referred to were marked "Exhibits Nos. 33 and 34," for reference and may be found in the files of the Select Committee.)

The CHAIRMAN. So he gets around paying taxes on this money by treating it as a loan?

Mr. KELLY. Yes, sir. There are other payments made from this fund for legal fees. Michael A. Castaldi got \$7,500; Miller, Green & Bush, \$3,650; Arnold Roseman, \$500; and Joseph F. Minutolo, \$800, a total of \$12,450 for legal fees.

For advertising and publicity, the Coordinated Advertising Corp., \$7,718; the Brooklyn Weekly and Brooklyn Daily, Inc., \$250; and Emanuel M. Cohen, \$500, a total of \$8,468.

For office equipment, \$477.45; for office expenses, \$889.45; for accounting fees, \$350, and bank charges, \$2.25, bringing the total to \$47,695.23, including the moneys given to Squillante.

On October 31, 1956, the bank statement showed a balance in the fund of \$12,734.77.

Mr. KENNEDY. The way he was getting around the loan was first saying he was going to repay the money at \$50 a week; is that right?

Mr. KELLY. That is right, Mr. Kennedy. But the second agreement that he makes has no date or specifies no terms of repayment.

The CHAIRMAN. And it supersedes the first agreement.

Mr. KELLY. That is correct.

Mr. KENNEDY. So the first time he said he was going to repay at \$50 a week and in the second he said he would repay at some other time.

Mr. KELLY. He would repay, period.

Mr. KENNEDY. That is all?

Mr. KELLY. That is all.

The CHAIRMAN. Is there anything further?

TESTIMONY OF ANNE DARIA, ACCOMPANIED BY COUNSEL, IRVING BUSH—Resumed

Mr. KENNEDY. Miss Anne Daria handled the checks, according to the information we have, of the cartmen's defense fund.

Can you tell us anything about what Mr. Kelly testified about?

Miss DARIA. I refuse to answer on the grounds that the answer might tend to incriminate me.

Mr. KENNEDY. Did you know all of this money was going to Vincent J. Squillante?

Miss DARIA. I refuse to answer on the grounds that the answer might tend to incriminate me.

The CHAIRMAN. Who is the boss of the defense fund?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Are you the dominant power that controls this operation?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Wouldn't you like to tell us who is?

Miss DARIA. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. It says here it is for the defense of Vincent J. Squillante, after it says for the defense of the association and its members. Was it understood that that meant that he could pay his taxes with the money?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. I guess you can use a typewriter; can't you?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. That might tend to incriminate you, too.

Well, would you take a look at this exhibit No. 26 and state whether you typed the original or not?

(The document was handed to the witness.)

(The witness conferred with her counsel.)

The CHAIRMAN. Do you recall having typed the original?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Do you see anything in there that might be incriminating?

Miss DARIA. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Mrs. Watt, remove it, please, if it might tend to incriminate her.

Proceed, Mr. Kennedy.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. The committee will stand in recess until 2:15.

(Members of the select committee present at time of recess: Senators McClellan and Ives.)

(Whereupon, at 11:48 a. m. the select committee recessed, to reconvene at 2:15 p. m. the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan, Ives, and McNamara.)

The CHAIRMAN. Mr. Vincent J. Squillante, will you come forward please?

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SQUILLANTE. I do.

TESTIMONY OF VINCENT J. SQUILLANTE, ACCOMPANIED BY HIS COUNSEL, IRVING BUSH

The CHAIRMAN. Mr. Squillante, state your name and your place of residence and your business or occupation.

Mr. SQUILLANTE. Vincent J. Squillante, 1962 Narragansett Avenue, in the Bronx, N. Y.

The CHAIRMAN. Will you continue with your business or occupation?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. May "intend" to, did you say?

Mr. SQUILLANTE. May tend to incriminate me.

The CHAIRMAN. All right, you have counsel with you?

Mr. SQUILLANTE. Yes, sir.

The CHAIRMAN. Mr. Counsel, will you identify yourself for the record?

Mr. BUSH. Irving Bush, 41 East 42d Street, New York City.

The CHAIRMAN. Mr. Kennedy, you have another fifth amendment expert. Proceed.

Mr. KENNEDY. The information that we have, Mr. Squillante, is that you are executive director and have been executive director of the New York City Cartmen's Association, is that correct?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you have held similar positions out in Suffolk County with the cartmen's association.

Mr. SQUILLANTE. May I smoke, sir?

The CHAIRMAN. Yes, I hope it will help you to answer questions.

Mr. SQUILLANTE. Thank you.

Will you repeat the question, Mr. Kennedy, please?

Mr. KENNEDY. That you have also held a similar position out in Suffolk County with the cartmen's association.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. That you hold yourself up as being a labor consultant, is that correct?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you got your training for being a labor consultant by selling narcotics, is that right, Mr. Squillante?

Mr. SQUILLANTE. By selling what, Mr. Kennedy?

Mr. KENNEDY. You did not hear me?

Mr. SQUILLANTE. No, I didn't; I am sorry.

Mr. KENNEDY. By selling narcotics, did you hear that?

Mr. SQUILLANTE. Yes, sir. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you are also involved in policy, that prior to the time you became a labor consultant you were very active in the narcotics field and that you were also active in policy, is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you feel that the way to impress people is to describe yourself as the godson of Albert Anastasia, is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. So your three claims to fame prior to the time that you became a labor consultant were the fact that you were Albert Anastasia's godson, that you sold narcotics, and that you were active in policy, is that right, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Do you think that it would tend to incriminate you to acknowledge your godfather? Do you want to leave the record that way?

Mr. SQUILLANTE. I believe so, Senator.

The CHAIRMAN. You believe you would?

Mr. SQUILLANTE. Yes, sir.

The CHAIRMAN. Leave the record that way, then.

Proceed, Mr. Kennedy.

Mr. KENNEDY. As far as your specific operations after you became a labor consultant for these various cartmen's associations, you sold your gangster connections or you passed off your gangster connections to assist cartmen; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. That you arranged rigging of bidding such as out at Mitchel Field, did you do things like that?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. That you had property rights for the various members, that you instituted that means of operation.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you established "whip" companies in these various areas, to whip other cartmen into line.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you took retaliatory measures against those who did not join the association or follow your instructions; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you used to take these retaliatory measures and you used your gangster connections; is that right, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. According to information that we received here in sworn testimony, you were a rather active figure in the Mafia; is that right, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you never touched narcotics yourself, but you used your nephew, you brought him in on it, Jerry Mancuso, and used him to peddle your narcotics; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you were active on the docks, peddling narcotics; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. What is the Mafia?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Do you know?

Mr. SQUILLANTE. Are you finished with the question, Senator?

The CHAIRMAN. Do you know?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. If you knew, would you tell us?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. DeCabia?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. According to the information that we have, you conspired with Mr. DeCabia to rig the bid at Mitchel Field; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you punished the Cartman Recchia through the "whip" company for not going along on the bid.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Now, you established a company as the "whip" company, the General Sanitation Co.; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you placed in there to operate it, your brother, Nunzio Squillante.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you have a brother named Nunzio Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Nunzio Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. What kind of a blood relationship is it, where knowing your brother might tend to incriminate you? Can you give us any enlightenment on that?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. We also understand, Mr. Squillante, that you have an interest not only in general Sanitation, through your brother, Nunzio Squillante, but that you also had an interest in the Corsair Carting Co.; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that the Corsair Carting Co. also acted as a "whip" company; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you also used as a "whip" company, the Jamaica Sanitation Co.; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Can you tell us anything about the Jamaica Sanitation Co.?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. How did you get into the Jamaica Sanitation Co.?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Algon Cafono?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know "Pogi" Torriello?

Mr. SQUILLANTE. Is Mr. Greene asking me a question? I didn't understand.

The CHAIRMAN. I have not asked anything.

Mr. SQUILLANTE. I thought I heard Mr. Greene ask me a question.

Mr. KENNEDY. I thought I asked you a question. You could not hear that.

Mr. SQUILLANTE. I thought Mr. Greene asked me a question.

Mr. KENNEDY. Do you know Mr. Torriello?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you have a nephew called Jerry Mancuso?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. You do know Jerry Mancuso?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Will you tell us about any of your relatives?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Is your godfather Albert Anastasia?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Coming back to Jamaica Sanitation, and Jerry Mancuso, did you set Jerry Mancuso up in Jamaica Sanitation?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Joe Feola?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know about Joe Feola's criminal background?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you mind going into business with a man with a criminal background, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer might tend to incriminate me.

Mr. KENNEDY. Have you been in business with Mr. Carfano?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you know him as "Little Augie"?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. What do they call you?

(The witness conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. They do not call you bad names? Most people are afraid of you, aren't they?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. According to the records that we have, there were 18 telephone calls from the home of Albert Anastasia to the office of the Greater New York Cartmen's Association.

Could you tell us anything about that?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Then according also to the information that we have, a professor, an ex-professor of New York University, came and went to work for the New York Cartmen's Association, Don Modico.

Do you know Professor Don Modica?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Can you explain why he came to work for the New York Cartmen's Association?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know that he was a tutor for Albert Anastasia's children?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you yourself call Albert Anastasia's office?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you make two telephone calls from your own home to Albert Anastasia?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Ordinarily you don't use your phone at home; isn't that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. But the end of 1954 you made one call and the beginning of 1955 you made another call to Albert Anastasia.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. What were those telephone calls about?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you arrange a meeting between a Mr. Donno, a cartman, and Albert Anastasia, for the purpose of raising some money to buy out Anderson Co.?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Can you tell us about the cartmen's defense fund?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. According to information we have, you took out \$26,000 from the cartmen's defense fund to pay your own personal taxes and to pay your attorney; is that right?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Let me have those checks.

(The documents were handed to the chairman.)

The CHAIRMAN. I present to you exhibit No. 27 of this record, which is a photostatic copy of a check in the amount of \$14,215.99, made payable to you, Vincent J. Squillante. It has an endorsement on the back of it, "Pay to the order of the Director of Internal Revenue for 1948-49

income taxes, penalties, and interest in full," and it has a signature under that endorsement.

I will ask you to examine that exhibit and state if you identify it. (The document was handed to the witness.)

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Look at the endorsement on the check, on the reverse side.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. I haven't asked you anything. I just told you to look at it.

Mr. SQUILLANTE. I am sorry, sir.

The CHAIRMAN. I will ask you now, is that your signature?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Did you take that money out of the defense fund that was raised, to pay your own income taxes?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Did you tell the men when you were raising the money, \$250 a truck, when you were raising that \$250 per truck from the cartmen—did you tell them you were raising that money to pay off your income taxes?

Mr. SQUILLANTE. Excuse me.

(The witness conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Did they know that you were raising the money for that purpose?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Did you perpetrate a fraud on them by telling them you were raising the money for another purpose and then divert it to your own personal use?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. I just want to ask him about his relationship with the local 813.

Do you know Mr. Bernie Adelstein?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. What has been your relationship with Bernie Adelstein?

Mr. SQUILLANTE. I refuses to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Have you arranged for local 813 to be soft in some contracts, and very stringent on others?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. How much do you make out of this sort of shake-down?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. It is nothing but a shakedown, isn't it, just a gangsterism shakedown; isn't that what it is?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you conspired in that shakedown with Bernie Adelstein of local 813?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Who thought up the security clause for the local union—you or Mr. Adelstein?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Is that the means that you used to force people into the association, so that you could control them?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you know that your General Sanitation Co. was nonunion?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. I would like to ask you about the Jamaica Sanitation Co., but you won't give us any information on that?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Will you tell us how it started?

Mr. SQUILLANTE. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Greene has made an examination on the Jamaica Sanitation Co., and I would like to have that put in the record.

The CHAIRMAN. Mr. Greene, will you come around, please?

TESTIMONY OF ROBERT W. GREENE—Resumed

You have been previously sworn, have you not?

Mr. GREENE. Yes, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You have made a study of the books and records of the Jamaica Sanitation Co.?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. And with the assistance of an accountant; is that right?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. Could you tell us how the Jamaica Sanitation Co. began, and whose money was in it and how the money was handled?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. Where was the Jamaica Sanitation Co. operating?

Mr. GREENE. The Jamaica Sanitation Co. operated at 10740 157th Street, Jamaica, Queens County, city of New York. It was organized in September of 1954 by equipment and routes then owned by the Jamaica Ash & Rubbish Removal Co.

The following persons are listed as stockholder-investors in the Jamaica Sanitation Co., Inc.:

Gennaro Mancuso, also known as Jerry Mancuso, a nephew of Mr. Squillante, for an investment of \$18,900, 30 shares of stock.

Alfred Toriello, alias Pogey Toriello, \$10,000 investment for number of shares, 15.

Lillian Carfano, the wife of Anthony "Little Augie" Carfano, \$10,000 total investment, and 15 shares of capital stock.

Frank Caruso, \$19,900 investment, 30 shares of stock.

Joseph Feola, alias Joey Surprise, \$2,000 investment, and 10 shares of stock, for a total investment of \$60,000 and 100 shares of stock.

Mr. KENNEDY. Could you tell us about the backgrounds of any of those individuals?

Mr. GREENE. Yes, sir. The following is a criminal record of Alfred "Pogey" Toriello.

The CHAIRMAN. I wonder if Mr. Squillante knows this man. What is his name?

Mr. GREENE. Alfred "Pogey" Toriello.

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. GREENE. The FBI record of Alfred Toriello, No. 101761, Albany, N. Y., August 12, 1935, investigation, released. Miami Beach, Fla., November 20, 1935, vagrancy, investigation, 30 days.

Miami Beach, Fla., Alfred Toriello, failure to register as a criminal, released.

Miami Beach, Fla., Alfred Toriello, loitering in a gambling house, 1952. No sentence is listed on that charge.

Mr. Toriello has been listed by Daniel P. Sullivan, operating director of the Criminal Commission of Greater Miami, with a residence at 8842 Hawthorne Avenue, Surfside, Fla. Mr. Sullivan has stated that Alfred "Pogey" Toriello is a bookmakers' collector and strong-arm man for the New York mob in Rhode Island, bookmaking, gambling houses, and numbers.

The CHAIRMAN. You don't have any interest in any business like that, do you, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. GREENE. He is listed as a close associate of Frank Costello, Meyer Lansky, Joe Adonis, Frank Hiacon of Worcester, Mass., and Providence, R. I., and Joseph Massey, and Anthony "Little Augie" Carfano.

That completes the criminal information available on Alfred Toriello.

Mr. KENNEDY. He was one of the investors, is that right?

Mr. GREENE. Yes, sir; a \$10,000 investment.

Mr. KENNEDY. Would you give us the background on some of the other investors, with Squillante's nephew?

Mr. GREENE. The following is the criminal record of Anthony Carfano, alias Little Augie Carfano.

The CHAIRMAN. Is that your nephew?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. What is the name of the nephew?

Mr. KENNEDY. Jerry Mancuso.

The CHAIRMAN. Would Jerry be related to you?

Mr. SQUILLANTE. I refuse to answer on the grounds the answer may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. GREENE. Anthony Carfano resides at 83 Clayton Avenue, Long Beach, Long Island, N. Y., and in Miami, Fla. His criminal record with the New York City Police Department is as follows:

1916, Mount Vernon, N. Y., felonious assault, gun, discharged.

1918, Brooklyn, loafer act, discharged.

1919, New York, grand larceny, turned over to Yonkers, dismissed.

1921, Brooklyn, grand larceny, discharged.

1922, Brooklyn, possession of a gun, discharged.

1925, Saratoga Springs, N. Y., suspicion, discharged.

1926, Brooklyn, gun, discharged.

1933, Miami, Fla., concealed weapon, found guilty, fined \$100 and costs or 30 days.

1933, Brooklyn, fugitive on a murder count, Union City, N. J., arrested and discharged.

1946, Manhattan, vagrancy, discharged.

1955, New York City, conspiracy to extort. That was the welfare fund of the Distillery Workers Union. He was found guilty on that charge, but the case was later reversed by the appellate division of the State of New York.

That is the criminal record of Anthony Carfano. He is an associate of Frank Costello, Meyer Lansky, Albert Anastasia, and has been named by the Kefauver committee in 1951 as one of the leading criminals in the American underworld.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Mancuso was one of those 3 or 4 individuals that invested in this fine garbage company?

Mr. GREENE. However, an examination of the records pertaining to Mr. Mancuso's investment leads to the following information: There was a loan advanced to this corporation in the amount of \$2,493 by Olivia Hughes. Olivia Hughes is also known as Olivia Hughes Squillante. She is the wife of Vincent James Squillante. In our interview with Mr. Squillante in the committee offices in New York, he admitted that he and his wife file joint income tax returns. An examination of Mr. Mancuso's investments reveals—

Mr. KENNEDY. Let's understand this. You say there is a \$2,000—how much?

Mr. GREENE. \$2,400.

Mr. KENNEDY. A \$2,400 loan from an Olivia Hughes to this company; is that right?

Mr. GREENE. To the Jamaica Sanitation.

Mr. KENNEDY. And Olivia Hughes is the maiden name of Mrs. Vincent James Squillante; is that right?

Mr. GREENE. That is correct, sir. An examination of the amounts invested in the Jamaica Sanitation Co. by Gennaro Jerry Mancuso, reveals the following relationship between those checks received by Jamaica Sanitation Co. and certain checks issued from the bank account of Olivia Irene Hughes. They are as follows:

One September 14, 1954, a check was cleared—in other words, returned as cashed—to the amount of \$2,494.34. This was returned as cleared to the bank account of Olivia Irene Hughes.

On September 14, 1954, a check to the amount of \$2,494.34 was received by the Jamaica Sanitation Co. as part of the investment of

Gennaro Mancuso. The same situation applies to three other checks, \$3,000 and \$2,000 on the dates of September 20, 1954, September 21, 1954, September 27, 1954, were cleared to the account of Olivia Irene Hughes and listed on the books of Jamaica Sanitation Co. as received from Gennaro Mancuso.

Mr. KENNEDY. How much is the total of that?

Mr. GREENE. Approximately \$11,500, sir.

Mr. KENNEDY. So you have been able to trace the money, the approximately \$11,000, \$11,500, of the money that Gennaro Mancuso allegedly invested in this firm, Jamaica Sanitation?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. Which actually came out of the bank account of Mrs. James Squillante, Mrs. Vincent James Squillante; is that right?

Mr. GREENE. That is correct, sir.

Mr. KENNEDY. And the investments were also by Mrs. Carfano and Mrs. Toriello.

Sir, in connection with that, Jamaica Sanitation Co. in 1956 went out of business. About November 1955, the Jamaica Sanitation started to dispose of its routes and equipment. Ultimately all of the routes and equipment were sold to four companies for \$70,460, as stated in the records of the Jamaica Sanitation Co.

The purchasers stated that the total price was \$109,780. The details of the above, and the part in the transaction played by an attorney, Arnold Roseman, of New York, follows:

Of the \$70,460 which the books indicate was received for the sales of routes and equipment, entries were made on the books of Jamaica Sanitation. As payments were received checks were thereafter drawn—in many instances to an attorney, Arnold D. Roseman—and were also recorded as loans and exchanges. Certain additional sums of money due to the corporation in installments were paid directly to Roseman, so that the books of the corporation do not reflect such payments.

Roseman in turn placed the moneys in his personal special account, and after consummation of the sale, drew checks to the order of various stockholders.

As such, we have here as one illustration a check, a photostatic copy of a check, on the Manufacturers Trust Co., 149 Broadway, Arnold D. Roseman, attorney, 120 Broadway. The check is dated January 9, 1956. The check is for \$12,000 and it is paid to Lillian Carfano, the wife of "Little Augie" Carfano.

On the back of the check the endorsement reads "Re: Jamaica Sanitation Company, Inc." and the check is endorsed by Lillian Carfano.

The CHAIRMAN. That may be made exhibit No. 35.

(The document referred to was marked "Exhibit No. 35" for reference and will be found in the appendix on p. 7048.)

Mr. KENNEDY. Did you trace through to find out what happened to the money that was to be returned to Jerry Mancuso for his investment?

Mr. GREENE. Sir, we traced amounts disbursed by the Jamaica Sanitation Co. to Gennaro Mancuso. We were unable to trace them further. These amounts returned were April 9, 1956, \$5,000; September 24, 1956, 2 payments of \$500; October 4, 1956, \$500.

We went further then, sir, into the bank accounts of Olivia Irene Hughes. When a check was issued on April 9, 1956, for \$5,000 to

Jerry Mancuso on July 11, 1956, there was a deposit for \$5,000 in the bank statement of Olivia Irene Hughes.

Mr. KENNEDY. So when the money came out of the company and went to Jerry Mancuso, within a short period of time there was a deposit in Mrs. Squillante's bank account of the exact amount; is that correct?

Mr. GREENE. That is correct, sir. On August 24, 1956, when 2 \$500 checks were issued to Jerry Mancuso, 2 weeks later on September 7, 1956, a deposit of \$1,000 was made in the bank account of Olivia Irene Hughes.

On October 4, 1956, when \$500 was issued to Gennaro Mancuso, on October 11, 1956, \$500 was deposited in the bank account of Mrs. Olivia Irene Hughes.

Sir, in going further over the records of the Jamaica Sanitation Co., and consulting with certain other agencies we developed information on the operations of the Jamaica Sanitation Co. when it was in business, which indicates a pattern which seems to be throughout the industry as a result of our investigations, we have determined, when mobsters take over a company. This is a report dated May 18, 1955, in the department of investigation of the city of New York.

Mr. KENNEDY. Who is the head of that department?

Mr. GREENE. Commissioner Tenney, sir.

David Sotland, partner of Hamburger Express, restaurant located at 215-16 73d Avenue, Bayside, N. Y., personally complained to this department that Jamaica Sanitation Co., 107-40 157th Street, Jamaica, N. Y., a private carting concern, hired by the restaurant to remove trade waste, had demanded an increase from \$12 to \$60 in a monthly rate for this service, effective April 1, 1955.

Sotland stated that other businessmen in his area had received demands for substantial increases from the same cartmen and it was their common feeling that Jamaica Sanitation Co. had a "monopoly" of the area, and was "attempting to shake everyone down for higher rates." Mr. Sotland concluded by stating that the sanitation department, of whom he had also sought assistance, had informed him that it was powerless to interfere or intervene in matters concerning rates between cartmen and customers.

A summary of this report reads as follows: A survey of 15 stores in the Windsor area and 13 stores in the Glen Oakes area substantiated the complaint. Jamaica Sanitation Co. services almost 60 percent of the stores in these areas, and has attempted to raise the trade waste removal prices from 50 to 300 percent. Store owners stated that no other carting concern would service any part of the area in competition with the Jamaica Sanitation Co.

Investigation of the instant complaint presented overwhelming evidence of the same pattern uncovered in the investigations previously reported on, and shows that there has not been any important change in the inherently monopolistic character of the methods, practices, and operation of the private carting industry.

That is my report, sir, on the Jamaica Sanitation Co.

Mr. KENNEDY. So it would appear that at least two leading gangsters were investors in this company, is that right?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. And that Mr. Squillante had invested money in there through his nephew, Jerry Mancuso?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. And that it operated to the detriment of the owners of the private shops and the private homeowners; is that right?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. That people were threatened and shook down by this company?

Mr. GREENE. Yes, sir. At the time that these payments were traced from the bank accounts of Mrs. Squillante through Jerry Mancuso

into the Jamaica Sanitation Co., sir, Mr. Squillante was on Federal probation, and at that point had not paid his back taxes and penalties on the grounds that he could not afford to pay such back taxes and penalties. He is still, sir, on Federal probation.

The CHAIRMAN. Who is?

Mr. GREENE. Mr. Squillante, sir.

The CHAIRMAN. The witness here?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. He is on probation at the present time?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. And he said he did not have an income that would allow him to pay his back taxes?

Mr. GREENE. And yet we have found by tracing these sums of money through that he was investing in this firm with two well-known hoodlums, and that he, through his nephew, received the receipts from the firm when it was sold, is that right, in 1956?

TESTIMONY OF VINCENT J. SQUILLANTE, ACCOMPANIED BY HIS COUNSEL, IRVING BUSH—Resumed

Mr. KENNEDY. Do you have anything to say about that, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. The Chair presents to you exhibit 35, a photostat of a check in the amount of \$12,000, drawn by Mr. Roseman, Arnold D. Roseman, and made payable in favor of Lillian Carfano. I will ask you to examine this exhibit 35, the photostatic copy of the check, and state if you recognize it and can identify it.

(Document handed to witness, who conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Do you know the party to whom it is made payable?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Is the party to whom that check is made payable your wife?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Is that her signature on the endorsement side of the check?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Mr. Chairman, we have developed the fact that Mr. Squillante was a labor-relations consultant for these three cartmen's associations, that he was active in the General Sanitation Co., through his brother, that he was active in the Jamaica Sanitation Co., through his nephew, and that involved in these deals, operations, were well-known hoodlums, gangsters, and members of the Mafia.

I would like to ask him about two other ways in which he made money out of this operation. We have already gone into the cartmen's defense fund. I would like to go into two beyond that, the Carters Investment Corp.

Could you tell us about the Carters Investment Corp.?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer might tend to incriminate me.

Mr. KENNEDY. What about the Carters Land Fill Corp.?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. With Mr. Squillante's refusal, Mr. Chairman, to assist us in this matter, I would like to call upon Mr. Kelly, who has made an examination of the books and records, so that he can enlighten the committee on what we have found about the Carters Investment Corp. and the Carters Land Fill Corp.

The CHAIRMAN. I believe it is your position that you won't answer any questions about it on the grounds that it might tend to incriminate you? Is that correct?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. I was trying to establish that that is what you meant. Is that right?

Mr. SQUILLANTE. Well, I gave my answer, sir.

(The witness conferred with his counsel.)

Mr. KENNEDY. I might say, Mr. Chairman, before we start, that these are rather complicated transactions.

The CHAIRMAN. Well, we have a rather complicated witness here to help us straighten them out.

Senator McNAMARA. Do you mean that they have been simple up to now?

Mr. KENNEDY. Up to now they have been simple.

Mr. KELLY. I will try to help you, Mr. Chairman, on the basis that if I can understand them, anyone can. Which one do you want first?

Mr. KENNEDY. Carters Land Fill.

Senator McNAMARA. I would like to ask a question, if I may, Mr. Chairman.

The CHAIRMAN. Senator McNamara.

Senator McNAMARA. Mr. Squillante, are you on Federal probation?

Mr. SQUILLANTE. Yes, sir.

Mr. KENNEDY. Do you have it, Mr. Kelly?

Mr. KELLY. Yes. The Carters Land Fill Corp., Mr. Counsel, was a firm that was organized on July 5, 1956. The officers of this firm were James Licari, who is on the "lam" now as a result of an Internal Revenue investigation—I think the last they heard from him he was in Habana, Cuba.

Joe Feola, who went hunting when this committee went hunting for him with a subpoena.

Mr. KENNEDY. He is missing?

Mr. KELLY. He is the one that is known as Joey Surprise.

Mr. KENNEDY. And the other gentleman?

Mr. KELLY. The other gentleman is the witness here, Vincent J. Squillante.

Mr. KENNEDY. They were the three officers?

Mr. KELLY. The three officers in the Carters Land Fill Corp.

Mr. KENNEDY. He is being searched for by the Internal Revenue Department.

Mr. KELLY. That is right, sir.

Mr. KENNEDY. And they believe he is in Habana, Cuba?

Mr. KELLY. That is the latest report.

Mr. KENNEDY. And the other one is Joey Surprise?

Mr. KELLY. Joey Surprise.

Mr. KENNEDY. He is 1 of our 7, or 4, missing witnesses?

Mr. KELLY. The figure changes every day.

Mr. KENNEDY. One of the four missing witnesses?

Mr. KELLY. And Vincent Squillante.

Mr. KENNEDY. What was the purpose of Carters Land Fill?

Mr. KELLY. The purpose was to utilize the dump at College Point, in Queens, for the purpose of making a profit on dumping fees from private cartmen. This is indicated by the fact that from July 5, from the date of its inception, until September 30, 1956, the total sales, or the amount taken in for dumping fees, amounted to \$35,624.50.

The CHAIRMAN. For what period of time?

Mr. KELLY. From July 5 to September 30, 1956.

The CHAIRMAN. Two months?

Mr. KELLY. About 3 months, sir.

The CHAIRMAN. \$35,625?

Mr. KELLY. That is right, sir.

Mr. KENNEDY. How much were they paying for rent?

Mr. KELLY. They were paying a man by the name of Katz \$250 a month rent. So, in that period of time Katz made \$750.

Mr. KENNEDY. Who dumped there at the Carters land fill?

Mr. KELLY. Private carting firms in New York City, the New York City area.

Mr. KENNEDY. Did the district attorney subpoena the books of Carters Land Fill?

Mr. KELLY. Yes, sir; he did.

Mr. KENNEDY. So the information that we are developing has been developed only through the assistance and help of the district attorney's office?

Mr. KELLY. Well, the district attorney's office and also through investigation on our own, Mr. Kennedy, in regard to some points that were raised.

Mr. KENNEDY. But the district attorney has been looking into this matter, has he not?

Mr. KELLY. That is right, sir.

Mr. KENNEDY. And they made the books available to our committee?

Mr. KELLY. That is right.

Mr. KENNEDY. I might say, Mr. Chairman, Mr. Logan, of the district attorney's office, as in the last investigation, has been most helpful.

Mr. KELLY. During this period of time, from July 5 to September 30, the officers who were mentioned, Licari, Squillante and Feola, drew salaries of \$500 a week, as evidenced by the check stubs for this period.

The salaries drawn for Vincent Squillante on the check stubs, however, show under stub No. 5 the date of July 6, 1956, Vincent J. Squillante, and next to his name is written the word "loan."

On the next line it has PR, for payroll account, \$500; withholding tax \$80.50; New York State disability, 30 cents. Below that is written Joseph Feola, salary. Extended into the figures column of the check stub is the figure \$418.90. This continues on for about 10 checks, with the payroll listed as \$500, the withholding tax and the New York State disability.

On all of these is written "loan to Squillante," and underneath it is Joseph Feola, salary.

The total amount paid to Vincent J. Squillante from the first to the last check is \$4,195.90, based on a salary figure of \$5,000, with the deductions for withholding tax, disability, State disability.

At the same time, Mr. Feola—

Mr. KENNEDY. You better explain about Mr. Feola.

Mr. KELLY. Mr. Feola was also drawing a salary of \$500 a week and paying the same withholding tax and State disability. This appeared to be puzzling, because the check stubs listed it as salary to Squillante and then it appeared to be changed to a loan.

Mr. KENNEDY. Would it appear that originally Squillante was receiving \$500 a week as salary? Is that right?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. Have you talked to the accountant who kept these books?

Mr. KELLY. Yes, sir; I did.

Mr. KENNEDY. From your conversation with him as well as your own investigation, it would appear that the \$500 originally was meant as salary to Mr. Squillante, is that right?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. After a 10-week period, they would have to make some return, is that right?

Mr. KELLY. The quarterly return would have been filed around September 30, for that quarter.

Mr. KENNEDY. Did the accountant tell you what happened to make the quarterly return, as far as Mr. Squillante was concerned?

Mr. KELLY. Yes, sir; he did. I had a conversation with him, and I learned that while he was preparing the quarterly return he had written the name Vincent Squillante as an employee with this salary on the form 941, which is the employee's quarterly return. Feola told him that that could not go in as salary, and he would have to change it to read a "loan." He then instructed him to go back through the check stubs and the records and change all the salaries of Squillante to read "loan," and to put below it Joseph Feola's salary.

This would indicate that Feola was paid the money, and then lent the money to Squillante, or gave it to him in the form of a loan.

Mr. KENNEDY. So the purpose was to make it appear that the \$500 was coming out every week as a loan to Squillante?

Mr. KELLY. That is right. The only loan in history with withholding tax and State disability taken out, sir.

Mr. KENNEDY. I will get to that in a minute. The \$500 would come out as a loan to Squillante, but it was not to come from the Carters Land Fill Corp., but was going to appear as salary to Feola, and then Feola, in turn, was loaning the money to Squillante; is that right?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. So that from an examination of the books as they are set up in the second stage, it would appear that Feola was receiving \$1,000 salary every week, and loaning \$500 of it to Squillante every week. Is that right?

Mr. KELLY. That is right, sir.

Mr. KENNEDY. But in the meantime they had taken out withholding tax; is that right?

Mr. KELLY. They took out withholding tax and State disability.

Mr. KENNEDY. If it was a legitimate loan to Mr. Squillante, that withholding tax would not have been taken out; is that right?

Mr. KELLY. Not as a loan.

Mr. KENNEDY. Not as a loan?

Mr. KELLY. No, sir.

Mr. KENNEDY. If it had been a legitimate loan, it would not have been taken out; is that right?

The CHAIRMAN. Was it a loan, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer might tend to incriminate me.

The CHAIRMAN. Was this another kind of a racket you had?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. You see, you leave everything pretty confusing here. You are creating a bit of suspicion, unless you can clear it up for us.

(The witness conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. You are going to let the suspicion ride?

All right, proceed, Mr. Kennedy.

Mr. KENNEDY. There is one other thing that is an added problem, Mr. Kelly, regarding the withholding tax. Is that right?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. Is the withholding tax correct if Mr. Feola is in fact receiving \$1,000 a week?

Mr. KELLY. It would not be correct for Feola, and he had not reported it as such.

Mr. KENNEDY. So the withholding tax actually would make it appear that Mr. Squillante and Mr. Feola actually received \$500 a week as salary?

Mr. KELLY. That is correct.

Mr. KENNEDY. As they attempted to change the books, if that were true, the withholding tax would be greater than it appears on the books; is that right?

Mr. KELLY. It should have been.

Mr. KENNEDY. So it indicates that there was an attempt, at least, to phoney up the books so that Mr. Squillante would not appear as on the payroll of Carters Land Fill?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. Could you tell the committee why it was necessary for Mr. Squillante to not appear to be on the books as an employee or even investor in the Carters Land Fill?

Mr. KELLY. Well, as my colleague, Mr. Greene, pointed out before, Mr. Kennedy, Mr. Squillante was then on Federal probation for failure to pay Federal income taxes. He had been convicted for failing to pay income taxes in 1947 and 1948. He had not notified his probation or parole officer that he was receiving this money.

Mr. KENNEDY. So he was in violation of his parole; is that right?

Mr. KELLY. I would imagine so.

Mr. KENNEDY. And he had at that time an outstanding fine, did he not, that he had not paid?

Mr. KELLY. There was a fine at the time of his conviction. I don't know the amount, sir.

Mr. KENNEDY. Would you tell us about Carters Investment Corp., another company of Mr. Squillante? You have already put into the record, have you not, Joe Feola's criminal record?

Mr. KELLY. Yes, sir; it has been entered.

Incidentally, Mr. Kennedy, I have 2 photostats here, 1 dated September 21, 1956, Carters Land Fill, Inc., reading:

The following letter to act as an assignment of stock, if any, issued to me as an officer of said corporation. I assign the stock to—

and then it has dash, dash, dash, and is not filled in—

respectfully, Vincent J. Squillante.

The CHAIRMAN. Who is the letter addressed to?

Mr. KELLY. To Carters Land Fill.

The CHAIRMAN. This letter may be made exhibit No. 36.

(The document referred to was marked "Exhibit No. 36," for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I believe it would be only fair to show it to you, Mr. Squillante. It seems to have your signature on it. Will you examine it, please, and state if you recognize it?

(Document handed to witness, who conferred with his counsel.)

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. You have examined it. If you don't want to say so, let the record show that in the presence of all these witnesses, this witness has examined it.

Would you want to say you looked at it?

Mr. SQUILLANTE. I have answered it.

The CHAIRMAN. Will you tell us if you wrote it?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Is that your handwriting?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Is that your signature?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. I would like to find out what this means, Mr. Squillante. It is addressed to Carters Land Fill.

The following letter to act as an assignment of stock, if any, issued to me as an officer of said corporation. I assign the stock to—

and then it is blank. Wouldn't you know if there was any stock issued to you?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Then you say "I assign the stock to," and leave it blank. What does that mean, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. It looks rather peculiar, doesn't it?

Mr. SQUILLANTE. Are you asking me a question, Mr. Kennedy?

Mr. KENNEDY. Yes.

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KELLY. The second photostat, sir, is a similar letter dated September 21, 1956, to Carters Land Fill, Inc., and it reads—

I hereby render my resignation as an officer of Carters Land Fill, Inc., effective immediately. Respectfully, Vincent J. Squillante.

The CHAIRMAN. That will be made exhibit No. 37.

(The document referred to was marked "Exhibit No. 37" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Were you an officer of that corporation?

Mr. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

Mr. KENNEDY. Would you tell us about Carters Investors?

Mr. KELLY. Carters Investors was originally formed early in 1956 for the purpose of lending money to business organizations and carting firms in New York City.

Mr. KENNEDY. So he had the carting companies, he had the carting associations, he had the carting dumps, and now he was loaning money to the carting companies, to other carting companies?

Mr. KELLY. Well, he doesn't appear in the structure of this organization as an officer as he did in the other one, Mr. Kennedy. However, the entries in the general journal indicate that the president was Dominick Falso, who was a cartman associate with Squillante, in New York. The treasurer was Michael Fidanza, who was the chairman of the Cartmen's Defense Fund, and the secretary is Anne Daria, who was a witness here today, and who was the secretary for Mr. Squillante.

The investors in this corporation were Marie LaGreca, who has a carting firm. She gave \$4,500 as a loan and got \$500 in capital stock for a total of \$5,000.

Frank Fisco, a similar amount, M. J. Burns, who was not a cartman but was an insurance man having business with carting firms in New York, a similar amount, and then Frank Scalise, who makes a loan of \$5,000 on February 10, 1956.

Mr. KENNEDY. Frank Scalise?

Mr. KELLY. That is correct, sir.

Mr. KENNEDY. What is Mr. Frank Scalise's background?

Mr. KELLY. Mr. Frank Scalise was shot and killed on June 17, 1956, as he stepped out of a fruit store in the Bronx—1957, I am sorry. It was this year. His record with the New York City Police Department indicates that he is also known as Frank "The Barber." On December 12, 1919, he was arrested and charged with grand larceny of an auto. He was discharged on that.

On January 17, 1920, he was arrested and charged with grand larceny, and was discharged.

On March 25, 1925, he was charged with selling revenue stamps. There is no disposition on this.

On June 30, 1936, he was arrested for Federal conspiracy, section 88 of the United States Code. He was convicted on this and he received a suspended sentence and 1 day probation.

Mr. Scalise also had an extensive narcotics background. He was regarded as a major international violator by the Federal Narcotic Bureau, and it is believed that his death was connected with a narcotics transaction.

The other investors were Dominick Falso, who was the president. He put in \$4,500 as a loan and got \$500 in capital stock.

John Garrieri, \$4,500, \$500 capital stock, and Michael Fidanza, the treasurer of this company, \$4,500 with \$500 in capital stock.

With loans they totaled \$32,000, the capital stock totals \$3,000, and the grand total is \$35,000.

There were additional investors in March of 1956. Among them: Rachel Crescimani, who I believe is related to the witness here, \$4,500 loan and \$500 capital stock; Olivia and Donna Squillante, who we are told are children of the witness, \$3,000 as a loan and \$500 capital stock.

The CHAIRMAN. Are they your children?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. KELLY. Barbara and Linda Barrone, who I am told are the neices of the witness here, \$3,000 and \$500 in capital stock; Joseph Feola, also known as Joey Surprise, \$4,500 and \$500 in capital stock; and Peter Scarpula, \$5,000, no capital stock issued.

Peter Scarpula, incidentally, is the son of Jacamo Scarpula. This brings the total to \$62,000.

Vincent Squillante, himself, on July 24, invested \$1,200 as a loan; on August 15, \$1,200 as a loan; on August 22, \$400; and on September 6, \$800; totaling \$3,600.

This increases the working capital to \$65,600.

On September 10, 1956, an entry in the general journal corrects this \$1,200 to indicate that it is loans payable. The loans were made to firms, some of which had a close relationship with Vincent Squillante, for example, the Royal House Fruit Co. on June 13, 1956, got a loan of \$5,000. The Allerton Florist got a loan of \$12,500.

Mr. KENNEDY. What florist?

Mr. KELLY. Allerton Florist.

Mr. KENNEDY. Where is that located?

Mr. KELLY. 57th Street, near Lexington Avenue, in New York City.

Mr. KENNEDY. Is there any connection between Allerton Florist and local 813 of the teamsters union?

Mr. KELLY. Well, I recall the dance fund of local 813 showing payments to the Allerton Florist.

Mr. KENNEDY. So the dance fund of local 813 of the teamsters bought their flowers at the Allerton Florist Co. where this money was invested from this company; is that right?

Mr. KELLY. That is correct. If I recall correctly, sir, they bought them from the Spring Florist, a little shop on Spring Street in New York, for a certain period, and then they got the Allerton Florist on their list, and then they went back again to the Spring Florist.

Mr. KENNEDY. Allerton Florist is rather a well-known florist company; is it not?

Mr. KELLY. Yes. It is centrally located there. They discounted \$1,500 from that particular loan.

Senator IVES. May I clear something up here? Are these flowers you are talking about?

Mr. KELLY. I don't know what they bought, sir. They just show payments to the florists.

Senator IVES. I just wondered if they were for a dance or a funeral.

MR. KELLY. I think they might have been for both, Senator. We have had quite a bit of funerals in connection with this case.

On September 4, the Grand Terminal Fruit Co. got \$10,000, and there is \$1,200 discounted from this which, incidentally, was in violation of the State banking law. The Royal House Fruit Co. gets \$5,000. There was nothing discounted from that. I believe that Squillante at one time had been an officer of it.

Then the Glo Vacuum Cleaner Co. gets \$7,148, and there is nothing discounted from that.

The Glo Vacuum Cleaner Co.—there we have been able to associate a James Ward Massi, who is an associate of Squillante, with that company.

James Ward, incidentally, is also an employee or officer in Pick Records, which is located at 35 West 53d Street, New York City, in a firm that Squillante was supposed to have had a close relationship with.

The CHAIRMAN. I think Mr. Squillante should be given an opportunity to correct any error in this information that the committee has, some parts of it that may not be accurate.

MR. SQUILLANTE. I refuse to answer on the grounds that the answer may tend to incriminate me.

MR. KENNEDY. Mr. Kelly, could you tell us what happened to Carters Investment Corp.?

MR. KELLY. It was dissolved by the State attorney general's office of New York, Mr. Lefkowitz' office, as a result of the information we have presented here, which showed various violations—not as a result of the information we presented. The information we presented was a result of the dissolution.

It shows various violations of State law, including the State banking law. There is something interesting between the relationship of Carters Land Fill and Carters Investment, Mr. Kennedy, and I would like to explain that.

The money that Squillante took out of Carters Land Fill, the \$4,195 in alleged salary, was repaid to Carters Land Fill by Squillante with a \$4,000 check which came from Carters Investors. In spite of the fact that his investment was only \$3,600 in the corporation.

An additional check for \$195 was furnished by Squillante from his personal account. That was to repay the so-called loan that he got from Feola. Feola then charges this in the books of Carters Land Fill as a loan to himself, and he takes a \$1,000 check out of Carters Land Fill to repay himself, and then he takes the company car, which was a 1956 Oldsmobile, as the balance of that figure of \$4,195 and drives off.

The CHAIRMAN. Would that be correct?

MR. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. We, of course, are making a record here, and if there is anything inaccurate, we want you to not let it tend to incriminate you by its inaccuracy, if you would help us straighten it out.

MR. SQUILLANTE. I have no comment.

The CHAIRMAN. Proceed.

MR. KENNEDY. I think Mr. Kelly has something to further enlighten us.

Mr. KELLY. This is an interesting sidelight on Jerry Mancuso, the nephew of Vincent Squillante, and who was a former employee and stockholder of the Jamaica Sanitation Co.

The records of the traffic summons bureau in New York show that in September 1956, while driving a blue 1956 Oldsmobile, registered to Carters Land Fill, Mancuso was apprehended for speeding, and he failed to produce the registration of this vehicle. However, he told the officer that the car was owned by Carters Land Fill and that he was an employee of such corporation.

The records of Carters Land Fill did not indicate Gennaro Mancuso had ever been employed there.

The CHAIRMAN. Thank you very much.

Are there any further questions?

Mr. KENNEDY. I have one other matter to discuss with Mr. Squillante.

Do you have or have you had an address book or telephone book, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you keep the names of your best friends in that telephone book?

Mr. SQUILLANTE. I refuse to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. Are listed in that telephone book any of the gangsters or hoodlums with whom you do business?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Where did you keep that telephone book, Mr. Squillante?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, I would like to put in something about that telephone book.

The CHAIRMAN. Do you have the book?

Mr. KENNEDY. Mr. Greene first will testify as to the whereabouts of the book and how it was obtained.

The CHAIRMAN. Proceed, Mr. Greene.

TESTIMONY OF ROBERT W. GREENE—Resumed

Mr. GREENE. In the spring of 1956, Mr. Vincent J. Squillante represented the Inter-County Cartmen's Association of Nassau County as a labor relations adviser. His nephew, as adduced by testimony of witnesses here, Gennaro Mancuso, alias Jerry Mancuso, was the executive director of that association.

At that time, sir, I was employed by News Day, a newspaper on Long Island. The district attorney informed me, District Attorney Gullotta, that they had received information that Mancuso and Squillante were involved in narcotics traffic. Subsequently I was present in front of the American Legion Hall, Pikesville, N. Y., when Mr. Squillante and Mr. Mancuso arrived in a car given to Mr. Mancuso by the Inter-County Cartmen's Association for official use.

They got out of their car to go upstairs into the building. Detectives of the Nassau County Police Department, in furtherance of their

investigation of reports of narcotics traffic, detained Mr. Squillante and Mr. Mancuso. They instituted a search of their persons, and also instituted a search of the car in which the two had arrived.

In going through the car and searching the car, they arrived at the glove compartment of the car. They cleaned out most of the things in the glove compartment, including a large stack of traffic violation tickets in the city of New York, which Mr. Mancuso had piled up, and reached the rear of the glove compartment. A detective shoved his hand in further to determine if there was anything else in there, and then withdrew it quickly.

Investigation of the glove compartment revealed that the whole back of the glove compartment was lined with fishhooks. A further check after cleaning away the fishhooks revealed a slight recess where there was an address book. The Nassau County detectives, and we have since confirmed with District Attorney Frank Gullotta on this matter, brought the book to the precinct house where they copied from it the numbers listed in the address book.

This was done in their investigation of the felony, narcotics. They then checked out all of the numbers in the address book and checked the individuals on the telephone listings listed to the telephone numbers found. They checked the criminal records of the names of those persons for possible criminal records.

Subsequent to my coming to this committee, Mr. Kelly and I interviewed District Attorney Frank Gullotta and he kindly furnished us with a list of the listings that they obtained from that book, which he maintains is the address book, they have been able to determine, of Vincent J. Squillante. Mr. Kelly has this listing.

The CHAIRMAN. They were taken out of the book?

Mr. GREENE. Yes, sir.

The CHAIRMAN. Do we have to read them?

Mr. KENNEDY. I just wanted to give some of the examples of the people found.

The CHAIRMAN. Give some examples. The list of the addresses and names and so forth may be made exhibit No. 38.

(Document referred to was marked "Exhibit No. 38" for reference and may be found in the files of the select committee.)

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KELLY. In the interest of brevity, I will not read all of the records, but just give the highlights.

The CHAIRMAN. We might ask the witness Squillante first this question: Do you either claim the fishhooks or the address book?

(The witness conferred with his counsel.)

Mr. SQUILLANTE. What was the question, Senator?

The CHAIRMAN. Do you make any claim to either the address book or the fishhooks?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Read a few of the names.

Mr. KELLY. The list that we culled from this address book shows a number listed as Columbus 5-9179, which is checked out to Dell's

Cafe, at 916 Eighth Avenue, New York City. Undisclosed principal in this restaurant or bar was a person known as Benny Indiviglio, whom I arrested myself, back in 1956. My partner and I arrested him for the possession of cocaine. As an outgrowth of this case, he was indicted on a Federal conspiracy in Houston, Tex., and the trial lasted 26 days. He and nine others were convicted. He was sentenced to 4 years in the Federal penitentiary and is now on bail pending his appeal.

Another number was Woodbine 1-9423, Earle Coralluzzo, 120 Alta Vista Drive, and this person has a police record in New York City and he is presently in Montreal, Canada, and he has an address at the Mount Royal Hotel, and I have been told he is engaged in union activities up there in the waiters' or waitress' union.

The CHAIRMAN. All right, go ahead.

Mr. KELLY. There was a number listed, KI 7-8628 for Dante Gallo, 2311 Vance Street, Bronx, N. Y. This person's record was read this morning, Senator. He also is known as Danny Lee, and he has a suspected narcotics background.

The next one was Spencer 9-2078, then listed for Joseph Feola, 2 Massita Road, Yonkers, N. Y. He is also known as Joey Surprise, and his record has been read in this record.

Oregon 4-2201, the listed for Joseph Parisi, 8 Gramercy Park, New York City, Parisi was then head of Local 27, Paper Box Drivers Union, was also the mentor of Bernard Adelstein, the head of local 813, private sanitation unit. At one time the Private Sanitation Union was a part of local 27, up to October of 1951. Up to his death, Parisi was one of the trustees of local 813 welfare fund.

Deerfield 7-6347 checks out to Nick Rattenni, 104 Rockledge Road in Yonkers, N. Y. Rattenni, who is one of the missing witnesses in this case, also has a police record that has been entered in the record of the hearings. He is an associate of Frank Costello and also Frank Erickson.

Tyrone 2-9033 is listed to Anthony Sedotta, 836 Neale Avenue, in the Bronx. He is known to the New York City Police Department and he also has an alias, "Nanny the Geep."

Next is Lehigh 4-5622 which is listed to a Johanna Tortorizzi, 285 Paladino Avenue, New York City. This was a number for Joseph Tortorizzi, also known as "Joe Stutz" who has a police record in New York City and a major figure in local rackets there.

Tyrone 2-9892 is a public phone listed in the Bluebird Pizzeria, at 2890 Buhre Avenue, Bronx, N. Y. This Bluebird is supposed to be owned by Squillante's brother, William Squillante, and it is a suspected narcotics hangout.

The next one is Spencer 9-2827 listed to Ann D'Amico, 131 Alta Vista Drive, Yonkers, N. Y., also a listing for Toby D'Amico, her husband, known to the New York City Police Department and is an associate of Earl Corraluzzo, previously mentioned.

The CHAIRMAN. I think we have enough of them.

Mr. KELLY. There is one interesting one here, Senator McClellan, Algonquin 4-7424, listed to the United Textile Workers of America, AFL, local 229, and 329 Fort Avenue, which is the local run by Tony "Ducks" Corallo.

TESTIMONY OF VINCENT J. SQUILLANTE, ACCOMPANIED BY HIS
COUNSEL, IRVING BUSH—Resumed

The CHAIRMAN. You would not know Tony "Ducks" Corallo, would you?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Do you have any business transactions with him?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Were you associated with him in any business enterprise, legitimate or otherwise?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. I do not think there is any use to read any more of them. We can put them in as an exhibit.

Mr. KENNEDY. A number of those mentioned were mentioned by Amato of the Narcotics Bureau as being important figures in the Mafia.

The CHAIRMAN. This witness would not give us any information about the Mafia unless he has changed his mind by any chance.

Now, are you willing to tell us what you know about it?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. I have just a few more questions on Mr. Bernie Adelstein.

Do you know the accountant for local 813, Mr. Wolbert?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Have you ever arranged to meet at a Mr. Wolbert's home?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you arrange to meet with Mr. Bernie Adelstein at Mr. Wolbert's home because as you described it, "it would be quieter there and nobody would know about it."

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Was that in connection with some of these carting companies?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Carmine Traumanti?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Did you ever discuss any business with him, any carting companies with him?

Mr. SQUILLANTE. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Are there any questions?

Senator IVES. It is perfectly useless, Mr. Chairman, for me to ask the witness this question, but I am just curious to know whether he knows Johnny Dio.

Mr. SQUILLANTE. I refuse to answer the question on the ground that the answer may tend to incriminate me.

Senator IVES. I think for once you are telling the truth.

Mr. KENNEDY. I wonder if he could identify any of the names on our list here, Mr. Chairman, of people that had some connection with the carting business or individuals who were interested in the carting business in and around New York City.

The CHAIRMAN. I hand you a list here of some 40 or 41 people about whom this committee has had testimony in the course of these hearings.

Mr. KENNEDY. They are witnesses that we have searched for.

The CHAIRMAN. They are those from whom we are seeking information, and I will ask you to examine the list and see if you can identify them. Will you state which of them you know, and which you do not know? Maybe you can be of some help to us.

(A document was handed to the witness.)

Mr. SQUILLANTE. I have examined the list and I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. You would not want to leave the impression that the names you see there are names of people of such character and reputation that you would not want to acknowledge that you know them, would you?

Mr. SQUILLANTE. I have no comment, sir.

Mr. KENNEDY. That is a different answer.

Senator McNAMARA. I would like to ask a question. I would like to ask the witness, Are you a citizen of the United States?

(The witness conferred with his counsel.)

Mr. SQUILLANTE. Yes, sir.

Senator McNAMARA. That is all. Thank you.

The CHAIRMAN. You may stand aside.

Call the next witness.

Mr. SQUILLANTE. Thank you, gentlemen.

Mr. KENNEDY. I would like to call Mr. Squillante's nephew, Mr. Jerry Mancuso.

The CHAIRMAN. I believe you had better remain here, Mr. Squillante.

Mr. SQUILLANTE. I am available, Mr. Chairman. I will be here.

The CHAIRMAN. You did not take the fifth amendment on that. All right.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MANCUSO. I do.

TESTIMONY OF GENNARO MANCUSO, ACCOMPANIED BY HIS COUNSEL, IRVING BUSH

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. MANCUSO. My name is Gennaro Mancuso and I live at 4184 Tremont Avenue, Bronx, N. Y.

The CHAIRMAN. Do you have any occupation?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Are you in any kind of business?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Did you ever do a day's work?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Do you have a lawyer?

Mr. MANCUSO. Yes, sir; I have.

The CHAIRMAN. Would it incriminate you to tell us his name?

Mr. MANCUSO. Irving Bush.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Chairman, one of the interests that we have in Mr. Mancuso is the fact that he is a nephew of Vincent James Squillante; is that correct?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Squillante?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, according to the information and testimony that we have had before this committee, Mr. Mancuso was appointed by Squillante as executive director of the Inter-County Cartmen's Association, at \$100 a week.

Is that right?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why Mr. Squillante selected you to be the executive director of that organization?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Was it because you were active in narcotics yourself, with him?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. According to the information and testimony before this committee, you were active in the sale of narcotics; is that right, Mr. Mancuso?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. You sold narcotics and you are a pusher of narcotics; are you?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Is that why Mr. Squillante selected you for that position?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Are you also on a salary from the Greater New York Cartmen's Association?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And we understand that you have had an investment in the Jamaica Sanitation Co.; is that right?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that you were in that company with Joe Feola, who is also known as Joey Surprise.

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Actually, you were just a front, were you not, for Mr. Squillante in that company?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And that money that you put up, the \$18,900 that you put into that company, actually came from your uncle, James Squillante.

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And you made it a practice of intimidating cartmen that would not go along with you; did you not, Mr. Mancuso?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Bernie Adelstein?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you have a close personal relationship with Bernie Adelstein?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any questions?

Mr. KENNEDY. You won't tell us anything about the cartmen in and around New York City?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. Are you one of the hoodlums up there, or are you just a little stooge for them?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. I just wanted to ask you about the Montesano's. Did you shove the Montesano's out of the association because they would not go along with Ross Anneli?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know if Carmine Traumanti talked to Mr. Bernie Adelstein about Ross Anneli?

Mr. MANCUSO. I refuse to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Do you know Tony "Ducks"?

Mr. MANCUSO. I refuse to answer on the ground that the answer might tend to incriminate me.

Mr. KENNEDY. Did you talk to Tony "Ducks" about this situation?

Mr. MANCUSO. I refuse to answer on the ground that the answer might tend to incriminate me.

The CHAIRMAN. All right, stand aside.

Call the next witness.

The committee will take a 5-minute recess.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the reconvening of the session were Senators McClellan and Ives.)

The CHAIRMAN. Mr. Villano.

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VILLANO. I do.

TESTIMONY OF CARMINE VILLANO, ACCOMPANIED BY HIS COUNSEL, DAVID SHIVITZ

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. VILLANO. Carmine Villano, 14614 20th Road, Blackstone, Long Island City, president of the Private Sanitation Local 813, at 221 Fourth Avenue, New York City.

The CHAIRMAN. Your counsel is David Shivitz.

Mr. KENNEDY. You have been in the union for how long?

Mr. VILLANO. About 17 or 18 years.

Mr. KENNEDY. How long have you been an officer?

Mr. VILLANO. About 17 or 18 years.

Mr. KENNEDY. What were you doing prior to the time you came into the union?

Mr. VILLANO. I was recording secretary.

Mr. KENNEDY. Prior to the time you came into the union.

Mr. VILLANO. A truckdriver.

Mr. KENNEDY. And you came in what local?

Mr. VILLANO. 813. At that time it was 27.

Mr. KENNEDY. It was local 27?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Did you come in as recording secretary?

Mr. VILLANO. I was at that time.

Mr. KENNEDY. Who selected you?

Mr. VILLANO. Well, at that time it was Bernie Adelstein.

Mr. KENNEDY. Did you have to run for office after that?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. When did you run for office; how frequently?

Mr. VILLANO. Well, the time I ran for office or as I got in as recording secretary, it was Samuel Ritchie, and he had died and I was appointed at that time.

Mr. KENNEDY. You were what?

Mr. VILLANO. I was appointed at that time.

Mr. KENNEDY. Then you ran for the office?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. As recording secretary?

Mr. VILLANO. That is right.

Mr. KENNEDY. Did you ever have any opposition?

Mr. VILLANO. No, sir.

Mr. KENNEDY. You never had any opposition for your position?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Bernie Adelstein was the president of the local, or what position did he have?

Mr. VILLANO. At that time he was president.

Mr. KENNEDY. Did he run for office also?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Did he ever have any opposition?

Mr. VILLANO. No, sir.

Mr. KENNEDY. What is your salary?

Mr. VILLANO. \$195.

Mr. KENNEDY. A week?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Do you have any expenses?

Mr. VILLANO. I do.

Mr. KENNEDY. Do you get that on top of the \$195?

Mr. VILLANO. I do.

Mr. KENNEDY. How much expenses do you have a week?

Mr. VILLANO. Well, it all depends.

Mr. KENNEDY. Approximately?

Mr. VILLANO. \$20 and over.

Mr. KENNEDY. \$20 and over?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Do you get that as a flat sum or do you get it as you have expenses?

Mr. VILLANO. As I have expenses.

Mr. KENNEDY. How much is "and over"? Could it be up to \$100 or \$200 a week?

Mr. VILLANO. No, sir.

Mr. KENNEDY. How much would "over" be?

Mr. VILLANO. As I said, about \$20 and over.

Mr. KENNEDY. About \$20 a week, is that what you get on the average?

Mr. VILLANO. It all depends.

Mr. KENNEDY. What is the average that you get a week?

Mr. VILLANO. I couldn't give you that amount. It could be more and it can be less.

Mr. KENNEDY. Who keeps or makes the arrangements on the expenses? Whom did you get the expense money from?

Mr. VILLANO. We give it to the girl.

Mr. KENNEDY. You tell her how you are going to use the money?

Mr. VILLANO. We give her an expense sheet at the end of the week.

Mr. KENNEDY. Do you tell her how you used the money?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And then she pays the money out to you?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And you tell her whether you used it in organizational drives or for your car or whatever it might be?

Mr. VILLANO. Well, for cars, or for trips, and so on.

Mr. KENNEDY. You let her know?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And it is something over \$20 a week?

Mr. VILLANO. That is right, about that amount.

Mr. KENNEDY. How many members are there in your local 813?

Mr. VILLANO. I would say about 1,600 or 1,700 members.

Mr. KENNEDY. That is split between New York City and Suffolk County and where else?

Mr. VILLANO. About the whole five boroughs.

Mr. KENNEDY. How often do you have meetings of the local?

Mr. VILLANO. Four times a year and we have special meetings, also.

Mr. KENNEDY. How often do the individuals in Suffolk County, how often are their meetings?

Mr. VILLANO. Well, that depends.

Mr. KENNEDY. What does it depend on?

Mr. VILLANO. Whenever we are called upon to go out there, once every 3 months.

Mr. KENNEDY. Do you have a meeting in which you inform them that there is going to be a meeting once every 3 months? That is your testimony?

Mr. VILLANO. Whenever there is a meeting necessary, we send out cards to that effect.

Mr. KENNEDY. Now, how often do you send out cards to tell them there will be a meeting? In 1956 how many meetings did you have in Suffolk County?

Mr. VILLANO. I couldn't give you the number.

Mr. KENNEDY. Did you have any meetings?

Mr. VILLANO. In 1956, yes; we had.

Mr. KENNEDY. How many meetings did you have?

Mr. VILLANO. I couldn't give you the amount.

Mr. KENNEDY. You don't know that?

Mr. VILLANO. I wouldn't know the amount, and we have meetings all over.

Mr. KENNEDY. Let me ask you this: How many times did you send out cards that you were having meetings in Suffolk County?

Mr. VILLANO. I couldn't give you that.

Mr. KENNEDY. In 1956.

Mr. VILLANO. I couldn't say.

Mr. KENNEDY. You are president of the local; are you not?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Did you have any meetings?

Mr. VILLANO. I couldn't give you the amount.

Mr. KENNEDY. More than one?

Mr. VILLANO. I would say more than one meeting.

Mr. KENNEDY. What about Nassau County and how many meetings did you send out cards for in Nassau County in 1956?

Mr. VILLANO. It would be about the same amount in Nassau.

Mr. KENNEDY. The same amount as how many?

Mr. VILLANO. I couldn't give you the amount.

Mr. KENNEDY. It does not give us very much help if you say it is the same amount and you do not know what that is.

Mr. VILLANO. The membership attended the same meetings.

Mr. KENNEDY. How many meetings have there been?

Mr. VILLANO. I couldn't say.

Mr. SHIVITZ. May I say—

The CHAIRMAN. Do you keep a record of the meetings?

Mr. VILLANO. Yes; we have minutes to that effect.

The CHAIRMAN. You have minutes?

Mr. VILLANO. Yes, sir.

The CHAIRMAN. Can you not check your minutes and tell how many meetings you have had?

Mr. VILLANO. I will later on, but I couldn't give you the amount now.

Senator IVES. Before you leave that subject, how many meetings have you had this year? This is more recent and you might remember that.

Mr. SHIVITZ. May I respectfully ask that the Senator's question be read back?

Senator IVES. I will repeat it. I asked him how many meetings he had this year in 1957. The question was raised about 1956 and I am curious to know whether you have had any meetings this year or not.

Mr. VILLANO. Well, we had one there just recently, I would say last month.

Senator IVES. Last month?

Mr. VILLANO. Yes, sir.

Senator IVES. Is that the only one you had this year?

Mr. VILLANO. Another one before that, and I don't recall.

Senator IVES. Where did you have them?

Mr. VILLANO. We had them in Nassau.

Senator IVES. Whereabouts did you have them in Nassau?

Mr. VILLANO. If I am not mistaken, it was around in Hicksville somewhere.

Senator IVES. You are the president. Were you there?

Mr. VILLANO. I don't recall the street.

Senator IVES. You cannot kid me about Long Island. I am from New York State myself and I know where Hicksville is, and I have been there a great many times. You would know whether you were at Hicksville last.

Mr. VILLANO. I don't memorize which place it is.

Senator IVES. You had a meeting last month; did you not?

Mr. VILLANO. I wouldn't know the address. It is some place in Hicksville.

Senator IVES. Somewhere in Hicksville?

Mr. VILLANO. Yes, sir.

Senator IVES. Last month?

Mr. VILLANO. That is right.

Senator IVES. Where did you have the one the month before or the one you had before?

Mr. VILLANO. There was one before that and I don't recall where, but it was in Nassau.

Senator IVES. How many have you had in Suffolk?

Mr. VILLANO. We don't have any meetings in Suffolk. They all come to Nassau meetings.

Senator IVES. They all come to Nassau meetings?

Mr. VILLANO. Suffolk and Nassau work together.

Senator IVES. And you have had 2 meetings, and the only 1 you remember is the 1 in Nassau County?

Mr. VILLANO. I don't recall how many meetings. Don't put words in my mouth. I told you before I don't know how many meetings. We had 1 last month and there was 1 before that.

Senator IVES. Wait a minute. You told me you do not know how many meetings you have had after you told me you had had two.

Mr. VILLANO. I told you that we had 2, 1 this month, and 1 before that, and I don't remember the date.

Senator IVES. Have you had more than that?

Mr. VILLANO. I don't recall.

Senator IVES. You are a hot potato.

The CHAIRMAN. I just wonder how the men ever get to the meetings or know about it if the president cannot remember whether he has them or not or where they were held.

Mr. VILLANO. We have so many meetings, we don't know. I can't recall every meeting we have.

The CHAIRMAN. You had two this year and they are so many you just do not know.

Mr. VILLANO. We have so many in New York and we have so many meetings—

The CHAIRMAN. Does 813 have that many meetings?

Mr. VILLANO. We do have meetings and it all depends; special meetings.

The CHAIRMAN. Do you have any regular meeting place?

Mr. VILLANO. Well, as I said, in New York we have.

The CHAIRMAN. You have no regular meeting place?

Mr. VILLANO. We have records of it.

The CHAIRMAN. Where is that?

Mr. VILLANO. In the minutes, as I described.

The CHAIRMAN. I am not talking about the minutes. Where do you meet?

Mr. VILLANO. In New York City.

The CHAIRMAN. Where is the meeting place?

Mr. VILLANO. The Central Plaza.

The CHAIRMAN. How often do you meet there?

Mr. VILLANO. Four times a year.

The CHAIRMAN. Four times a year?

Mr. VILLANO. Yes, and outside of special meetings.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Tell me this: You have 1,800 or 1,900 members.

Mr. VILLANO. Approximately 1,700 to 1,800 members.

Mr. KENNEDY. How many of those are employers or self-employed?

Mr. VILLANO. I couldn't say.

Mr. KENNEDY. Are they allowed to vote in an election?

Mr. VILLANO. Well, those that carry books, I guess so.

Mr. KENNEDY. Do you know?

Mr. VILLANO. I guess surely they do.

Mr. KENNEDY. Do the employers or self-employed vote in an election?

Mr. VILLANO. They do.

Mr. KENNEDY. Can they?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. They can vote in an election?

Mr. VILLANO. Those carrying books.

Mr. KENNEDY. They must carry books. There are self-employed cartmen who are members of the union, and can they vote in an election?

Mr. VILLANO. They could; those that carry books.

Mr. KENNEDY. Do they all carry books? If you are in a local, if you are in 813, do you carry a book?

Mr. VILLANO. That is right.

Mr. KENNEDY. Even if you are an employer?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. So, then all employers who are members of the local can vote in an election?

Mr. VILLANO. They could.

Mr. KENNEDY. I just want to know if they are allowed to vote in the election.

Mr. VILLANO. I say that they could.

Mr. KENNEDY. What do you mean, "they could"?

Mr. VILLANO. They could vote. If they carry a book, they could vote.

Mr. KENNEDY. As a general proposition, are they allowed to vote in any election?

Mr. VILLANO. They are allowed to vote.

Mr. KENNEDY. They are?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. There is no limitation of their voting?

Mr. VILLANO. No; there isn't.

Mr. KENNEDY. And they can speak and talk at meetings?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And they can vote on the union contract?

Mr. VILLANO. No, sir; not on that, not on the contract.

Mr. KENNEDY. They cannot vote on the contract?

Mr. VILLANO. No, sir.

Mr. KENNEDY. They are not allowed to vote on that?

Mr. VILLANO. No, sir.

Mr. KENNEDY. What are they allowed to vote on?

Mr. VILLANO. On other different circumstances.

Mr. KENNEDY. Like what?

Mr. VILLANO. Anything except pertaining to the contract.

Mr. KENNEDY. What else do you vote on?

Mr. VILLANO. Everything; anything that comes up except the contract.

Mr. KENNEDY. What have you had an election or vote on?

Mr. VILLANO. There was a run for office.

Mr. KENNEDY. You only have one slate, and it does not do them any good to vote on that, and you don't have any opposition. What else can they vote on?

Mr. VILLANO. All of them; there are other different things, and I couldn't tell you.

Mr. KENNEDY. You are president of the local.

Mr. VILLANO. Anything that comes up; that is, they have the chance to vote on it.

Mr. KENNEDY. Like what?

Mr. VILLANO. Like what? It all depends, and I can't give you any answer on that. There is nothing there to hide.

The CHAIRMAN. Can you remember one thing that they did vote on, just one?

Mr. VILLANO. Well, they voted on the pension and welfare.

The CHAIRMAN. What was the vote on that, and what issue was involved?

Mr. VILLANO. Well, it involved the conditions; conditions and so forth. That is all I can remember.

The CHAIRMAN. Conditions and so forth down the line?

Mr. VILLANO. That is right; pertaining to the welfare and pension; on conditions, also, better conditions.

The CHAIRMAN. Do you know anything in the world about this union?

Mr. VILLANO. To my knowledge, I do.

The CHAIRMAN. To your knowledge, you do?

Mr. VILLANO. To the best of my ability, yes.

The CHAIRMAN. To the best of your ability, you know what you know.

Mr. VILLANO. That is right.

The CHAIRMAN. It seems to me that you are not too well informed about it. I just wonder if you are the boss or someone else is the boss of that local.

Mr. VILLANO. I am not the boss.

The CHAIRMAN. Who is?

Mr. VILLANO. Bernard Adelstein.

The CHAIRMAN. He is the boss?

Mr. VILLANO. That is right.

Mr. KENNEDY. Where a company has a contract, do you have a checkoff system used for the company?

Mr. VILLANO. Well, let us put it this way: We have the membership, and they sign a checkoff form to that effect.

Mr. KENNEDY. Do you get dues from all of the employees of the company with whom you have a contract?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. You do that?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Can you give us any explanation as to why Mr. DeCabia has not paid any dues for his five employees?

Mr. VILLANO. That I wouldn't know. I am not too familiar out there on Long Island.

Mr. KENNEDY. Mr. DeCabia stated in testimony before this committee that none of his five employees were members of the union, and can you explain that to us?

Mr. VILLANO. I wouldn't know. I am not familiar with Long Island.

Mr. KENNEDY. Is that Mr. Adelstein's responsibility?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. You don't know anything about what the situation is on Long Island?

Mr. VILLANO. No, sir.

Mr. KENNEDY. What about the welfare fund? Is there also generally a checkoff for the welfare fund by the employer?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Do you know why that has not been followed for some companies out on Long Island?

Mr. VILLANO. I wouldn't know, sir.

Mr. KENNEDY. Do you know Mr. Bolito?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Do you know any name such as that, similar to that?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Do you know of anybody that has paid any protection money?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Have you had any conversations with anybody regarding protection money?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Did anybody ever mention to you on the telephone that they were sick of paying protection money without you giving them the protection that they required?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Nobody had such a conversation with you?

Mr. VILLANO. No, sir.

Mr. KENNEDY. And that they were going to make a complaint to one of the Government agencies?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Nobody ever had a conversation like that with you?

Mr. VILLANO. No, sir.

Mr. KENNEDY. In April of 1957, nobody had such a conversation with you?

Mr. VILLANO. No, sir.

Mr. KENNEDY. You do not remember, or it never happened?

Mr. VILLANO. It never happened.

The CHAIRMAN. Do you know Joe Bolito?

Mr. VILLANO. No, sir.

The CHAIRMAN. You don't know him?

Mr. VILLANO. No, sir.

The CHAIRMAN. Do you remember where you were in April of this year?

Mr. VILLANO. What did you say, sir? I didn't hear you.

The CHAIRMAN. Do you remember where you were in April of this year?

Mr. VILLANO. That all depends on what question you are going to confront me with. I was in New York.

The CHAIRMAN. I am going to confront you with a few, and we will see if we can locate you.

A woman's voice says "Hello."

BOLITO. Hello. Is Carmine there?

Is that your name?

Mr. VILLANO. My name is Carmine.

The CHAIRMAN. The woman says:

Hold on. Carmine?

BOLITO. Hello? Carmine?

VILLANO. Who is this?

BOLITO. Bolito.

VILLANO. Yeah?

BOLITO. What did you do?

VILLANO. Hello?

BOLITO. What did you do?

VILLANO. I didn't see him yet.

BOLITO. Well, forget—

VILLANO. Yeah, I'll see him.

BOLITO. Well, forget about it. We'll stop tomorrow.

VILLANO. Well—

BOLITO. Yeah, we'll stop tomorrow.

You can't recall that?

Mr. VILLANO. I don't, sir.

The CHAIRMAN. Would you recognize your voice?

Mr. VILLANO. It all depends. I couldn't say I would or I wouldn't. I don't know.

The CHAIRMAN. You can't tell us until you are confronted with it?

Mr. VILLANO. I don't know the gentleman. I don't know who this Joe Bolito is.

The CHAIRMAN. Play the recording.

I may state for the information of the press, this is a telephone conversation obtained by a court order, in New York. This court order will be made a part of the record at this point, authorizing the use of this telephone conversation.

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

In the Matter of Intercepting Telephonic Communications Transmitted Over ALgonquin 4-8824 and 8825

It appearing from the affidavit of Alfred J. Scotti, Chief Assistant District Attorney of the County of New York, sworn to on June 27, 1957, that it is in the public interest to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan, of Arkansas, is Chairman, and Robert F. Kennedy is Chief Counsel, certain transcripts and information with respect to the interception of telephonic communications during the period April 17, 1957, to June 21, 1957, which were transmitted over the telephone instruments designated as ALgonquin 4-8824 and ALgoquin 4-8825, listed in the name of International Brotherhood of Teamsters and Chauffeurs, Private Sanitation Local 813, located at premises 147 Fourth Avenue, City, County, and State of New York, it is

ORDERED, That the District Attorney of New York County be, and he hereby is, authorized and empowered to furnish said committee with the transcripts and information with respect to the interception of telephonic communications transmitted over each of the above identified telephone instruments during the period set for hereinabove, for the use of said committee in connection with and in the course of its investigation.

Dated New York, N. Y., July 1, 1957.

(s) JOHN A. MULLEN, J. C. G. S.

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

In the Matter of Intercepting Telephone Communications Transmitted Over ALgonquin 4-8824 and 8825

STATE OF NEW YORK,

County of New York, ss:

Alfred J. Scotti, being duly sworn, deposes and says:

I am the Chief Assistant District Attorney in and for the County of New York and in charge of the Rackets Bureau of the District Attorney's Office.

This is an application for an order permitting the District Attorney of New York County to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan of Arkansas is Chairman, and Robert F. Kennedy is Chief Counsel, certain transcripts and information with respect to the interception of telephonic communications transmitted over ALgonquin 4-8824 and 8825, listed in the name of International Brotherhood of Teamsters and Chauffeurs, Private Sanitation, Local 813, located at premises 147 Fourth Avenue, City, County and State of New York, during the period hereinbelow set forth.

On January 30, 1957, the Senate of the United States duly adopted a resolution by which the said committee was authorized to investigate improper activities in the labor or management field, with the purpose of obtaining information upon which the United States Senate could consider the advisability of adopting new legislation or modifying or amending present statutes.

The said committee thereafter conducted both public and private hearings with this end in view, and has subpoenaed and interrogated numerous witnesses from various localities and States of the United States.

The committee is now planning to extend its investigation to the area of New York State and in this connection has issued, or contemplates the issuance of, a subpoena to Bernard Adelstein, official of Local 813, International Brotherhood of Teamsters, for interrogation in connection with said investigation.

In August 1956, and again subsequent to January 30, 1957, the date the said resolution above referred to was adopted, said Chief Counsel of said committee requested that this office furnish him, for the use of the said committee, all transcripts and information reflecting the interception of all telephonic communications transmitted over the telephone instruments hereinabove described.

The records of this office reveal that the telephonic communications transmitted over said instruments were intercepted during the period hereinbelow set forth. All of said interceptions were pursuant to orders issued by Judges of the Court of General Sessions under Section 813a of the Code of Criminal Procedure.

The dates during which the said telephonic communications were intercepted were April 17, 1957, to June 21, 1957.

It is respectfully submitted that the District Attorney of New York City be authorized, in the public interest, to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field the said transcripts and other information for the use of said committee in connection with and in the course of its said investigation.

No previous application has been made for the order herein requested.

(Signed) ALFRED J. SCOTTI.

Sworn to before me this 27th day of June 1957.

(Signed) RUBIN G. SEMENDOFF,

Notary Public for the State of New York. Qualified in Bronx County, No. 03-8918275. Certificate filed with New York County Clerk.

Commission expires March 30, 1958.

Mr. KENNEDY. It was obtained, Mr. Chairman, through the district attorney's office. It is a tap that they had under a court order on the headquarters of local 813.

The CHAIRMAN. All right. It may be played.

TELEPHONE CONVERSATION BETWEEN CARMINE VILLANO AND JOE BOLITO
(PHONETIC), 3:04 P. M.—APRIL 17, 1957

WOMAN. Hello?

BOLITO (phonetic). Hello. Is Carmine there?

WOMAN. Hold on.

Carmine?

VILLANO. Hello?

BOLITO. Hello, Carmine?

VILLANO. Who is this?

BOLITO. Bolito.

VILLANO. Yeah.

BOLITO. What did you do?

VILLANO. Hello?

BOLITO. What did you do?

VILLANO. I didn't see him yet.

BOLITO. Well, forget—

VILLANO. Yeah; I'll see him.

BOLITO. Well, forget about it. We'll stop tomorrow.

VILLANO. Well—

BOLITO. Yeah, we'll stop tomorrow.

VILLANO. O. K.

BOLITO. Wait. Are we going to pay all this big money out and we don't get no protection?

VILLANO. Well, I—

BOLITO. I'm just downtown here in New York and we'll file a complaint.

VILLANO. Yeah; O. K.

BOLITO. He'll be forced to come around. I don't try to get nasty like you guys are.

VILLANO. Yeah, Huh?

BOLITO. Oh, sure, if you want to get nasty, I can get nasty, too.

VILLANO. Yeah, well—

BOLITO. Because I don't like this here stuff. My guys gave enough money away. I'm downtown and I'm going to do it.

VILLANO. Yeah. O. K., Joey.

BOLITO. You're supposed to take care of us today. You're supposed to let me know. You never come around.

VILLANO. He's away. He's in Long Island somewhere.

BOLITO. Who?

VILLANO. This here party.

BOLITO. He's right out at that place there right now, and I know where he is.

VILLANO. No, that's a truck; not him.

BOLITO. All right. What do you want me to do? Go down and—do you think you're better than I am?

VILLANO. Well, I don't want to make any discussions over the phone.

BOLITO. No, we ain't making—

VILLANO. You know what I mean.

BOLITO. All right.

VILLANO. You understand?

BOLITO. How much more time do you want?

VILLANO. I'll see him. When I see him, I'll let you know.

BOLITO. You'll let me know?

VILLANO. Yeah. I might see him tomorrow.

BOLITO. All right.

VILLANO. Because tomorrow; I might see him tomorrow.

Mr. VILLANO. I still insist that it is not my voice.

The CHAIRMAN. You insist that is not your voice?

Mr. VILLANO. That is right.

The CHAIRMAN. All right.

Mr. KENNEDY. This, Mr. Chairman, is a tap on local 813, according to the district attorney's office. They asked for Carmine. Is there anybody else in that office by the name of Carmine?

Mr. VILLANO. No, sir. I am the only one.

Mr. KENNEDY. What?

Mr. VILLANO. I am the only Carmine there.

Mr. KENNEDY. And the voice comes over and says to you,

Are we going to pay all this big money out and we don't get no protection?

Mr. SHIVITZ. Where is that, Mr. Kennedy?

Mr. KENNEDY. At the bottom of page 1. The statement is made to you, "Wait. Are we going to pay all this big money out and we don't get no protection?" What did he mean by that?

Mr. VILLANO. I told you before, I don't know the gentleman.

Mr. KENNEDY. Just tell me what this conversation means, then.

Mr. VILLANO. I don't know. I never had no such conversation over the phone, with no gentleman. This Bolito, as I explained to you before, I don't know the gentleman. Bolito; I never heard of the name Bolito.

Mr. KENNEDY. Let's assume it is not Bolito. Let's assume it is somebody else. Does this transcript of the conversation refresh your recollection as to a conversation you had in April of 1957?

Mr. VILLANO. It does not.

Mr. KENNEDY. It does not?

Mr. VILLANO. No, sir.

Mr. KENNEDY. You deny that is your voice?

Mr. VILLANO. I deny that is my voice. That is not my voice.

Mr. KENNEDY. You know nothing about this at all?

Mr. VILLANO. I don't deal with anything like that, in the years I have been into this union.

Mr. KENNEDY. You what?

Mr. VILLANO. I don't deal in kind of things like that.

Mr. KENNEDY. You don't?

Mr. VILLANO. No; what you just told me, about pulling deals.

Mr. KENNEDY. You don't pull any deals?

Mr. VILLANO. No, sir; never did.

Mr. KENNEDY. You said, "Well, I don't want to make any discussion over the phone."

Mr. VILLANO. As I explained to you before, that is not my voice.

Mr. KENNEDY. It sounds like your voice.

Mr. VILLANO. It might sound it to you, but not to me.

Mr. KENNEDY. He says to you, or what appears to be you, "Because I don't like this here stuff. My guys gave enough money away. I'm going downtown and I'm going to do it."

Then he says he is going to lodge a complaint about the protection money that he has been paying. Could you tell us anything about that?

Mr. VILLANO. No, sir. How could I? I have had no such conversations over the phone. I never did.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Mr. Chairman, it is possible that we will have to call Mr. Villano at a later time and see if we cannot refresh his recollection. We can let him go right now for a while.

The CHAIRMAN. All right. This witness will remain under his present subpoena, subject to being recalled upon notice of the time and place, reasonable notice.

Do you accept that recognizance?

Mr. VILLANO. Yes, sir.

The CHAIRMAN. You and your counsel?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. I just want to make sure so that no one misunderstands. The name Bolito is phonetic.

Mr. VILLANO. I never heard that name.

Mr. KENNEDY. Anything like that or similar to that? Did you have any conversation on or about April 17, 1957, with anyone in connection with protection money or this individual saying to you that he was going downtown and lodge a complaint?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Did you have any conversation like that at all?

Mr. VILLANO. No, sir.

Mr. KENNEDY. No conversation at all with anybody; is that right?

Mr. VILLANO. No, sir; not protection money or anything like that.

Mr. KENNEDY. Anything like that. You have read the transcript, and this conversation never took place?

Mr. VILLANO. It never took place; no, sir.

Mr. KENNEDY. You never participated in a conversation like that?

Mr. VILLANO. No, sir.

Mr. KENNEDY. That is all.

The CHAIRMAN. The committee will stand in recess until 10 o'clock in the morning.

(Members of the select committee present at time of recess: Senators McClellan and Ives.)

(Whereupon, at 4:17 p. m., the select committee recessed, to reconvene at 10 a. m., Saturday, November 16, 1957.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

SATURDAY, NOVEMBER 16, 1957

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR OR MANAGEMENT FIELD,
Washington, D. C.

The select committee met at 10 a. m., pursuant to Senate Resolution 74, agreed to January 30, 1957, in the Caucus Room, Senate Office Building, Senator John L. McClellan (chairman of the select committee) presiding.

Present: Senator John L. McClellan, Democrat, Arkansas; Senator Irving M. Ives, Republican, New York.

Also present: Robert F. Kennedy, chief counsel; Jerome Adlerman, assistant chief counsel; Robert W. Greene, investigator; James P. Kelly, investigator; Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

(Members of the select committee present at the convening of the session were Senators McClellan and Ives.)

The CHAIRMAN. Call your first witness.

Mr. KENNEDY. Mr. Villano.

TESTIMONY OF CARMINE VILLANO, ACCOMPANIED BY HIS COUNSEL, DAVID SHIVITZ—Resumed

The CHAIRMAN. You are recalled, Mr. Villano, for a little further testimony. Yesterday we played a recording that was procured under order of the New York courts. After hearing it, you said you did not recognize your voice. We will play another one for you this morning, and see if you can recognize your voice on it. Let us have it.

Mr. SHIVITZ. Before this is done, Mr. Chairman, may I be permitted to advise the committee that this witness is not under subpoena. At the request of counsel for the committee, I have produced him voluntarily. I should also like to state to the committee that he has not concluded an elementary-school education. He has been a garbage collector prior to the time he was elected to an office in this union.

The CHAIRMAN. His lack of education will be considered for whatever weight it may have. I do not know whether a doctor's degree in some institution of higher learning would enable him to better recognize his own voice.

Mr. SHIVITZ. I did not mean it for that, Mr. Chairman. What I meant was that to some of the questions that were asked of him yesterday, his answers did not seem responsive to them. That is due to lack of comprehension on his part.

The CHAIRMAN. We will make every allowance for that. Where is some witness who can testify regarding this recording?

Mr. KENNEDY. We have some witnesses that we will put on. I would like to ask Mr. Villano this question: Over the past 14 hours have you been able to give any thought to that recording and are you able to further identify it?

Mr. VILLANO. No, sir.

Mr. KENNEDY. You still say it is not your voice?

Mr. VILLANO. And the party's name, Bolito, I never heard of such a name.

Mr. KENNEDY. How about Bolito, have you heard of that?

Mr. VILLANO. No, sir.

Mr. KENNEDY. Do you know an Epiletto?

Mr. VILLANO. Yes, sir; we have an Epiletto.

Mr. KENNEDY. What is his first name?

Mr. VILLANO. Joe Epiletto.

Mr. KENNEDY. What does he do?

Mr. VILLANO. He is with Michael & Co.

Mr. KENNEDY. Michael & Co.?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And what kind of a company is that?

Is that a carting firm?

Mr. VILLANO. Well, he carts paper there.

Mr. KENNEDY. He carts paper?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. And his name is Joe Epiletto?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Did you have such a conversation with Joe Epiletto?

Mr. VILLANO. Well, I don't recall. I know I had one conversation with him.

Mr. KENNEDY. Did you have that conversation that we played yesterday?

Mr. VILLANO. Just a minute.

(The witness conferred with his counsel.)

Mr. VILLANO. That was in reference of the pension and welfare that he was in delinquent.

Mr. KENNEDY. Did you have that conversation with him yesterday?

Mr. VILLANO. No, sir; I didn't.

Mr. KENNEDY. Did you have that conversation with Joe Epiletto that we played yesterday? Let me have the conversation.

The CHAIRMAN. Let me ask you this: You heard the recording played yesterday of the telephone conversation, a transcript of which was handed to you. You had it before you and your counsel when it was played and then made an exhibit to the record here. Do you know what we are talking about? I am sure you do. The question is, Did you have that conversation that you heard on the recording yesterday with Joe Epiletto?

(The witness conferred with his counsel.)

Mr. VILLANO. Not that conversation.

The CHAIRMAN. You did not have that conversation with him?

Mr. VILLANO. No, sir.

The CHAIRMAN. You still maintain that you did not have that conversation with anyone?

Mr. VILLANO. Only pertaining to——

(The witness conferred with his counsel.)

The CHAIRMAN. Wait a minute now.

Mr. VILLANO. If I had that conversation with that same party, Joe Epiletto, that conversation pertained to welfare pension; that is what it was.

The CHAIRMAN. Then it is bound to be your voice, if you had the conversation.

Mr. VILLANO. It may be; yes, sir.

The CHAIRMAN. Now you have changed your mind.

Mr. VILLANO. I have not changed my mind. It may be, because if it is Joseph Epiletto, that is the one I spoke to.

The CHAIRMAN, I understand, but you also were asked whether it was Joe Epiletto or whoever it was, your voice was on that recording and you denied it and you said it was not your voice. So you could not have had the conversation with him or anybody else except you were using your voice. Was it your voice on that recording?

Mr. VILLANO. When you said Joseph Bolito, I never heard of the name of Bolito.

The CHAIRMAN. You never heard of Bolito, but you heard your voice, and you hear it all of the time and you said that was not your voice. You did not have that conversation that was played yesterday, and now do you say you did or you did not?

(The witness conferred with his counsel.)

Mr. SHIVITZ. May I have the question clarified, Mr. Chairman.

The CHAIRMAN. Yes, sir; I will clarify it.

On yesterday you heard a recording played of a conversation between two people, a telephone conversation. After hearing it played, and after reading a transcript of it or at least you had the opportunity to read it, you and your counsel, after being provided with it and hearing the recording played, you said that you did not have that conversation, that it was not your voice.

Now, do you say it was your voice or not your voice?

(The witness conferred with his counsel.)

Mr. VILLANO. It might have been and it may not have been.

The CHAIRMAN. You do not swear now it was not your voice; do you?

Mr. VILLANO. Well, I have so many conversations on the phone with employers.

The CHAIRMAN. You were very positive about it yesterday.

Mr. VILLANO. Well, it could have been; why not?

The CHAIRMAN. Why not?

(The witness conferred with his counsel.)

The CHAIRMAN. Because if it was not true, you should not have been so positive.

Mr. VILLANO. Mr. Senator, you asked me if I was taking protection money and I never did in my whole life, and how do you want me to explain that?

The CHAIRMAN. We are not talking about that. We are talking about a telephone call.

Mr. VILLANO. That is in reference to the telephone call that you put up to me like that, that I took protection money.

The CHAIRMAN. You heard the conversation and you heard it plainly. You said it was not your voice, and you never had any such conversation.

Mr. VILLANO. When you said "protection money," I never used that sort of tone with anybody over the phone.

The CHAIRMAN. Protection money or no protection money, did you have the conversation that you heard played here yesterday?

Mr. VILLANO. I don't recall. It might be my voice and it may not.

The CHAIRMAN. Do you recognize it as your voice?

(The witness conferred with his counsel.)

Mr. VILLANO. I don't recognize that voice.

The CHAIRMAN. You do not recognize your own voice in that one?

Mr. VILLANO. That is right.

The CHAIRMAN. You do not say, though, it is not your voice, do you, under oath?

Mr. VILLANO. I am kind of skeptical about it.

The CHAIRMAN. You are kind of skeptical?

Mr. VILLANO. Yes.

The CHAIRMAN. I think that we can remove that a little further. Where is the other recording? Let the witness have a transcript of the other recording.

The one you heard played yesterday was made on April 17, 1957, at 3:04 p. m. The one you will hear now was made at 4:05 p. m. April 24, just about 1 week later.

All right.

Mr. SHIVITZ. Excuse me, Mr. Chairman, is this telephone interception taken pursuant to the same order?

The CHAIRMAN. To the same order of court that was placed in the record.

Mr. SHIVITZ. May I ask the chairman's permission to examine that order, please?

The CHAIRMAN. Yes; the order may be presented to counsel.

Mr. KENNEDY. Could I ask Mr. Villano, in the meantime, where is Michaels Co.?

Mr. VILLANO. It is located on Bedford Avenue.

Mr. KENNEDY. Whereabouts? Where is Bedford?

Mr. VILLANO. That is in Brooklyn.

Mr. KENNEDY. Bedford Avenue in Brooklyn?

Mr. VILLANO. Yes, sir.

Mr. KENNEDY. Have you talked to him or any representative of yours talked to Joe Bolito within the last 24 hours?

Mr. VILLANO. No, sir.

Mr. KENNEDY. No representative of yours has talked to him or any representative of his?

Mr. VILLANO. I was the only one.

Mr. KENNEDY. Within the last 24 hours?

Mr. VILLANO. No, sir.

Mr. KENNEDY. You have not talked to him?

Mr. VILLANO. No, sir.

The CHAIRMAN. We had the court order placed in the record yesterday.

Proceed.

(A copy was given to Mr. Shivitz.)

(The telephone conversation is as follows:)

BOLITO (phonetic). Carmine.

CARMINE. Ah * * * speaking. Who's this?

BOLITO. This is Pop Polito (phonetic).

CARMINE. Yeah. Joe.

BOLITO. Ah * * * thought you were coming down.

CARMINE. I'll be down there—let's see, maybe tomorrow or Friday—ah—(in Italian) I can't say anything on the—

BOLITO. I understand.

CARMINE. Cabish? (understand?)

BOLITO. Ah.

CARMINE. No. No; it's another thing.

BOLITO. I understand I just want to give you some money that's coming to you.

CARMINE. Yeah.

BOLITO (in Italian). Do you understand me?

CARMINE. Yeah. Yeah—I'll see you then. We'll—we'll have a good talk. All right?

BOLITO. Yeah—it's O. K., but listen—

CARMINE. What?

BOLITO. Don't you go doublecrossing me.

CARMINE. No. What's the matter with you?

BOLITO. All right.

CARMINE. Now you know me better than that.

BOLITO. Oh.

CARMINE. All right? So how's everything else?

BOLITO. O. K.

CARMINE. Keeping you busy?

The CHAIRMAN. Did you recognize your voice in that conversation? (The witness conferred with his counsel.)

Mr. VILLANO. It could be; yes and no.

The CHAIRMAN. Well, it could be either way. Which is it? Do you recognize your voice in that conversation?

Mr. VILLANO. I don't recognize it.

The CHAIRMAN. You do not recognize it?

Mr. VILLANO. No.

The CHAIRMAN. But you do not swear it is not your voice?

Mr. VILLANO. It sounds different.

The CHAIRMAN. Whether it sounds or does not sound, do you recognize your voice? You say you do not?

Mr. VILLANO. I don't want to commit myself, if it was I would tell you it was.

The CHAIRMAN. That is perfectly obvious. You do not want to commit yourself, but I am asking you the questions and you are under oath.

Mr. VILLANO. I told you I was kind of skeptical about that voice.

The CHAIRMAN. Did you have that conversation?

(The witness conferred with his counsel.)

Mr. VILLANO. I cannot make it out on the record there.

The CHAIRMAN. Did you have the conversation?

Mr. VILLANO. I had a conversation with Joe Epiletto.

The CHAIRMAN. At about that time? That is this year.

Mr. VILLANO. I don't recall the date, but I had a conversation.

The CHAIRMAN. What was your problem with him about money?

Mr. VILLANO. Pertaining to the welfare and pension that he is a delinquent.

The CHAIRMAN. You did have that conversation with him, then, did you not?

Mr. VILLANO. That is right; yes, sir.

The CHAIRMAN. Do you not recognize your voice? You had a telephone conversation with him.

Mr. VILLANO. I had with Joe Elitto and not Bolito.

The CHAIRMAN. Bolito may not be the correct spelling of it, and you say it is Elitto?

Mr. VILLANO. As a name.

Mr. SHIVITZ. This is still a third name, Mr. Chairman, the name that was suggested by counsel is Epilitto, and the name the witness is now using is Elitto.

Mr. KENNEDY. That is from the Michaels Co.

Mr. VILLANO. He works for the Michaels Co., Joe Elitto.

Mr. KENNEDY. From the Michaels Co.

Mr. VILLANO. That is right.

The CHAIRMAN. This last recording, transcript of it may be printed in the record.

Mr. KENNEDY. You say here, in the first transcript:

Well, I don't want to make any discussions over the phone.

Why would you say that if it was just about the welfare fund?

(The witness conferred with his counsel.)

Mr. VILLANO. I didn't have this conversation, and the only conversation I had with him was on the pension and welfare.

Mr. KENNEDY. You say these conversations you never had; these two conversations?

Mr. VILLANO. No.

Mr. KENNEDY. You never had with Elitto? Did you have these two conversations with Elitto?

Mr. VILLANO. No; I won't say I had that conversation.

Mr. KENNEDY. Did you have these first two conversations with Elitto?

Mr. VILLANO. Yes; I spoke to Joe Elitto, but I don't remember having that kind of a conversation.

Mr. KENNEDY. Where does Elitto live?

Mr. VILLANO. He used to live at Hawthorne Street and from there I guess he moved out on Long Island; somewhere in Long Island.

Mr. KENNEDY. Here you have in this second conversation, "Don't you go doublecrossing me." Why would he say that to you?

Mr. VILLANO. I never used such language. I don't speak that way to you.

Mr. KENNEDY. He said that to you.

Mr. VILLANO. No.

Mr. KENNEDY. He said he had some money for you and then he said, "Don't you go doublecrossing me."

Mr. VILLANO. No.

Mr. KENNEDY. You can tell us that.

Mr. VILLANO. I don't remember that conversation.

Mr. KENNEDY. Do you deny that you took part in these conversations; that you participated in these conversations?

Mr. VILLANO. No; the only thing—

Mr. KENNEDY. Just answer that question. I am asking you a simple question. Do you deny that you participated in these two

Mr. KENNEDY. That is all.

The CHAIRMAN. Is there anything further?

You may stand aside for the present.

Mr. KENNEDY. Detective San Pietro.

The CHAIRMAN. Will you be sworn, please?

You do solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SAN PIETRO. I do.

TESTIMONY OF JOSEPH A. SAN PIETRO

The CHAIRMAN. State your name, and your place of residence, and your business or occupation.

Mr. SAN PIETRO. Detective Joseph A. San Pietro, New York City Police Department, attached to the district attorney's office squad, New York County.

The CHAIRMAN. How long have you served in that capacity?

Mr. SAN PIETRO. Six and a half years.

The CHAIRMAN. Do you waive counsel?

Mr. SAN PIETRO. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. During the course of your duties as a detective, were you assigned to cover certain wiretaps?

Mr. SAN PIETRO. Yes, sir; I was.

Mr. KENNEDY. And was that under a court order from the State of New York? Is that right?

Mr. SAN PIETRO. It was.

Mr. KENNEDY. Was one of the wiretaps that you sat on, a tap that was put on local 813 of the International Brotherhood of Teamsters?

Mr. SAN PIETRO. Yes, sir.

Mr. KENNEDY. Was one of the officers of that local a Mr. Carmine Villano?

Mr. SAN PIETRO. I believe it was, sir.

Mr. KENNEDY. Now, you have heard his voice a number of times on various taps, have you not?

Mr. SAN PIETRO. Yes, sir.

Mr. KENNEDY. Various telephone conversations?

Mr. SAN PIETRO. I have.

Mr. KENNEDY. And you have heard his voice here today?

Mr. SAN PIETRO. Yes, sir.

Mr. KENNEDY. And you talked to him prior to coming into the room?

Mr. SAN PIETRO. Yes, sir.

Mr. KENNEDY. You have also heard the transcript of the telephone conversation of April 17, did you not?

Mr. SAN PIETRO. I have.

Mr. KENNEDY. That was early this morning that you heard that transcript of a call?

Mr. SAN PIETRO. Yes, sir.

Mr. KENNEDY. Would you testify or could you identify the voice of the gentleman that sat here and testified as the man that participated

Mr. SAN PIETRO. I would say it is one and the same individual; yes.

The CHAIRMAN. Are there any other questions?

How many wiretaps did you take, a number in the course of your investigation?

Mr. SAN PIETRO. How many wiretaps would I take?

The CHAIRMAN. I am not talking about these two. I mean you are experienced in this kind of work, are you?

Mr. SAN PIETRO. Yes, sir; I am, sir.

The CHAIRMAN. And you have been given special assignments by the district attorney's office in New York over a period of years?

Mr. SAN PIETRO. That is right, sir.

The CHAIRMAN. To do this kind of work under court orders that legalize and authorize the service to be performed?

Mr. SAN PIETRO. That is right; yes, sir.

The CHAIRMAN. Is there anything further?

Mr. SHIVITZ. While the witness is here, might I ask the committee's indulgence to ask through your counsel two questions of this witness?

The CHAIRMAN. Submit your questions in writing.

Mr. SHIVITZ. The first question is whether in the interception of telephone conversations at the offices of local 813, this witness knows whether any other Carmine spoke on the telephone.

The CHAIRMAN. Do you know whether any other Carmine spoke on the telephone?

Mr. SAN PIETRO. Not to my knowledge, sir.

Mr. SHIVITZ. And whether or not the interruptions were mechanical or whether they were actually listened to by this witness.

Mr. SAN PIETRO. I didn't get that.

The CHAIRMAN. Was the interception mechanical?

Mr. SAN PIETRO. Yes; it was.

Mr. SHIVITZ. And the witness did not listen to the conversations, but took them from mechanical transcriptions?

The CHAIRMAN. I do not know. I do not know how it works.

Mr. SAN PIETRO. I listened to the conversation as it was taking place and recording at the same time.

Mr. KENNEDY. I just want to clarify the first question. You are not testifying that there was no Carmine that called into the office, are you?

Mr. SAN PIETRO. No; I am not.

Mr. KENNEDY. You are testifying regarding the Carmine that participated in the conversation from the headquarters of local 813.

Mr. SAN PIETRO. Yes, sir. I am testifying that the only Carmine I know associated with 813 is this Carmine Villano. That is all I know.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Bernie Adelstein.

Mr. SHIVITZ. The witness is deaf on his right ear and the only ear he can hear from is the left, if I may sit on this side.

The CHAIRMAN. That request will be granted.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADELSTEIN. I do.

**TESTIMONY OF BERNARD ADELSTEIN, ACCOMPANIED BY HIS
COUNSEL, DAVID SHIVITZ**

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. ADELSTEIN. Bernard Adelstein; 60 Grish Mill Lane, Great Neck, Long Island, is my home; 221 Fourth Avenue, New York City, is the place of business. I am a labor representative.

The CHAIRMAN. In what capacity?

Mr. ADELSTEIN. I am secretary-treasurer and business manager.

Mr. SHIVITZ. Mr. Chairman, may the witness either, himself or through me, read a very short preliminary statement?

The CHAIRMAN. Has it been submitted?

Mr. KENNEDY. No; it has not.

The CHAIRMAN. Let us see it. In the meantime, you have an attorney representing you?

Mr. ADELSTEIN. I do.

The CHAIRMAN. Let him be identified for the record.

Mr. SHIVITZ. David Shivitz, 271 Madison Avenue.

Senator IVES. Mr. Chairman, I did not notice that the witness indicated what union he was secretary-treasurer of, and business manager of.

What union is it?

Mr. ADELSTEIN. I am secretary-treasurer and business manager of local 813, affiliated with the International Brotherhood of Teamsters and the AFL-CIO. I am likewise business manager and secretary-treasurer of the Coopers, Drum, and Container Workers Union, AFL, affiliated with the Coopers International of North America, affiliated with the AFL-CIO.

Senator IVES. Thank you.

(The document submitted by Mr. Shivitz was examined by the chairman of the committee.)

The CHAIRMAN. Mr. Counsel, why have you not presented this statement under the rules?

Mr. SHIVITZ. I was not aware of that, Mr. Chairman, that it had to be presented in advance. I am sorry.

The CHAIRMAN. Do you not have a copy of the rules of the committee?

Mr. SHIVITZ. Yes; I do.

The CHAIRMAN. I see nothing in the statement particularly objectionable, but we have rules here and someone else will come in and if we establish a precedent here, then they will say, "You let someone else get by with it." I have no objection to the statement.

Senator IVES. In that connection, I would like to point out that when a witness does this little trick, he subjects himself to serious question. I do not know whether Mr. Adelstein will get it or not, but he subjects himself to it, because we have not had a chance to see it, and I have not had a chance to see it at all.

Mr. SHIVITZ. Mr. Adelstein is not taking the fifth amendment and he is going to be a fully cooperative witness, and he has already answered the questions here and he is ready to do so further.

The CHAIRMAN. The rule has not been complied with, and this counsel has been before the committee a number of times and he has had a copy of the rules, and I am not going to break the precedent in this

instance. I am going to permit this to be filed as an exhibit to his testimony and you can hand it out to the press if you want to, so they will know what you might have said or wanted to say.

You will know what the exhibit is, but we are not going to break the rule and establish a precedent here. That rule is important for the protection of the committee and for the protection of the public and the Congress, and it is not an unfair rule. It is very simple, and it is easy to comply with.

Mr. SHIVITZ. Might I point out that the last time this witness was before the committee, I believe in the spring of the year, you permitted a statement to be read which was not previously handed to the committee. That is what led me into this.

The CHAIRMAN. That was in executive session?

Mr. SHIVITZ. No; it was in public session.

Mr. KENNEDY. How did you know that?

Mr. SHIVITZ. I was here.

Mr. KENNEDY. There was a ruling made on it?

Mr. SHIVITZ. No; I just asked for permission to read the statement, and the chairman allowed me to do it.

The CHAIRMAN. That was a statement with respect to some particular technical questions.

Mr. SHIVITZ. With respect to this witness' position before the committee.

Mr. KENNEDY. It was a prepared statement that you had.

Mr. SHIVITZ. Yes.

The CHAIRMAN. I do not recall it.

Senator IVES. I know that, whenever that was done, it was always pointed out that the rule was being waived in that connection.

Mr. SHIVITZ. I do not believe that was done.

Senator IVES. It must have been pointed out.

Mr. KENNEDY. We have his testimony.

The CHAIRMAN. He can have the full benefit of it with the press, and we can read it, so let us proceed.

Mr. KENNEDY. How long have you been in the union, Mr. Adelstein?

Mr. ADELSTEIN. I have been in local 813, in the private sanitation union, for about 20 years.

Mr. KENNEDY. About how many years?

Mr. ADELSTEIN. About 20 years.

Mr. KENNEDY. And what was your experience prior to that time?

Mr. ADELSTEIN. Sir, when you say "experience," what do you mean?

Mr. KENNEDY. What position did you hold prior to that time?

Mr. ADELSTEIN. I held the office of secretary-treasurer and business manager, I believe, since 1951 or 1952. Prior to that—

Mr. KENNEDY. Let us start all over again. Prior to the time you became an officer of the union, what were you doing?

Mr. ADELSTEIN. How far back do you want to go?

Mr. KENNEDY. Just prior.

Mr. ADELSTEIN. Prior to that?

Mr. KENNEDY. Prior to the time you came into the union.

Mr. ADELSTEIN. I represented merchants and employers in the food industry.

Mr. KENNEDY. Then you came over into the union, did you?

Mr. ADELSTEIN. I was asked to come over into the union.

Mr. KENNEDY. Who asked you?

Mr. ADELSTEIN. The workers on the trucks.

Mr. KENNEDY. Who was the head of the union at that time?

Mr. ADELSTEIN. There wasn't an organization at that time.

Mr. KENNEDY. There was not?

Mr. ADELSTEIN. No.

Mr. KENNEDY. What union did you join up with or affiliate with?

Mr. ADELSTEIN. I affiliated with local 27, affiliated with the International Brotherhood of Teamsters.

Mr. KENNEDY. Who was head of that?

Mr. ADELSTEIN. Joseph Parisi.

Mr. KENNEDY. Did you become an officer under Joseph Parisi after that?

Mr. ADELSTEIN. I was never an officer of local 27. I had a title of president in the private sanitation unit, which was a unit of local 27.

Mr. KENNEDY. Were you elected to that position?

Mr. ADELSTEIN. I was elected to that position by the membership in the union.

Mr. KENNEDY. And you have held that position until the 813 was formed in 1950 or 1951?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. What year was that formed; 813?

Mr. ADELSTEIN. I believe that was October of 1951.

Mr. KENNEDY. And then you have held a position with 813 since that time?

Mr. ADELSTEIN. Yes.

Mr. KENNEDY. What position have you held with 813?

Mr. ADELSTEIN. My present position.

Mr. KENNEDY. What position since 1951, since 813 was formed?

Mr. ADELSTEIN. I am the secretary-treasurer and business manager.

Mr. KENNEDY. And you have held that position since 1951?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Is that an elected position?

Mr. ADELSTEIN. I have been elected.

Mr. KENNEDY. Have you had any opposition?

Mr. ADELSTEIN. I never had opposition in all of my years in labor.

Mr. KENNEDY. No opposition in all of the elections you have run?

Mr. ADELSTEIN. That is right.

Mr. KENNEDY. Is that right?

Mr. ADELSTEIN. I would like to say that I didn't run the election. The elections that were run, I never had any opposition.

Mr. KENNEDY. What about Joe Parisi; did he have any opposition when he ran for office?

Mr. ADELSTEIN. I wouldn't know.

Mr. KENNEDY. You do not know that?

Mr. ADELSTEIN. I wouldn't know.

Mr. KENNEDY. Do you know—

Mr. ADELSTEIN. Joe Parisi held office prior to our affiliation with local 27.

Mr. KENNEDY. Well, he held office also while you were in local 27, did he not?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Did he have any opposition any time that he ever ran for office?

Mr. ADELSTEIN. I don't believe he did.

Mr. KENNEDY. Did any of the officers that ran in locals 27 or 813 ever have any opposition?

Mr. ADELSTEIN. The officers in 27 had an election by the membership under Joseph Parisi. I never attended their elections.

Mr. KENNEDY. Well, do you know of any time that any of them ever had any opposition?

Mr. ADELSTEIN. I cannot recall.

Mr. KENNEDY. That they had?

Mr. ADELSTEIN. They may have had.

Mr. KENNEDY. You don't know of any time?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. You do know that to the best of your recollection, Joe Parisi never had any opposition?

Mr. ADELSTEIN. I said I did not know.

Mr. KENNEDY. You know about yours?

Mr. ADELSTEIN. I do.

Mr. KENNEDY. And you never had any?

Mr. ADELSTEIN. I never had any opposition.

Mr. KENNEDY. Now I would like to talk to you about this:

You were in local 27 when they were having the opposition or having the dispute with local 456 in Westchester?

Mr. ADELSTEIN. I was.

Mr. KENNEDY. With local 4567 of the teamsters.

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Joe Parisi held what position at that time?

Mr. ADELSTEIN. Secretary-treasurer, I believe, of local 27.

Mr. KENNEDY. Now, you were attempting to organize Yonkers, were you not?

Mr. ADELSTEIN. I was.

Mr. KENNEDY. Local 27 was. Your branch of local 27 was attempting to organize Yonkers.

Mr. ADELSTEIN. Yes.

Mr. KENNEDY. Were you opposed in that organizational drive by local 456 of Westchester?

Mr. ADELSTEIN. We were at the time, yes.

Mr. KENNEDY. When that local 436 was headed by John Acropolis?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. And another officer was Eddie Doyle, is that right?

Mr. ADELSTEIN. I think it was.

Mr. KENNEDY. Did you organize the Westchester Carting Co.?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. In 1951?

Mr. ADELSTEIN. I organized the men in Westchester Carting Co.

Mr. KENNEDY. In 1951, was it?

Mr. ADELSTEIN. I wouldn't recall whether it was 1950, 1949 or 1951.

Mr. KENNEDY. Approximately that time, though?

Mr. ADELSTEIN. Somewhere around that period.

Mr. KENNEDY. Did you attempt to organize some of the other carting companies in Yonkers?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. And you worked out there in that organizational drive?

Mr. ADELSTEIN. I did.

MR. KENNEDY. Do you know Nick Pattenni?

MR. ADELSTEIN. I met him.

MR. KENNEDY. He was head of Westchester Carting Co.?

MR. ADELSTEIN. I know that he was an officer of Westchester Carting Co.

MR. KENNEDY. During this organizational drive, you were opposed by local 456?

MR. ADELSTEIN. When we organized Westchester Carting Co., we were not opposed by 456.

MR. KENNEDY. Subsequently were you opposed by 456?

MR. ADELSTEIN. Later.

MR. KENNEDY. You were opposed later?

MR. ADELSTEIN. Yes, sir.

MR. KENNEDY. Did you threaten with bodily harm either Mr. Boyle or Mr. Acropolis?

MR. SHIVITZ. At this time, Mr. Chairman——

MR. KENNEDY. I think that he can answer the question.

MR. SHIVITZ. Would you permit me to make an objection, Mr. Counsel.

The CHAIRMAN. You may make an objection.

MR. SHIVITZ. Thank you, Mr. Counsel.

I object to this line of questioning on the following grounds: First, it is not relevant to the subject matter of this hearing, and second, it is manifestly a most unfair line of inquiry to pursue. The very nature of the subject matter is such that regardless of this witness' complete innocence, the very subject and the very questioning attempts to subject him to incrimination. I respectfully urge that the Chair rule out this line of questioning.

The CHAIRMAN. Well, the Chair will overrule the objection. One of the very substances of our assignment is to find out about improper practices that may prevail and may occur in management-labor relations. Threats, coercion, and violence is in this committee's judgment an improper practice. It does seem to me that if the witness wants to be cooperative and help us discover these improper practices, he would be the very one that would want to tell and not to object to telling that he had been threatened and coerced and intimidated by people in an effort to compel him to things that maybe he should not do.

MR. SHIVITZ. Mr. Chairman, may I point out one thing in pressing this objection. This witness and this subject has never been the subject of an executive session where all of the acts could be culled out and where the entire matter could be quietly and carefully gone into and the witness' statements taken. I submit, Mr. Chairman, that to air an area of this sort with the terrible implications without of course any basic foundation in fact, and as I say, against the background of this witness' complete lack of guilt which I am sure we are all certain of——

The CHAIRMAN. He can help us to find out who is, perhaps.

MR. SHIVITZ. To question a man on this subject in an open hearing certainly is not a fair manner of treatment.

The CHAIRMAN. This is public business, proceed.

MR. ADELSTEIN. I would like to answer that. I think that we should clear this situation up.

MR. KENNEDY. Did you threaten Mr. Doyle and Mr. Acropolis?

MR. ADELSTEIN. I never threatened either one of them.

Mr. KENNEDY. You did not?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. In the 1952 convention did you threaten Mr. Doyle with bodily harm?

Mr. ADELSTEIN. I never threatened either one of these men.

Mr. KENNEDY. Just prior, or 2 weeks prior to the death or the killing of Mr. Acropolis, did you make a statement similar to, "You are not that tough. Don't think that you are too tough, that we can't take care of you. Tougher guys than you have been taken care of."

Did you ever make a statement similar to that?

Mr. ADELSTEIN. That is untrue, and I never made that statement.

Mr. KENNEDY. You never did?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. And Mr. Doyle's testimony on page 73, that you made that statement in his presence to Mr. Acropolis, just 2 weeks or 2½ weeks prior to Mr. Acropolis being killed, is untrue? Is that right?

Mr. ADELSTEIN. That is untrue.

Mr. KENNEDY. And you never threatened anybody?

Mr. ADELSTEIN. I never threatened Doyle and I never threatened Acropolis. I would like to add that I have been in the labor movement for about 20 years. In our organization work with the employers and during the 20 years that I have been in labor, never once has there been a question of violence. Never once have I been arrested for threatening people. And Mr. Doyle's statement is not true.

Mr. KENNEDY. You knew Mr. Nick Ratteni, is that right?

Mr. ADELSTEIN. I met him.

Mr. KENNEDY. You used to have dinner with him occasionally?

Mr. ADELSTEIN. I did have a meal or two with the man.

Mr. KENNEDY. Did you know that he was one of the most notorious hoodlums in the United States?

Mr. ADELSTEIN. I learned that through the newspapers.

Mr. KENNEDY. And you organized his company, did you not?

Mr. ADELSTEIN. I tied them up, pulled a strike on them.

Mr. KENNEDY. Did you know—

Mr. ADELSTEIN. I organized the men personally.

Mr. KENNEDY. Did you know that Westchester Carting Co. had a reputation, and Mr. Nick Ratteni particularly had a reputation of threatening people out in the Westchester area?

Mr. ADELSTEIN. I didn't hear anything along those lines and when I organized Westchester Carting I didn't know who owned the firm. If I did, I wouldn't care who owned it.

Mr. KENNEDY. Did you know, for instance, of the burning of the trucks of Mrs. Embree?

Mr. ADELSTEIN. I heard about that through the newspapers.

Mr. KENNEDY. Did you hear about the boycott of the Safeway Stores? Do you know anything about that?

Mr. ADELSTEIN. I think that I recall something in regard to the Safeway Stores.

Mr. KENNEDY. Did you have some opposition from the Rex Carting Co. while you were out there?

Mr. ADELSTEIN. Yes, he did.

Mr. KENNEDY. They had associated or signed up with local 456, had they not?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. And did you understand that the Safeway Stores in Yonkers had grown dissatisfied with Westchester Carting Co.?

Mr. ADELSTEIN. I learned about that.

Mr. KENNEDY. You did?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. And did you know that they switched over to Rex Carting Co.?

Mr. ADELSTEIN. I learned about that.

Mr. KENNEDY. And then there was a boycott placed on the other stores of Safeway in the Bronx, and the boycott was for the purpose of forcing Safeway in Yonkers to switch back to Westchester Carting, which was organized by your local?

Mr. ADELSTEIN. That is a misstatement of fact.

Mr. KENNEDY. You say that is untrue?

Mr. ADELSTEIN. That is untrue.

Mr. KENNEDY. Now, Mr. Wells has testified from the Safeway Stores, and he has testified before the committee that after they switched over to Rex Carting Co., they were told that their other stores in the Bronx and other areas of New York City were boycotted, and that they were informed that the boycott was for the purpose of having them switch back to Westchester Carting Co., and that the boycott was brought about from pressure from your local, so that they would switch back to the Westchester Carting Co. with whom you had a contract. You say that is not true?

Mr. SHIVITZ. May I state that the counsel is, I assume, erroneously misquoting Mr. Wells' testimony. Mr. Wells' testimony was that he was asked to get rid of Rex Carting, a nonunion company, and go back to a union company, and not to go back to Westchester Carting. I think if your assistant will check for you, Mr. Kennedy, you will find I am correct.

Mr. KENNEDY. I believe he said there was a dispute between unions, between 456 and 27. Rex Carting Co. had organized or was organized by 456 of the teamsters and Mr. Acropolis and Mr. Doyle. This was an interunion fight, and that the pressure was brought and boycotts were made of the Safeway Stores in the Bronx, and that boycott was brought about by the activities of local 813.

Mr. SHIVITZ. The only mistake you are making, Mr. Kennedy, is that you stated in your original question that he was told by representatives of 813 that he had to go back to Westchester. Otherwise, your statement is correct, and he was told he had to go back to an 813 local.

Mr. KENNEDY. I didn't say he was told by representatives of 813, and I did not say that. Mr. Shivitz, you must listen to the questions.

The CHAIRMAN. Does the witness understand the question?

Mr. KENNEDY. Would you read back the question that I just read and tell me if that statement of fact is true?

(The pending question was then read by the reporter.)

Mr. KENNEDY. Let me rephrase it. Did you participate in any way in the boycott of the Safeway Stores in the Bronx?

Mr. ADELSTEIN. I believe we did.

Mr. KENNEDY. And what was the purpose of that?

MR. ADELSTEIN. So that our men working for Westchester Carting and other firms in Westchester would not lose their jobs because another local would take the work, or a firm signed up with another local would take the work.

MR. KENNEDY. Let me see if I understand the facts. Westchester Carting Co. had a contract with the Safeway Stores. The Safeway Stores were dissatisfied with the service being provided by Westchester Carting Co. They switched to Rex Carting Co. which at that time was a union shop; is that right? Rex Carting Co. had a contract with local 456; is that correct?

MR. ADELSTEIN. That is true.

MR. KENNEDY. Thereafter your local put a boycott on the Safeway Stores in other areas of the city to force this Safeway Stores in Yonkers to switch back to Westchester Carting or to switch back to a company with whom you had a contract.

MR. ADELSTEIN. To switch back to any union company who employed our people.

MR. KENNEDY. And in fact they switched back or they were ultimately switched back to a company that was formed or controlled by Westchester Carting; isn't that right?

MR. ADELSTEIN. That is not right.

MR. KENNEDY. That is not right?

MR. ADELSTEIN. That is not right.

MR. KENNEDY. We will see here. This is according to Mr. Wells: "So a contract was made with Mr. Adelstein, who told us that if we would go back to his union, union 813, that our problems would be over." Is that right?

MR. ADELSTEIN. I would like to add to that, Mr. Kennedy, whoever the gentleman was that I spoke to, I asked if he would employ our people on their own trucks, and we would sign a contract with them.

MR. KENNEDY. How many people were going to lose their jobs over this Safeway Store contract?

MR. ADELSTEIN. I wouldn't know.

MR. KENNEDY. According to the testimony, the stop was worth \$21.50 a week.

MR. ADELSTEIN. I wouldn't know how many stores were involved at this time, and I can't tell you accurately how many people there were.

MR. KENNEDY. So you caused a boycott—

MR. ADELSTEIN. But it was a matter of fact, that our men were servicing the establishments, and the work was given to another firm signed up with 456.

MR. KENNEDY. But weren't you just happy because of the fact that they were unionized? Wasn't that what was important?

MR. ADELSTEIN. No, sir; the most important thing to me is to see that our people do the work.

THE CHAIRMAN. Let me see if I understand this. They went from one union to another.

MR. ADELSTEIN. With a specific purpose, Senator.

THE CHAIRMAN. Let me ask you this, and let us get answers, and we will get your conclusions. First they were in your union; is that correct?

MR. ADELSTEIN. That is true.

The CHAIRMAN. Then they signed a contract with another union, or with a group that belonged to another union?

Mr. ADELSTEIN. Well, are you speaking of Rex Carting, sir?

The CHAIRMAN. Which one is it?

Mr. KENNEDY. What was the question?

The CHAIRMAN. Am I speaking of Rex?

Mr. KENNEDY. Westchester was in first and Rex Carting came in and replaced them. Westchester was organized with his local, and Rex Carting Co. was organized with John Acropolis.

The CHAIRMAN. They were both teamsters unions?

Mr. KENNEDY. Yes.

The CHAIRMAN. They left one teamster union and made a contract for the service with another, with a company in another union?

Mr. KENNEDY. That is correct.

The CHAIRMAN. Then this boycott was pulled on a number of innocent stores simply to force them back into your union; is that correct?

Mr. ADELSTEIN. That is true.

The CHAIRMAN. That is what I am trying to get at.

Mr. ADELSTEIN. That is true.

The CHAIRMAN. That establishes the fact.

Mr. ADELSTEIN. That is right.

The CHAIRMAN. Here is one union, and here is an employer that elects to do business with one union, and another union steps in and imposes a boycott to make him come back to the original union.

Mr. ADELSTEIN. That is a common practice, sir.

The CHAIRMAN. It may be, and it may be an improper practice. In my judgment, it is.

Mr. ADELSTEIN. That is a common practice, sir.

The CHAIRMAN. We are trying to find out what may be common and improper.

Mr. KENNEDY. They were using union help out there in Westchester, and these other stores that had nothing to do with this dispute were boycotted.

The CHAIRMAN. The thing I am pointing out as improper practice is this: You can go out and make the innocent suffer, those who have no responsibility in the matter, and cause them to suffer simply to force someone to choose your union in preference to another union.

Mr. ADELSTEIN. I would like to clarify that, Senator.

The CHAIRMAN. All right.

Mr. ADELSTEIN. An employer may choose to leave our union today with contracts that are uniform and go to another local union with contracts that would serve him best. Under the circumstances we have locals set up, where under the locals they have definite jurisdiction. It is spelled out. Under the private sanitation unit, our jurisdiction was spelled out since 1937.

Mr. KENNEDY. That didn't happen in this case. You are not reciting the facts.

Mr. ADELSTEIN. And 456 never in all of the years that the private cartmen were in business in all of Westchester County, never organized one firm. We had firms organized that kept their trucks in different bureaus, that is Bond. Yet, they serviced Westchester County.

Mr. KENNEDY. The Safeway Stores did not switch unions they switched firms. They switched companies, and they were dissatisfied with Westchester.

Mr. ADELSTEIN. That is only an opinion.

Mr. KENNEDY. They were dissatisfied with Westchester, and they switched over to Rex Carting Co. They stated that under oath before this committee. Your recitation of the fact is not correct.

The CHAIRMAN. At any rate they had a boycott to make them come back into this union, and the boycott that affected people who were wholly innocent in the transaction.

Mr. KENNEDY. That is correct.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, I understand after 1953 the Westchester Carting Co. for whom you performed this service, no longer had a contract with local 813; is that right?

Mr. ADELSTEIN. At the end of November of 1953, they refused to sign another contract with us.

Mr. KENNEDY. Now, have you boycotted a lot of stores and struck a lot of stores to force Westchester to come back in and sign a contract with you?

Mr. ADELSTEIN. We did not.

Mr. KENNEDY. You did not?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. And they still do not have a contract?

Mr. ADELSTEIN. Not with local 813.

Mr. KENNEDY. So they have, as I understand it, and according to information we have, a company contract, a company union. Is that right? They formed a company union?

Mr. ADELSTEIN. We were informed as to that.

Mr. KENNEDY. Why didn't you show the same vigor and determination after 1953, after Mr. Acropolis was murdered, and after Westchester Carting Co. gained complete control of this area? Why didn't you show the same vigor to try to get them to sign up at that time?

Mr. ADELSTEIN. I was reminded by our joint council and by Mr. Parise that our jurisdiction, in their opinion, did not extend into Westchester County, and that 456 or the locals up there should organize the unorganized. We didn't do any organizational work up there at all.

Mr. KENNEDY. The services that you performed for a period of 3 years was to give Westchester Carting Co., after Mr. Acropolis was murdered, a complete control, and Nick Rattini, a notorious hoodlum, gained complete control of the carting business in Yonkers, in and around Yonkers.

Then after they gained that complete control, you dropped your organizational drives; isn't that right?

Mr. ADELSTEIN. I did not drop our organizational drives. I went up there in 1954. I attempted on numerous occasions to meet with the men. I met with a few men. I didn't meet with a majority of the men. Continuously we have tried to organize Westchester Carting.

Mr. KENNEDY. What places did you picket, and what places did you boycott?

Mr. ADELSTEIN. We did not do any picketing in Westchester County.

Mr. KENNEDY. It certainly is highly peculiar to me, Mr. Adelstein, that you showed such vigor during this period of time and that a murder resulted from this, and then you showed no interest after

Westchester Carting Co., headed by Nick Rattini, gained complete control over the area.

Now, as far as your saying that you have never—

The CHAIRMAN. Do we have the record of this man, Nick Rattini?

Mr. KENNEDY. It has already been put in the record, and he is one of the missing witnesses, I might say, Mr. Chairman.

You also stated, Mr. Adelstein, that you never had been arrested for threats. Do we have anything on that, Mr. Greene?

Mr. ADELSTEIN. I said violence and threats.

Mr. KENNEDY. Have you been arrested for threatening people?

Mr. ADELSTEIN. I have been arrested.

Mr. KENNEDY. For threatening people?

Mr. ADELSTEIN. In my line of work.

Mr. KENNEDY. Have you been arrested for threatening people?

Mr. ADELSTEIN. I have been arrested in my line of work. I can't recall at this time for what. I have never been convicted of any offense.

Mr. KENNEDY. Do you consider your line of work threatening people?

Mr. ADELSTEIN. I would like to say—

Mr. KENNEDY. Is that part of your line of work?

Mr. ADELSTEIN. I would like to say this to you and I don't know whether you would consider it threatening or not, but, sir—

Mr. KENNEDY. What is it?

Mr. ADELSTEIN. I don't know whether you would consider it threatening or not, but when I go out to organize someone, I try to get a contract signed.

Mr. KENNEDY. Can you tell us now, have you been arrested for threatening people?

Mr. ADELSTEIN. And the employers in most instances refuse to sign.

Mr. KENNEDY. Did you threaten them then?

Mr. ADELSTEIN. And I may threaten them with a picket line.

Mr. KENNEDY. Have you threatened people? Did you threaten Johnny Aeropolis?

Mr. ADELSTEIN. I have never threatened anyone bodily.

Mr. KENNEDY. What does the record show?

Mr. KELLY. The record of Bernard Adelstein shows four arrests. On all of these charges, Mr. Adelstein was found not guilty. However, it should be noted that his second arrest in 1938, city of New York, was for disorderly conduct causing a disturbance with a number of others, using loud and profane language to a police officer. Third arrest in New York City in 1946, 47th precinct, arrested and charged with fighting in a public place and causing a disturbance. Fourth arrest, November 30, 1939, in New York, arrested by complaint, charged with using threatening and vulgar language.

The CHAIRMAN. He was acquitted on all of these charges, but as I understood the witness in his voluntary statement before the committee, he said that he had never been arrested for anything.

Did you make that statement?

Mr. ADELSTEIN. I did not.

The CHAIRMAN. Did you say you never had been arrested for threatening anyone?

Mr. ADELSTEIN. I said "or violence."

The CHAIRMAN. I think the record will correct that.

Mr. KENNEDY. You say that you know Mr. Nick Rattini?

Mr. ADELSTEIN. I do.

Mr. KENNEDY. How about Tony "Ducks" Corallo? Do you know him?

Mr. ADELSTEIN. I know of him.

Mr. KENNEDY. Do you know him?

Mr. ADELSTEIN. I met him.

Mr. KENNEDY. Have you got a social relationship with Tony "Ducks" Corallo?

Mr. ADELSTEIN. I have no social relationship with Tony "Ducks" Corallo.

Mr. KENNEDY. Do you meet with him often?

Mr. ADELSTEIN. I do not.

Mr. KENNEDY. Do you talk with him often?

Mr. ADELSTEIN. Not often; no, sir.

Mr. KENNEDY. How about Carmine Tramunti?

Mr. ADELSTEIN. Since our last discussion, I know Carmine Tramunti. When I was asked a question whether I knew Tramunti, I couldn't recall the name. Now I know Carmine.

Mr. KENNEDY. You do know Carmine?

Mr. ADELSTEIN. I met him and I met him over 10 or 15 years. His relatives are in the rubbish business.

Mr. KENNEDY. What relative of his is in the rubbish business?

Mr. ADELSTEIN. Fidanza, Anna Anelli.

Mr. KENNEDY. Who is that?

Mr. ADELSTEIN. One is an aunt, and one is a cousin, and through them I met him.

Mr. KENNEDY. Has Carmine talked to you about that firm?

Mr. ADELSTEIN. He has.

Mr. KENNEDY. He has occasionally?

Mr. ADELSTEIN. Oh, yes.

Mr. KENNEDY. What kind of conversations have you had with him about that company?

Mr. ADELSTEIN. I cannot recall the specific conversations, but I know he spoke to me about the firm.

Mr. KENNEDY. Has Tony "Ducks" Corallo spoken to you about any company?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. You can't recall that?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. When we talked to you originally you could not recall having talked with or met Carmine Tramunti; is that correct?

Mr. ADELSTEIN. You didn't say "Carmine," you said "Tramunti."

Mr. KENNEDY. And you couldn't remember that?

Mr. ADELSTEIN. After that I went out to find out who Tramunti was, and I was informed that it is Carmine Tramunti.

Mr. KENNEDY. You couldn't remember him by his last name?

Mr. ADELSTEIN. I could not.

Mr. KENNEDY. Did Tony Ducks ever intercede with you for Carmine Tramunti?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. You can't recall that?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Do you know Tony Vanelli?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. You know him?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Do you know about his criminal background?

Mr. ADELSTEIN. I didn't until I read it in the papers.

Mr. KENNEDY. Did you know Carmine Tramunti's criminal background?

Mr. ADELSTEIN. I didn't until I read his papers.

Mr. KENNEDY. Anthony Ducks Corallo?

Mr. ADELSTEIN. I didn't until I read the papers.

Mr. KENNEDY. And Joe Parise, did you know his criminal background?

Mr. ADELSTEIN. Sir, I didn't know until I read the papers, but may I make a statement in regard to Joseph Parise?

Mr. KENNEDY. I don't think it is necessary.

Mr. ADELSTEIN. May I please make this statement?

The CHAIRMAN. A brief statement?

Mr. ADELSTEIN. Yes; it will be a brief statement.

I have known the man, may his soul rest in peace, for about 18 years. I know that he has been a fine labor leader, and he served the labor movement well. His contracts and his welfare plan and pension plan speak for themselves.

Mr. KENNEDY. I don't think we are getting anywhere here.

Mr. ADELSTEIN. Whatever record there is, I didn't know until a long time after I became affiliated with him, but finding out the way he served the labor movement and helped in our organization, I dare say to you that he did a fine job in the labor movement.

Mr. KENNEDY. Did you know of his conviction for rape?

Mr. ADELSTEIN. I learned of that later.

Mr. KENNEDY. You know quite a few of the hoodlums and gangsters in and around New York, do you, Mr. Adelstein?

Mr. ADELSTEIN. Mr. Kennedy, I know a lot of people, judges, politicians, Senators, Congressmen, and people in all walks of life. In public life, you meet a lot of people.

Mr. KENNEDY. Had you known about Parise being tied up with Lucky Luciano?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Being indicted with him?

Mr. ADELSTEIN. I didn't know anything about that.

Mr. KENNEDY. And who else was on that? Lepke Buchalter, did you know he was indicted with him?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. You didn't know that about your friend, Joseph Parise?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. He was just a fine fellow?

Mr. ADELSTEIN. Joe Parise was a very fine labor representative.

Mr. KENNEDY. You have turned over, I believe, your address book to us, have you not?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. Your telephone book?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. You did?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Have you made a study or an examination of that, Mr. Greene?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. Did you find some names in there that would be of interest?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. And would fill in some of the gaps in this investigation regarding this? We have gone into some of the connections between Mr. Squillante, and some of the cartmen with gangsters and hoodlums in the New York area. Did you find any well-known gangsters in Mr. Adelstein's address book?

Mr. GREENE. Yes, sir.

Mr. KENNEDY. Could you give us some examples of what you found?

Mr. GREENE. We have examined the address book of Mr. Bernard Adelstein. After first examining this book, by the way, when we went back to pick it up, Mr. Adelstein—

Mr. KENNEDY. That is all right, just go ahead.

Mr. GREENE. One of the names listed in Mr. Adelstein's book, under the name John B., no last name, just a John B., the telephone number listed under the name John B. is Judson 6-1766. This number is listed to the Carpet Corporation of America, 515 Madison Avenue, New York. John Biello is known to the New York City Police Department as B-67065. He did 7½ to 15 years for armed robbery, in which his accomplice was Nick Rattini of the Westchester Carting Co. Mr. Biello is an associate of Anthony Carfano, James O'Connell, and Jack Kermit. An employee at the Carpet Corporation of America, according to our records, was George Scalise, convicted labor extortionist.

Mr. Biello was also a partner in real-estate holdings and in the Carpet Corporation of America with Joseph Petso, who was questioned by police in connection with the murder of Thomas Lewis. Mr. Petso, who lived in Atlantic Beach, N. Y., is regarded as a high ranking underworld figure in the New York area. We asked Mr. Adelstein about Mr. Petso, and Mr. Biello's name in his book, and his reply to Mr. Kelly and myself was "You know how it is, fellows, everybody in this business has got a rabbi."

Mr. KENNEDY. Is that correct?

Mr. ADELSTEIN. That is an emphatic lie.

Mr. KENNEDY. You didn't say anything like that?

Mr. ADELSTEIN. I did not.

Mr. KELLY. I think it should be brought out in regard to Mr. Biello that he was listed as secretary of the Carpet Corporation of America, and one of his associates in this business was George Galese.

Mr. KENNEDY. But you never said anything like that?

Mr. ADELSTEIN. That is a lie.

Mr. KENNEDY. Mr. Kelly, were you present?

Mr. KELLY. I was present and I know the exact words.

Mr. KENNEDY. He made the statement?

Mr. KELLY. That is correct, sir.

Mr. GREENE. This is a photostatic copy of a page from Mr. Adelstein's address book, that has the listing for the name "John B." In fact, sir, when we asked him about the name "John B" in the address

book, he said he didn't know who it was, and we asked him why he only listed it as "John B." instead of putting in the last name, and he said he did not recall. When we reminded him the number was listed in the Carpet Corporation of America, he said that he still did not know who it was. When we reminded him of the name "John Biello," alias Johnny Futto, he said "Oh, yes, I remember."

Mr. KENNEDY. Is that true, Mr. Adelstein?

Mr. ADELSTEIN. That is true.

Mr. KELLY. The date we had that discussion was March 11 when we served the first subpoena.

Mr. GREENE. 1957.

Mr. KENNEDY. Can you give us some other names with a summary?

Mr. GREENE. Another name listed in Mr. Adelstein's address book is "T. V." "T. V." is identical with Tony Vanelli.

Mr. KENNEDY. Is that correct?

Mr. ADELSTEIN. That is true.

Mr. GREENE. Also known as Antonio Santini. When we questioned Mr. Adelstein on the identification of "T. V." in his book, he said "I cannot remember who that is." When we asked him why would he list names in his book with such brief initials, he said he just didn't remember. When we reminded him that that number was listed to a firm in which Tony Vanelli had an interest, he said that he recalled it but that Tony Vanelli had something to do with the trade waste business.

The criminal record of Antonio Santini in the New York City Police Department, lists that in 1914 he was sentenced to 5 years and 6 months to 7 years in Sing Sing Prison for robbery, first degree.

In 1921 he was sentenced to Sing Sing Prison for robbery, as a second offender, 40 years in Sing Sing Prison.

In 1940 he was paroled from Sing Sing Prison, with the separation date of his parole January 26, 1964. We understand he has been returned to Sing Sing since.

The photostatic copy of the page from Mr. Adelstein's address book listing Tony V. that is the actual name on here, is produced here.

Mr. KENNEDY. Is that correct?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. He is a friend of yours?

Mr. ADELSTEIN. Yes, sir.

Mr. GREENE. He also has a listing in his address book for Tony D.

Mr. KENNEDY. Who is he?

Mr. ADELSTEIN. Tony D. I think may be Tony Ducks.

Mr. KENNEDY. Tony Corallo?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. You listed him as Tony D.

Mr. ADELSTEIN. That is right, and I didn't know the second name, and I couldn't recall it.

Mr. GREENE. Tony D.'s number is listed as Algonquin 7424, and Mr. Kelly and I asked him, Mr. Adelstein, who Tony D. was, and he said he couldn't remember. When we reminded him that it was Tony Ducks Corallo, he said he did recall. The criminal record of Tony Ducks Corallo lists 12 arrests to Tony Corallo, with convictions for consorting with known criminals and narcotics. The address page on Mr. Adelstein's address book with the listing of Tony D. is enclosed.

Mr. KENNEDY. All right.

Mr. KELLY. In regard to Mr. Corallo, incidentally, Mr. Kennedy, his record indicates that between 1929 when he left school, and 1940 when he registered for the draft, he had gainful employment for 2 weeks. He was deferred from the draft and the reason was given because he was the sole support of his parents.

Mr. GREENE. He also had a listing in his book under the title "Nunzio," and this number was checked out to the Empire Metal Lathe Co., listed to Nunzio Camilla. A check of him relates obtained information to the effect that he headed Camilla Motors, and that he is a close associate and friend of Augie Carfano and to Thomas Locasey. Furthermore, two of his employees were Salvatore Santora, alias Tom Mix, and one of his partners was James Vintlerro, alias Jimmy Sniff, both prominent operators in the narcotics business in New York.

He also had listings in his book for Nunzio, which checked out to be the listing for the home number of Nunzio Squillante, and he had listings for Jimmy S., which turned out to be the listing for James Squillante, and he had a listing for Joseph Petso, who was questioned in connection with the Lewis murder, and he is an associate of Biello.

He has the name of Dante Gollo, whose arrest record was introduced into this committee hearing yesterday, and who Anne Daria, the Secretary of the Greater New York Cartmen's Association used to reside with in the Bronx.

He had several listings for the name of Joseph Feola, alias Joey Surprise. He had a listing for "J. W.," and that is an alias of James Massey, or Jimmy Ward. James Massey was an associate of Mr. Squillante in the Pic Records Co., and also was in the Glow Vacuum Cleaner Co., which is what that listing checked out to. Mr. Massey has a criminal record, and the Glow Vacuum Cleaner Co. was one of the investors in the Carters Investors Corp.

The CHAIRMAN. Is there any of that that you want to deny, Mr. Adelstein?

Mr. ADELSTEIN. No, sir.

Mr. GREENE. He also had several listings for Nathan Shefferman.

Mr. KENNEDY. Do you know him?

Mr. ADELSTEIN. Oh, sure.

Mr. KENNEDY. You have known him for a long time?

Mr. ADELSTEIN. Five or six years.

Mr. KENNEDY. What connection have you had with him?

Mr. ADELSTEIN. I can't recall any, outside of meeting him.

Mr. KENNEDY. Where would you meet him?

Mr. ADELSTEIN. At Washington or Chicago, or somewhere. Or in New York.

Mr. KENNEDY. Did he make any purchases for you?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Did he have any contacts with any of the companies with whom you had contracts?

Mr. ADELMAN. The cartmen, no, sir.

Mr. KENNEDY. Or anybody else?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Has he suggested any business to you?

Mr. ADELSTEIN. Business to me?

Mr. KENNEDY. Any business deals of any kind.

Mr. ADELSTEIN. Not to me, sir.

Mr. KENNEDY. Just a social relationship?

Mr. ADELSTEIN. That is all.

Mr. KENNEDY. Nothing further than that?

Mr. GREENE. At the listing of the Chicago office and the New York office in his phone listing book he also had a listing for DeSalvo, just DeSalvo, and that number checked out to local 32 in the Bronx. It should be in Mount Vernon, N. Y. It may be remembered from the committee testimony of Mr. Doyle that Thomas DeSalvo of local 32-E was the man who carried to Mr. Acropolis threats that four men would be killed because they said Acropolis was playing around with a rough mob.

I also had the listing of Daniel Tonas, a member of the International Jewelry Workers Union, who was a partner with the notorious gambler, Larry Snofsky, and others in an interracial gambling casino in Las Vegas 2 years ago.

Mr. KENNEDY. That is all of that.

Did any of these people with these records ask you to intercede or any companies, cartmen's companies?

Mr. ADELSTEIN. Some did.

Mr. KENNEDY. Did you perform any favors for them?

Mr. ADELSTEIN. I never performed a favor.

Mr. KENNEDY. Never, for anybody?

Mr. ADELSTEIN. That would affect our people. Our members of our union.

Mr. KENNEDY. Did you ever tell anyone that you would call an organizer off so it wouldn't bother a cartmen?

Mr. ADELSTEIN. I can't recall that I did.

Mr. KENNEDY. But you wouldn't do anything like that?

Mr. ADELSTEIN. I can't recall doing anything like that. In instances where an organizer was handling a situation, that I would handle it.

Mr. KENNEDY. But you would say you would handle it?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. If some of these people requested personal attention, you would say that you would handle it yourself?

Mr. ADELSTEIN. I would look into the matter and find out what it was all about.

Mr. KENNEDY. And that you would handle it yourself?

Mr. ADELSTEIN. That is right, with the organizer present. And the men, if there were men involved.

Mr. KENNEDY. Did Tony Ducks make such a request of you?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. Did Tramunti?

Mr. ADELSTEIN. Yes, he did.

Mr. KENNEDY. He made a request?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Did you agree to handle it personally?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Did you do it?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. According to the information, was that Rose Anelli?

Mr. ADELSTEIN. That is right.

Mr. KENNEDY. And you then handled that matter personally?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. You called off the man that was handling it personally?

Mr. ADELSTEIN. I didn't call him off, I called him in and took the question up with him.

Mr. KENNEDY. What was the question?

Mr. ADELSTEIN. The question pertained to whether we should leave Rose Anelli alone.

Mr. KENNEDY. What do you mean?

Mr. ADELSTEIN. And don't organize the people.

Mr. KENNEDY. What do you mean, leave her alone?

Mr. ADELSTEIN. With a union contract.

Mr. KENNEDY. Instead of what?

Mr. ADELSTEIN. Nothing, just leave her alone and not have a union contract there, and not organize the people.

Mr. KENNEDY. That was the only question?

Mr. ADELSTEIN. There probably was a question in regard to working conditions, where complaints were made, and I asked that they be adjusted, so that the men would be given their proper consideration.

Mr. KENNEDY. According to the testimony we have had before this committee from several witnesses, the terms of the contract for Rose Anelli had not been enforced, and that the employees get below union scale as far as their wages are concerned.

Mr. ADELSTEIN. Mr. Kennedy—

Mr. KENNEDY. That is \$66, I believe.

Mr. ADELSTEIN. I would have to explain that, too. If you will just bear with me, I think that we can clear all of that up.

We have over 500 employers, and we have a small staff of men on the field. We send notifications out to all of the members reminding them of their conditions, and if they are not receiving their conditions under the terms of the contract, to call the union and make a complaint. The people employed by Rose Anelli, if they had complained, that matter would have been adjusted for the benefit of the workers.

Mr. KENNEDY. But you were going to handle this matter personally?

Mr. ADELSTEIN. And the question that came up before me was that she had some nonunion people working for her, and the business agent requested that they be members of the union. I was asked to leave these people alone, and I refused, and as a result they joined the union.

Mr. KENNEDY. Wasn't it a fact at the time you had the conversation with Tramunti, these people were already in the union?

Mr. ADELSTEIN. Let me say this to you, by a firm having a contract with the union does not necessarily say that all of the people working for them are in the union.

Mr. KENNEDY. We found that out.

Mr. ADELSTEIN. And it has been borne out, and I would like to clear that up.

Mr. KENNEDY. At the time that you intervened or interceded in Rose Anelli's case, she already had a contract with the union?

Mr. ADELSTEIN. That may be true.

Mr. KENNEDY. You said that you were going in to make a determination as to whether the company should be union or not.

Mr. ADELSTEIN. I said whether the men, the new men that were newly hired that we weren't familiar with them, and didn't know whether they were working there, that they weren't in the union.

Mr. KENNEDY. How could you sign a contract without even knowing whether the employees wanted it or not?

Mr. ADELSTEIN. Let me say this to you, that is what I wanted to clear up. When we sign a contract with management, whoever we find there at the time are signed up into the union. Employers, and it is a common practice, hire more men after the contracts are signed, and we are not notified to the extent and they keep them out of the union as long as they can. But when we get around to the fact and we are informed or learn that there are nonunion people working for any employer, we insist that the contract be complied with.

You will find that Montesano and other firms stated here, they have contracts with the union, and if it weren't for the testimony here I wouldn't know that they are employing nonunion people, and I can assure you that that will be corrected.

Mr. KENNEDY. It wasn't Mr. Montesano who was employing nonunion help, it was Mr. DeCabia who was employing nonunion help. Now let us get back to this case of Rose Anelli.

What were you going to do, and what did Mr. Tramunti request that you do?

Mr. ADELSTEIN. Leave the people alone, that they should not join the union.

Mr. KENNEDY. I should think you would just tell him right off, that you weren't going to do that?

Mr. ADELSTEIN. I told him it couldn't be done.

Mr. KENNEDY. You told him that?

Mr. ADELSTEIN. Positively.

Mr. KENNEDY. You said "It can't be done"?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Why were you going to handle the matter personally?

Mr. ADELSTEIN. I felt he could expedite it and see the men joined the union.

Mr. KENNEDY. You were going against, actually you were not doing Tramunti a favor, he had drawn this to your attention, and you were going to move in and make sure that these people were members of the union?

Mr. ADELSTEIN. In a common practice that I have done that, Mr. Kennedy.

Mr. KENNEDY. Is that right?

Mr. ADELSTEIN. I want to add to you my record stands.

Mr. KENNEDY. It doesn't look too good this week, Mr. Adelstein.

Mr. ADELSTEIN. I would like to say this to you, that you cannot poll my membership and find out the action I take when and if a complaint comes into our office. You have our records with the Mediation Board and the State labor board and you will find that as a result of that whether we tolerate or stand for any violation of contract where we know about it.

Mr. KENNEDY. I would like to play a couple of wire taps, Mr. Chairman, and see if it appears that what Mr. Adelstein was doing in this case was going out and trying to organize Rose Anelli's shop, as he has testified before this committee.

The CHAIRMAN. Are these same taps taken under the same court order?

Mr. KENNEDY. Yes.

The CHAIRMAN. All right. Provide the witness with a copy.

Mr. KENNEDY. There is another court order on this one.

The CHAIRMAN. Let us have the court order.

Mr. KENNEDY. This is a tap on local 229 of the Textile Workers Union.

The CHAIRMAN. This order may be printed in the record at this point.

(Application for court order and the court order issued referred to above follow :)

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

In the Matter of Intercepting Telephonic Communications transmitted over ALgonquin 4-7424, 7425, 7426, 7427, and 7428

It appearing from the affidavit of Alfred J. Scotti, chief assistant district attorney of the county of New York, sworn to on July 1, that it is in the public interest to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan of Arkansas is chairman, and Robert F. Kennedy is chief counsel, certain transcripts and information with respect to the interception of telephonic communications during the periods September 21, 1945, to March 21, 1955; March 21, 1955, to September 15, 1955, and September 20, 1955, to March 20, 1956, which were transmitted over the telephone instruments designated as ALgonquin 4-7424, 7425, 7426, 7427, and 7428, listed in the name of United Textile Workers of America, American Federation of Labor, Local 229, located at premises 325 Fourth Avenue, county of New York, city and State of New York, it is

ORDERED, that the district attorney of New York County be, and he hereby is, authorized and empowered to furnish said committee with the transcripts and information with respect to the interception of telephonic communications transmitted over each of the above identified telephone instruments during the periods set forth hereinabove, for the use of said committee in connection with and in the course of its said investigations.

Dated, NEW YORK, N. Y., July 1, 1957.

(S) JOHN A. MILLER, J. C. G. S.

COURT OF GENERAL SESSIONS, COUNTY OF NEW YORK

In the Matter of Intercepting Telephonic Communications Transmitted over ALgonquin 4-7424, 7425, 7426, 7427, and 7428

STATE OF NEW YORK,

County of New York, ss:

Alfred J. Scotti, being duly sworn, deposes and says :

I am the Chief Assistant District Attorney in and for the County of New York and in charge of the Rackets Bureau of the District Attorney's Office.

This is an application for an order permitting the District Attorney of New York County to furnish the United States Select Committee on Improper Activities in the Labor or Management Field, of which the Honorable John L. McClellan, of Arkansas, is Chairman, and Robert F. Kennedy is Chief Counsel, certain transcripts and information with respect to the interception of telephonic communications transmitted over ALgonquin 4-7424, 7425, 7426, 7427, and 7428, listed in the name of United Textile Workers of America, American Federation of Labor, Local 229, located at premises 325 Fourth Avenue, County of New York, City and State of New York, during the periods hereinbelow set forth.

On January 30, 1957, the Senate of the United States duly adopted a resolution by which the said Committee was authorized to investigate improper activities in the labor or management field, with the purpose of obtaining information upon which the United States Senate could consider the advisability of adopting new legislation or modifying or amending present statutes.

The said Committee thereafter conducted both public and private hearings with this end in view, and has subpoenaed and interrogated numerous witnesses from various localities and States of the United States.

The Committee is now planning to extend its investigations to the area of New York State and in this connection has issued, or contemplates the issuance of, a subpoena to persons who used the telephones of said local, for interrogation in connection with said investigation.

In August 1956, and again subsequent to January 30, 1957, the date the said resolution above referred to was adopted, said Chief Counsel of said Committee requested that this office furnish him, for the use of the said Committee, all transcripts and information reflecting the interception of all telephonic communications transmitted over the telephone instruments hereinabove described.

The records of this office reveal that the telephonic communications transmitted over said instruments were intercepted during the periods hereinbelow set forth. All of the said interceptions were pursuant to orders issued by Judges of the Court of General Sessions under Section 813a of the Code of Criminal Procedure.

The dates during which the said telephonic communications were intercepted were September 21, 1954, to March 21, 1955, March 21, 1955, to September 15, 1955, and September 20, 1955, to March 20, 1956.

It is respectfully submitted that the District Attorney of New York County be authorized, in the public interest, to furnish to the United States Senate Select Committee on Improper Activities in the Labor or Management Field the said transcripts and other information for the use of said Committee in connection with and in the course of its said investigation.

No previous application has been made for the order herein requested.

(s) ALFRED J. SCOTT.

Sworn to before me this 1st day of July 1957.

(s) ROBERT F. WARD,

Notary Public, State of New York. Certificate filed in New York, County.

Commission expires March 30, 1959.

The CHAIRMAN. We will proceed with the conversation. The conversation you are about to hear is a recording of a conversation which was had at 12:30 p. m., February 21, 1955.

All right, proceed.

(The conversation above referred to follows:)

MR. TRAMUNTI. Carmine.

FEMALE. Carmine?

MR. TRAMUNTI. Yes.

OPERATOR. What is the last name, please?

MR. TRAMUNTI. Gribbs.

OPERATOR. Just a minute, please.

MR. TRAMUNTI. Bernie?

MR. ADELSTEIN. How are you?

MR. TRAMUNTI. All right.

MR. ADELSTEIN. What's doin'?

MR. TRAMUNTI. Nothing.

MR. ADELSTEIN. Uh-huh.

MR. TRAMUNTI. Listen—

MR. ADELSTEIN. What?

MR. TRAMUNTI. Are you always busy?

MR. ADELSTEIN. Well, not always busy. Why?

MR. TRAMUNTI. Well, maybe someday I want to come down and talk with you.

MR. ADELSTEIN. O. K.

MR. TRAMUNTI. Listen—

MR. ADELSTEIN. Yeah?

MR. TRAMUNTI. Just so you'll know it now, you know?

MR. ADELSTEIN. Yeah.

MR. TRAMUNTI. You know Sunset?

MR. ADELSTEIN. Yes.

MR. TRAMUNTI. That's me.

MR. ADELSTEIN. Yeah; yeah.

MR. TRAMUNTI. No; I'm in it; it's mine.

MR. ADELSTEIN. Oh, Sunset?

MR. TRAMUNTI. Yeah.

MR. ADELSTEIN. I didn't know that.

MR. TRAMUNTI. Yes; it's been going on 3 weeks now.

- Mr. ADELSTEIN. Good luck.
- Mr. TRAMUNTI. You hear?
- Mr. ADELSTEIN. Uh-huh.
- Mr. TRAMUNTI. Just so you'll know.
- Mr. ADELSTEIN. Yeah.
- Mr. TRAMUNTI. Because she was telling me something about you, you know.
- Mr. ADELSTEIN. Yeah?
- Mr. TRAMUNTI. And I said, "Now, we'll take care of that. You do it. Don't worry about that."
- Mr. ADELSTEIN. Uh-huh.
- Mr. TRAMUNTI. So this way——
- Mr. ADELSTEIN. Wait a minute. Wait a minute. Sunset. Sunset. I got you mixed up with a different Sunset. Sunset?
- Mr. TRAMUNTI. Yeah. My Aunt Anelli—Rosie—Fidenza—Anelli.
- Mr. ADELSTEIN. Oh, my God. No kidding?
- Mr. TRAMUNTI. Yeah.
- Mr. ADELSTEIN. I didn't know that.
- Mr. TRAMUNTI. Yeah.
- Mr. ADELSTEIN. Uh-huh. Sunset.
- Mr. TRAMUNTI. Sunshine.
- Mr. ADELSTEIN. Sunshine?
- Mr. TRAMUNTI. You know why I'm saying sunset?
- Mr. ADELSTEIN. Yeah. Yeah. Yeah.
- Mr. TRAMUNTI. I am just calling Philadelphia here, and I got Sunset in front of me.
- Mr. ADELSTEIN. Uh-huh.
- Mr. TRAMUNTI. Yeah.
- Mr. ADELSTEIN. It is Sunshine?
- Mr. TRAMUNTI. Sunshine, and I'm saying Sunset.
- Mr. ADELSTEIN. Sunshine. U-huh. O. K. So when will you be in?
- Mr. TRAMUNTI. Well, I'm in all the time here in the office here, you know, with Tony.
- Mr. ADELSTEIN. Yeah, I know.
- Mr. TRAMUNTI. You know what I mean?
- Mr. ADELSTEIN. Yeah, so when you come in, give me a ring.
- Mr. TRAMUNTI. I will call you and we'll get together.
- Mr. ADELSTEIN. We will get together. How is my friend?
- Mr. TRAMUNTI. All right. Just a minute. He wants to talk to you.
- Mr. ADELSTEIN. Yeah.
- Mr. CORALLO. Hello, Bernie; how are you?
- Mr. ADELSTEIN. How are you, kid?
- Mr. CORALLO. All right.
- Mr. ADELSTEIN. How's tricks?
- Mr. CORALLO. Fine, Bernie.
- Mr. ADELSTEIN. What's doing?
- Mr. CORALLO. Listen, Bernie——
- Mr. ADELSTEIN. What?
- Mr. CORALLO. (Inaudible) in the partnership there in Sunrise.
- Mr. ADELSTEIN. Yeah. Sunrise, Tony.
- Mr. CORALLO. Is it Sunshine or Sunrise?
- Mr. ADELSTEIN. Sunrise.
- Mr. CORALLO. It's Sunshine.
- Mr. ADELSTEIN. I think it's Sunrise.
- Mr. CORALLO. All right. So Sunrise. So you'll know; you know what I mean, Bernie?
- Mr. ADELSTEIN. Yeah. Yeah.
- Mr. CORALLO. So when the time comes—you want to get together, you just say so.
- Mr. ADELSTEIN. Yeah. Well, I didn't know who was taking care of that. I will have to reach out and see which fellow is taking care of that and I will tell him. I'll take care of it. How is my friend?
- Mr. CORALLO. Good.
- Mr. ADELSTEIN. All right. Will you tell him that I want to get together with him?
- Mr. CORALLO. I don't know if you could.
- Mr. ADELSTEIN. All right.
- Mr. CORALLO. I'll make the arrangements (inaudible) you hear, Bernie?
- Mr. ADELSTEIN. Yeah.

Mr. CORALLO. All right. I'll make it. Listen, Bernie——

Mr. ADELSTEIN. What?

Mr. CORALLO. That's the fellow up in the office who is a friend of mine.

Mr. ADELSTEIN. Yeah, I know who it is.

Mr. CORALLO. You know who it is.

Mr. ADELSTEIN. Yeah; sure.

Mr. CORALLO. All right?

Mr. ADELSTEIN. Yeah; sure.

Mr. CORALLO. All right. So you know, anyway.

Mr. ADELSTEIN. Yeah, Tony; I'll take care of it.

Mr. CORALLO. O. K., Bernie.

Mr. ADELSTEIN. All right.

Mr. CORALLO. Look——

Mr. ADELSTEIN. What?

Mr. CORALLO. Listen, is Joe back?

Mr. ADELSTEIN. He's supposed to be back today, Tony.

Mr. CORALLO. Would you let him call me as soon as he gets in?

Mr. ADELSTEIN. I'll tell him. Tony——

Mr. CORALLO. What?

Mr. ADELSTEIN. If—tell him that if any of the delegates do go there before I grab them——

Mr. CORALLO. Yeah——

Mr. ADELSTEIN. To tell the party in the place to get in touch with me.

Mr. CORALLO. O. K.

Mr. ADELSTEIN. Understand?

Mr. CORALLO. Yeah.

Mr. ADELSTEIN. And I will take care of it.

Mr. CORALLO. O. K., boy.

Mr. ADELSTEIN. You know how some of these fellows are on the road sometimes. They forget. So, tell them to get in touch with me, O. K.? O. K., Tony?

Mr. CORALLO. O. K. So long.

Mr. ADELSTEIN. So long.

Mr. KENNEDY. Now, was that your way of telling him that you were going out to get those employees organized?

Mr. ADELSTEIN. That was my way of telling him I would sit down with him, and the record speaks for itself in regard to Sun Rise Cartage.

Mr. KENNEDY. What the record shows is that the company was organized and that none of the terms of the contract were enforced, that the employees received about \$65 a week, instead of \$85 to \$90 a week. That is what the record shows, Mr. Adelstein.

Mr. ADELSTEIN. If that is true, I can assure you when I get back that will be corrected.

Mr. KENNEDY. I am glad we are helping you.

Mr. ADELSTEIN. The members of the union did not complain about that to me.

Mr. KENNEDY. Here you had two notorious criminals calling you up and telling you of their relationship and their interest in a firm. The record then shows that the firm was unionized, and the record then shows that the terms of the contract were not enforced.

That is what it shows, Mr. Adelstein. Now, I would like to play another tape, Mr. Chairman, which will show what Mr. Tramunti thought of this conversation.

The CHAIRMAN. This transcript of the recording may be printed in the record.

Mr. KENNEDY. On top of page 5, where it says:

How is my friend?

Who are you referring to there?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. You can't recall that?

Mr. ADELSTEIN. No; this goes back quite a little while. Mr. Kennedy, if I were to ask you who you saw a month ago, you could not recall all of the people.

Mr. KENNEDY (reading):

Will you tell him that I want to get together with him?

You can't recall who that was?

Mr. ADELSTEIN. I can't recall.

Mr. KENNEDY. And you said,

I will make the arrangements.

Who was it that you did not know whether you could get together with?

Mr. ADELSTEIN. I said I can't recall that.

Mr. KENNEDY. Even if you think real hard, you can't recall?

Mr. ADELSTEIN. Being over here, I don't mind telling you, I have to think pretty hard.

The CHAIRMAN. Do you have another recording?

Mr. KENNEDY. Yes.

The CHAIRMAN. This was taken under the same order?

Mr. KENNEDY. Yes.

The CHAIRMAN. This recording was taken under the same order?

Mr. KENNEDY. Yes.

The CHAIRMAN. Proceed and play it, and see that the witness and his counsel have a copy.

(Transcript of a recording of February 21, 1955, 12:40 p. m., between Rose Anelli and Carmine Tramunti is as follows:)

Mr. TRAMUNTI. EN 9-5853. O. K.?

WOMAN. Yes.

Mr. TRAMUNTI. Hello?

ROSE ANELLI. Hello.

Mr. TRAMUNTI. Hey—Rosie?

ROSE ANELLI. Yes.

Mr. TRAMUNTI. Carmine.

ROSE ANELLI. I just walked in. I thought I heard the telephone. I am breaking my neck.

Mr. TRAMUNTI. Listen——

ROSE ANELLI. What?

Mr. TRAMUNTI. I called up that guy—Bernie.

ROSE ANELLI. Yes?

Mr. TRAMUNTI. I spoke to Bernie. Now, here's what you do. Is the delegate out there?

ROSE ANELLI. Yeah.

Mr. TRAMUNTI. You know that he approaches Anthony or you. No matter who comes to you, you tell them that you are doing everything with Bernie Adelstein.

ROSE ANELLI. I'm doing direct with Bernie Adelstein.

Mr. TRAMUNTI. If they don't believe you, tell them to call up Bernie Adelstein. That's all. You hear?

ROSE ANELLI. Yeah.

Mr. TRAMUNTI. That's all until I see him.

ROSE ANELLI. You didn't see him?

Mr. TRAMUNTI. No. I called him and I told him. You know what I mean?

ROSE ANELLI. Yeah.

Mr. TRAMUNTI. He said, "Good; I'm glad. I wish you luck," and all that. He said, "All right, then, if anybody he comes up there to bother them"——

ROSE ANELLI. No; this is Chester.

Mr. TRAMUNTI. That's right. Well, tell Chester to get in touch with Bernie. That's all.

ROSE ANELLI. Well, then, nothing until I hear from you?

Mr. TRAMUNTI. No. Don't do nothing.

ROSE ANELLI. All right.

Mr. TRAMUNTI. Don't do nothing no more.

ROSE ANELLI. O. K.

Mr. TRAMUNTI. You understand?

ROSE ANELLI. Yes, sir.

Mr. TRAMUNTI. That's all. I'll see you then, Rosie.

ROSE ANELLI. O. K.

Mr. TRAMUNTI. So long.

ROSE ANELLI. Bye.

The CHAIRMAN. Who is Tramunti?

Mr. ADELSTEIN. Carmine Tramunti is a nephew, I think, of Rose Anelli, the owner of Sun Rise Carting.

The CHAIRMAN. He is the one that Corallo talked to you about? He is the one that had this part of the conversation with you on February 21, 1955; is that right?

Mr. ADELSTEIN. What is that question again, Senator?

The CHAIRMAN. He is the one that had this conversation with you, the first recording, Tramunti?

Mr. ADELSTEIN. That is right.

The CHAIRMAN. The same Tramunti?

Mr. ADELSTEIN. That is right.

The CHAIRMAN. According to the record here, this first telephone call, that was played, was had at 12:30 p. m., February 21, 1955?

Mr. ADELSTEIN. That is what this record says.

The CHAIRMAN. The second one that was played was at 12:40 p. m., February 21, 1955. Obviously, Tramunti hung up the receiver in his conversation with you and called Rose Anelli.

Mr. ADELSTEIN. That is what this says.

The CHAIRMAN. Thank you.

The CHAIRMAN. It does not sound like you were fighting for the men much at that time, does it?

Mr. ADELSTEIN. Senator, it is the results that count. The record will speak for itself.

The CHAIRMAN. The record does speak, that she was paying only \$66 a week for her help, whereas the union rates required eighty-some-odd dollars.

Mr. KENNEDY. And it was a 6-day week instead of a 5-day week.

Mr. ADELSTEIN. That is the employers testifying?

The CHAIRMAN. Do you deny it?

Mr. ADELSTEIN. At this point I would not know. The men did not complain to me.

The CHAIRMAN. Well, the men did not, but Tramunti did.

Mr. ADELSTEIN. Tramunti did not speak to me about the wages.

The CHAIRMAN. I know, but he spoke to you in terms that you understood, that he wanted a favor.

Mr. ADELSTEIN. Let me say this to you, now; you want information to help.

The CHAIRMAN. Yes.

Mr. ADELSTEIN. To help, and I think I am trying to cooperate and I will cooperate and please, so that we can expedite this, I would like to give you all of the facts as I know them.

The CHAIRMAN. What were you talking about in these conversations?

Mr. ADELSTEIN. We were talking about the men that they did not want to sign into the union.

The CHAIRMAN. They were already in the union.

Mr. ADELSTEIN. They were not in the union.

The CHAIRMAN. At that time?

Mr. ADELSTEIN. At that time there were some newly hired men that they wanted left alone.

The CHAIRMAN. Some newly hired ones?

Mr. ADELSTEIN. Newly hired men.

The CHAIRMAN. But the firm was in the union.

Mr. ADELSTEIN. That is true.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Why didn't you tell them that the men will have to go in the union.

Mr. ADELSTEIN. When I found out the fact, I did.

Mr. KENNEDY. I thought you said that was what the conversation was about.

Mr. ADELSTEIN. The record will speak for itself. I had to find out first from Chester.

Mr. KENNEDY. What did he want when he called you. What did you understand he wanted?

Mr. ADELSTEIN. I didn't know. I said I would look into it.

Mr. KENNEDY. What did he want? He wanted you to lay off.

Mr. ADELSTEIN. To lay off?

Mr. KENNEDY. You did lay off because they are not getting union wages and they are working 6 days a week; of course, you laid off.

Mr. ADELSTEIN. You are only saying that but that isn't a matter of fact.

Mr. KENNEDY. It is a matter of fact.

Mr. ADELSTEIN. It is not a matter of fact.

Mr. KENNEDY. Is it untrue?

Mr. ADELSTEIN. I say at this time, the men did not complain to me, and had they, I would have corrected the situation.

The CHAIRMAN. That is not the question. Is it true or not true that they only got the \$66 a week?

Mr. ADELSTEIN. Why don't we check the record.

The CHAIRMAN. Why do you say it is not a fact.

Mr. ADELSTEIN. I did not say it wasn't a fact.

The CHAIRMAN. What was it you were saying was not a fact? You just said it is not a fact.

Mr. ADELSTEIN. Senator, I would like to say this to you. You have heard from disgruntled employers who try to engage representatives to get to me and try to do business with me. Sure, they are disgruntled, and show me an employer that has to improve the conditions of his people that is a happy man.

The CHAIRMAN. You show me a man.

Mr. ADELSTEIN. I have gone out, Mr. Senator—

The CHAIRMAN. Now wait a minute.

Mr. ADELSTEIN. Why don't you hear the truth?

The CHAIRMAN. Do you want this committee to treat you courteously?

Mr. ADELSTEIN. I would like to be treated courteously. I would like to be treated the way I will treat you.

The CHAIRMAN. Well, you reciprocate.

Mr. ADELSTEIN. I will.

The CHAIRMAN. I mean that. You have just stated that it was not a fact, and the record will so show it was not a fact that they were only getting \$66 a week.

Now, I ask you to state whether it is true or not.

Mr. ADELSTEIN. It is not a fact that any complaints were brought to me.

The CHAIRMAN. I did not ask you about that. I have never asked you about a complaint. I am asking you if it is a fact or not a fact that they continue to operate at \$66 a week, whereas, your union contract called for \$80 a week.

Mr. ADELSTEIN. I would have to look to find out.

The CHAIRMAN. Well, you do not know then, that it is not a fact.

Mr. ADELSTEIN. I wouldn't know at this time.

The CHAIRMAN. All right. Do not say it is not a fact then, if you now say you do not know whether it is a fact.

Proceed.

Mr. KENNEDY. Mr. Chairman, we have subpoenaed Rose Anelli and she has stated that she has been given a doctor's certificate from her cousin that she is too sick to come, but we did interview her, and Mr. Kelly can testify as to what she said as to what wages were being paid by her firm.

The CHAIRMAN. Proceed.

TESTIMONY OF JAMES P. KELLY—Resumed

Mr. KELLY. We had a conversation with Rose Anelli in our office in New York City and she stated that she did not always observe the union contract, that she worked her employees 6 days a week and she was never troubled by the union, and was never bothered by union representatives.

Mr. KENNEDY. I want to ask you about some other matters in connection with some of these companies; namely, the security clause within the contract. When was that security clause put into effect?

Mr. ADELSTEIN. I think in 1951.

Mr. KENNEDY. In 1951?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. What is the provision or what does that state, the security clause?

Mr. ADELSTEIN. That if one employs members of the union and does not belong to any group or association, that they put up \$300 or equivalent to 4 weeks' pay, rather. Instead of \$300 it is equivalent to 4 weeks' pay.

Mr. KENNEDY. Per employee?

Mr. ADELSTEIN. Per employee; yes.

Mr. KENNEDY. What is the purpose of that?

Mr. ADELSTEIN. The purpose of that has been that we have a welfare and pension plan and in order for us to cover our members, we have to pay the carriers whom we had at that time an advance.

In many instances, or in most instances, the employer did not pay on time and sometimes was delinquent 2 or 3 months. We had to pay the insurance carriers to see that our members were covered.

On many occasions we had to take the employers to the Labor Board so that they would comply with that provision.

Mr. KENNEDY. You mean the security provision?

Mr. ADELSTEIN. Comply with the payments under the pension and welfare plan, and we finally resolved that with our membership asking that the employers put up a security so that we could continue to pay the carriers whether it was for a month, 2 or 3.

Mr. KENNEDY. Do you make everybody put this provision up?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. You don't?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. You select who should put it up and who should not?

Mr. ADELSTEIN. We decide it.

Mr. KENNEDY. You and Mr. Villano?

Mr. ADELSTEIN. The executive board in instances, and sometimes myself, yes.

Mr. KENNEDY. You decide?

Mr. ADELSTEIN. Yes, surely.

Mr. KENNEDY. So you can make the decision and you personally can make the decision as to whether a man or a cartman would have to put up \$300 per employee or not, is that right?

Mr. ADELSTEIN. I have made the decision.

Mr. KENNEDY. Or \$400 and depending upon whether you approve of the cartman or not, you can make it on that basis, and you can make the decision on that basis, is that right?

Mr. ADELSTEIN. Depending upon our experience.

Mr. KENNEDY. For instance, Van Ness testified before this committee that within a week or so of the time he was out of the association, he had to put up \$300 per employee and he had to put up \$1,200 and they were all self-employed. He had to put up \$1,200 for 4 individuals who ran the company. Excuse me, Lent rather than Van Ness—they were all self-employed—\$1,200 for Mr. Lent.

Mr. ADELSTEIN. Whether they own the truck or not, if they were members of the union, we were still liable to the carriers. When we were informed that they were no longer members of groups, we asked that they put up their security with the union.

Mr. KENNEDY. He had to put up \$1,200 for his own family, is that right?

Mr. ADELSTEIN. I assume that is so.

Mr. KENNEDY. What about Mr. Strelzin, Harvey Strelzin, who operated in New York City?

Mr. ADELSTEIN. What about him?

Mr. KENNEDY. He only had to put up \$300 and he had 4 or 5 employees.

Mr. ADELSTEIN. Our experience with Sanitary Haulage in regard to payment on pension and welfare was good.

Mr. KENNEDY. And he had a partner who was prominent in the underworld, isn't that true?

Mr. ADELSTEIN. I never met him and I don't know of him.

Mr. KENNEDY. What about Mr. Montesano? He had to put up \$1,800. Why did you make Mr. Montesano put up \$1,800?

Mr. ADELSTEIN. It was part of our contract and I asked him to comply.

Mr. KENNEDY. Had he been delinquent in his payment to the pension and welfare fund?

Mr. ADELSTEIN. He had been short.

Mr. KENNEDY. Had he been prior to that time?

Mr. ADELSTEIN. I wouldn't know.

Mr. KENNEDY. But you made him put up \$1,800.

Mr. ADELSTEIN. Over the period since he——

Mr. KENNEDY. You made him put up \$1,800 and according to your testimony it was because these people were delinquent in their payments; had he been delinquent?

Mr. ADELSTEIN. Yes; he had been.

Mr. KENNEDY. Prior to the time you made him put up the \$1,800?

Mr. ADELSTEIN. He has been.

Mr. KENNEDY. That is not answering the question. Prior to the time he put up the \$1,800 had he been delinquent in his payments?

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Prior to that, he has been.

Mr. KENNEDY. He had been prior to that time?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. What about Mr. Lent?

Mr. ADELSTEIN. I think we signed him up. He was not in the union too long, and since we had no experience with him, he was asked to put up security.

Mr. KENNEDY. But you are the one who makes the decisions?

Mr. ADELSTEIN. More or less, yes.

Mr. KENNEDY. Do you keep any records on who is delinquent and who is not? Do you keep a list as to those firms that are not satisfactory to you?

Mr. ADELSTEIN. The firms that are delinquent, we have a list of.

Mr. KENNEDY. Do you have a list of those?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Do you have files and records on that?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. We have asked you for those records and you never furnished them to us.

Mr. ADELSTEIN. We have lists in our office as to who is delinquent and who is not.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. And Mr. Wolbert now informs me that they looked at those records.

Mr. GREENE. When we first visited the office of the International Brotherhood of Teamsters on March 11, 1957, we asked both Mr. Wolbert and Mr. Adelstein—this was Mr. Kelly and myself—as to how they determined which firm they needed to get security from. Mr. Wolbert explained to us that it depended upon their experience with the firm.

We then asked Mr. Wolbert if they kept individual case files on each of the firms under contract and their experience with respect to working conditions and everything else, as to whether those firms would be required to post security. Mr. Wolbert said that he did not keep individual case files, and we asked him how he remembered it, and they pointed to a cardboard box on the floor that was filled with a number of papers, some of them rather dusty, and said, "Well,

our experience with the State labor-relations board or the State mediation board shows us, and the rest of it I remember."

The CHAIRMAN. I want to ask you about Mr. Parisi. Is that the man, Mr. Parisi, P-a-r-i-s-i, who testified here that you tried to assess him twenty-some-odd-thousand dollars? He refused to pay it. What did you do about that?

Mr. ADELSTEIN. We referred the matter to the labor board.

The CHAIRMAN. The labor board?

Mr. ADELSTEIN. The labor board did not render a decision, because Mr. Parisi came to my office and spoke to me, and told me that, instead of paying 3 months in advance on the welfare, which was a lot of money, he would abide by the contract and make monthly payments. We agreed, then, to find out how his experience would be with us in regard to the monthly payments. He has since complied, and we have had no trouble with him.

The CHAIRMAN. He was pretty emphatic and he was not going to pay and he was going to operate the business.

Mr. ADELSTEIN. He didn't say it to us.

The CHAIRMAN. He said it here.

Mr. ADELSTEIN. Well, he didn't say it to us. He asked that he be given consideration.

Mr. KENNEDY. Doesn't every union in the country have this difficulty of making sure that the welfare and pension payments are met?

Mr. ADELSTEIN. I wouldn't know the problems of the other unions.

Mr. KENNEDY. You have a provision clause in your contract which gives you a terrific or tremendous economic control over many of these small cartmen, Mr. Adelstein.

Mr. ADELSTEIN. It is necessary for the welfare of our members.

Mr. KENNEDY. But you have not strict rules as to how it is going to be enforced, and it is just an arbitrary decision by Bernie Adelstein, to make a decision as to whether someone is going to pay \$28,300 or it is going to be waived. Isn't that correct?

Mr. ADELSTEIN. Mr. Kennedy, isn't this based more or less on the experience you have with people?

Mr. KENNEDY. It is Bernie Adelstein [who has a background which is very questionable and]¹ has (got) associations with many of the leading hoodlums and gangsters. He is the one who is making this decision.

Mr. SHIVITZ. May I ask that that statement by counsel be stricken from the record? I don't think it is a proper one.

The CHAIRMAN. The part of his statement regarding the background will be stricken, and his association with hoodlums, insofar as that is a part of his background, will remain in the record.

Mr. SHIVITZ. I would like the chairman and the committee to keep in mind that in the garbage industry we don't get Harvard alumni and Yale undergraduates, and people who are in that industry are in it, and that is the situation, and that is who the man has to associate with.

The CHAIRMAN. We are not talking about the men doing the work. We are talking about the racketeers.

¹ (Matter stricken from the record.)

Proceed.

Mr. KENNEDY. Mr. Adelstein, you have this power, and the power rests with you to make a decision as to whether a person is going to have to pay the money or not; isn't that right?

(The witness conferred with his counsel.)

Mr. SHIVITZ. Read it again.

(Whereupon, the pending question was read by the reporter as above recorded.)

Mr. KENNEDY. Strike the question. The provision in the contract, I believe, says that the security clause is made, including wages, vacation pay, holiday pay, and insurance. That is section 23; is that the security clause?

Mr. SHIVITZ. Section 23 does relate to security, and so does section 24.

Mr. KENNEDY. In the middle of paragraph 23. I don't think it is restricted to pension and welfare, is it?

Mr. SHIVITZ. No; it is not.

Mr. KENNEDY. It is wages, vacation pay, holiday pay, insurance, or pension and welfare payments; isn't that right?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. To insure that those payments are made.

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Here you have a requirement of \$1,200 from a firm which is completely self-employed, 4 individuals who own and operate their own company.

Mr. ADELSTEIN. They are covered under our welfare plan, Mr. Kennedy, and they receive benefits.

Mr. KENNEDY. How many employers do you have in your union?

Mr. ADELSTEIN. Approximately one-third who own trucks and work in the industry.

Mr. KENNEDY. They must pay union dues?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Can they vote in an election?

Mr. ADELSTEIN. They cannot.

Mr. KENNEDY. They cannot vote in the election?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Could you tell us; can they vote in any election of any kind?

Mr. ADELSTEIN. They cannot vote on an election of officers.

Mr. KENNEDY. Or any other election?

Mr. ADELSTEIN. They cannot vote on the question of the contracts.

Mr. KENNEDY. They cannot?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. They cannot vote in those, and yet they have to be members of the union?

Mr. ADELSTEIN. That is true.

Mr. SHIVITZ. Would you like an explanation for the reason for that, Mr. Kennedy?

The CHAIRMAN. There is no explanation that would satisfy me, where a person has to pay dues and be subjected to all of these other penalties and then have no voice in them. That would not make much sense to me.

Mr. ADELSTEIN. I think this would be helpful, if you would permit me.

The CHAIRMAN. I will hear you briefly.

Mr. ADELSTEIN. When I started in this business 20 years ago, the people worked 7 days a week from dark until dark. I know of an instance where the employer passed away and they had to pass the hat around so that he could have a funeral. Our men received, as chauffeurs and helpers, as low as \$1 a day. That was 7 days a week and when they took a day off because they were sick, they were docked for it. There was no question of a vacation. They had none. And they had no hours.

When I looked around, I found that many of these firms were operated by relatives and employers. I made a suggestion that every truck shall have either a chauffeur or a helper, and I asked that every truck be manned by 2 men, but the employers requested at that time that 1, or they could join the union.

After taking their request into consideration, a provision was made under the terms of the contract, that one employer, partner, or stockholder be permitted to work on the truck with a chauffeur or helper, and perform the work and the servicing of the establishments.

They performed the work just as a chauffeur or helper who would have been employed. Had we not done that, we could not have helped the people who were working men on trucks and provided the conditions for them.

The CHAIRMAN. Just a moment now. I told you I would hear you briefly and you are not talking to the point at all. You are talking about the benefits that have accrued to people by reasons of unions. That is not the issue.

The question here, my interpretation of it, is a question of taxation without representation and it is just that simple.

Mr. ADELSTEIN. They have representation, Senator.

The CHAIRMAN. They cannot represent themselves and vote.

Will you proceed?

Mr. KENNEDY. What about the Suffolk County Cartmen's Association? According to the testimony which we have received, they were required to put up \$1,800 from that association for all of the members of the association.

Mr. ADELSTEIN. I have to refer to the records.

Mr. KENNEDY. Further, after they dismissed Mr. Squillante as their representative, they were then notified that they would have to put up another further \$1,800. Do you have any explanation of that?

Mr. ADELSTEIN. I would have to refer to the record.

Mr. KENNEDY. Why was that done?

Mr. ADELSTEIN. In the first place, I never recommended Squillante to the—or anyone else. So that would not make any difference.

Mr. KENNEDY. It seemed to make a difference. The record shows that it did.

Mr. ADELSTEIN. We asked them for more money, Mr. Kennedy, but we never got it.

Mr. KENNEDY. I know, but why did you ask for it?

Mr. ADELSTEIN. Well, the fact remains under the terms of our contract, the contracts are reviewed periodically.

Mr. KENNEDY. But this is more than a coincidence, that they dismissed Mr. Squillante and he said he is going to make a call to the union. They dismiss him and within a few weeks or a short period of time the association receives another request of \$1,800 from you.

Mr. ADELSTEIN. Mr. Kennedy, I have been making these requests right along.

Mr. KENNEDY. This is a second one. Once again, the point is to show the arbitrary control that you have over these cartmen and to treat or mistreat as you see fit.

Mr. SHIVITZ. With the chairman's permission, Mr. Kennedy, if I understand the question and the answer, I don't think any conclusion can be drawn or any adverse conclusion to this witness can be drawn if he makes a demand while Mr. Squillante is there and makes the same demand after he leaves.

Mr. KENNEDY. That is not the point. The \$1,800 was requested while Mr. Squillante was there and the \$1,800 was paid. That was for the period of time.

Mr. SHIVITZ. It was not paid.

Mr. KENNEDY. The \$1,800 was requested again.

Mr. SHIVITZ. But it was not paid while Mr. Squillante was there.

Mr. KENNEDY. No money has ever been paid?

Mr. SHIVITZ. The \$700 was paid and they asked for the balance while Squillante was there.

Mr. KENNEDY. Do you have the letters there?

Even if this \$1,800 was not paid, why was it not collected while Squillante was with the association?

Mr. ADELSTEIN. We still did not collect it and he is not there.

Mr. KENNEDY. Had you written and contracted them frequently while he was there?

Mr. ADELSTEIN. I can't recall how often, but we did contact them. After Squillante left, we did not do anything about it.

Mr. KENNEDY. Do you have the correspondence there?

Mr. ADELSTEIN. I think so. No, we haven't anything here.

Mr. KENNEDY. Do you know they never paid any money?

Mr. ADELSTEIN. They paid \$700.

Mr. KENNEDY. And then did you make a request for \$1,800?

Mr. ADELSTEIN. Continuously we asked them for more money.

Mr. KENNEDY. For another \$1,800?

Mr. ADELSTEIN. I can't recall the amount.

Mr. KENNEDY. After Squillante left, didn't you ask them for another \$1,800?

Mr. ADELSTEIN. We made continuous requests or demands for more security.

Mr. KENNEDY. Did you get a call from Squillante in which he told you that he did not represent this association any further?

Mr. ADELSTEIN. I can't recall.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. I may have a letter in the files, but I can't recall.

Mr. KENNEDY. How much salary do you receive from the union?

Mr. ADELSTEIN. \$400 a week.

Mr. KENNEDY. How much does that amount to in a year, approximately?

Mr. ADELSTEIN. Roughly \$20,000 or \$21,000.

Mr. KENNEDY. That you receive in salary?

Mr. ADELSTEIN. From the Private Sanitation Union.

Mr. KENNEDY. Do you have any other relatives on the payroll of the union?

Mr. ADELSTEIN. I do.

Mr. KENNEDY. Who else do you have?

Mr. ADELSTEIN. Who work there?

Mr. KENNEDY. Who else do you have?

Mr. ADELSTEIN. My sister, Mrs. Herman, works in the union.

Mr. KENNEDY. How much salary does she receive?

(The witness conferred with his counsel.)

Mr. ADELSTEIN. About \$100 a week.

Mr. KENNEDY. Is that all? Is there anybody else?

Mr. ADELSTEIN. In the union; no, sir.

Mr. KENNEDY. Who works for the union?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Is there anybody working for the welfare fund of the union?

Mr. ADELSTEIN. My brother.

Mr. KENNEDY. Your brother?

Mr. ADELSTEIN. That is right.

Mr. KENNEDY. What is his name?

Mr. ADELSTEIN. George Adelstein.

Mr. KENNEDY. Is he an accountant?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Is he a lawyer?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. How long has he been with the union?

Mr. ADELSTEIN. He has never been with the union.

Mr. KENNEDY. How long has he worked for the welfare fund of the union?

Mr. ADELSTEIN. Since it was created.

Mr. KENNEDY. What had he been doing prior to that time?

Mr. ADELSTEIN. He has been in the garment business.

Mr. KENNEDY. In the garment line?

Mr. ADELSTEIN. In the garment line.

Mr. KENNEDY. Doing what?

Mr. ADELSTEIN. As an employee.

Mr. KENNEDY. What does he do?

Mr. ADELSTEIN. A cutter.

Mr. KENNEDY. What does he do for the pension and welfare fund of local 813?

Mr. ADELSTEIN. He manages the funds.

Mr. KENNEDY. You took a cutter out of the garment trade and made him manager of the welfare and pension fund, is that right?

Mr. ADELSTEIN. He came in when the fund was first started and he was one of the only employees there and he did all of the work necessary.

Mr. KENNEDY. You brought him in?

Mr. ADELSTEIN. I did.

Mr. KENNEDY. You brought him in, a cutter from the garment industry.

Mr. ADELSTEIN. It is unethical to have a relative work, providing they can perform the duties?

Mr. KENNEDY. How much does he receive?

Mr. ADELSTEIN. How much does George receive? Offhand I would have to ask to refresh my memory.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. About \$200 a week for approximately a 6-day week job, from 8 o'clock in the morning until late at night, and he is there after everybody leaves.

Mr. KENNEDY. Do you have anybody else who does any work or any other relatives of yours or your wife that works in connection with the union?

Mr. ADELSTEIN. None in the union.

Mr. KENNEDY. Well, anything connected with the union, the pension or welfare fund?

Mr. ADELSTEIN. The accountant.

Mr. KENNEDY. You have your brother, and so far we have your brother, yourself, your sister, is that right, and now the accountant?

Mr. ADELSTEIN. That is right.

Mr. KENNEDY. What is his name?

Mr. ADELSTEIN. He is a certified public accountant and his name is Melvin B. Wolpert, W-o-l-p-e-r-t.

Mr. KENNEDY. What does he do?

Mr. ADELSTEIN. He audits the funds and prepares all of the necessary records.

Mr. KENNEDY. What is his salary?

Mr. ADELSTEIN. He does not receive any salary.

Mr. KENNEDY. What is his fee?

Mr. ADELSTEIN. He receives a fee of \$300 a month.

Mr. KENNEDY. \$300 a month?

Mr. ADELSTEIN. Yes; for 2 full days a week on the fund.

Mr. KENNEDY. Does he receive anything else, does he receive any other compensation from the union? Doesn't he get the benefit of the insurance trust fund?

Mr. ADELSTEIN. Sir?

Mr. KENNEDY. He gets the benefits of the insurance and trust fund.

Mr. ADELSTEIN. The trustees of both the union and the employers.

Mr. KENNEDY. What is the answer?

Mr. ADELSTEIN. They voted that all connected with the fund would have it under the plan.

Mr. KENNEDY. He gets benefits there, also?

Mr. ADELSTEIN. Yes, sir; since he does work there, yes, sir.

Mr. KENNEDY. Because he is the accountant and handles the books, he also gets the benefits of the insurance and trust fund.

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Is he a member of the union?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. What about Michael Wolpert, is he also working there?

Mr. ADELSTEIN. Does he work there?

Mr. KENNEDY. Does he have anything to do with the union?

Mr. ADELSTEIN. He has.

Mr. KENNEDY. What does he have to do with it?

Mr. ADELSTEIN. He acts in a legal capacity.

Mr. KENNEDY. Is he related in any way to you or your wife?

Mr. ADELSTEIN. He is not related to me nor to my wife.

Mr. KENNEDY. In no way?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. He has no connection at all?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Is he related to Melvin Wolpert?

Mr. ADELSTEIN. He is either a second or third cousin of Melvin Wolpert.

Mr. KENNEDY. Who is the nephew of your wife, isn't that right?

Mr. ADELSTEIN. No, sir; let me clear this up, please.

Mr. KENNEDY. Please do.

Mr. ADELSTEIN. When we started the union 20 years ago—

Mr. KENNEDY. Just clear up about the Melvin.

Mr. ADELSTEIN. I would like to, but Mr. Kennedy, please—

Mr. KENNEDY. Don't get into that. We want to try to finish today.

Mr. ADELSTEIN. This is important. Melvin Wolpert's father used to be the accountant for the union and he started with us 20 years ago, without a fee.

Mr. KENNEDY. What relation is he to your wife?

Mr. ADELSTEIN. He is married to my sister. He was, may his soul rest in peace.

Mr. KENNEDY. All right. So you had another relation working for the union, but he does not work there any more.

Mr. ADELSTEIN. Prior to Melvin B. Wolpert.

Mr. SHIVITZ. Is there any improper activity in what this man is doing?

Mr. KENNEDY. He does not have to go into this detail. We just want the facts.

The CHAIRMAN. Let us get the record now.

Mr. KENNEDY. So that I can understand it, you have your brother working there, George Adelstein, and your sister, Sophie, Melvin Wolpert, who is the nephew of your wife, and Michael Wolpert, who is the second cousin of Melvin Wolpert; is that correct?

Mr. ADELSTEIN. That is not right.

Mr. KENNEDY. You tell me how he is related.

Mr. ADELSTEIN. Melvin B. Wolpert is my sister's son.

Mr. KENNEDY. Your sister's son?

Mr. ADELSTEIN. That is correct.

Mr. KENNEDY. That is your nephew?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Then how is Michael Wolpert related to him?

Mr. ADELSTEIN. He may be either a second cousin or a third cousin—

Mr. KENNEDY. So he is related too, I would think.

Mr. ADELSTEIN. He is not related to me.

Mr. KENNEDY. Then he is related to the accountant.

Mr. ADELSTEIN. He is.

Mr. KENNEDY. Who is related to you?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. How much money does Michael Wolpert receive from the union?

Mr. ADELSTEIN. Just 1 minute, please.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. The union does not pay Michael Wolpert any salary. The only salary he receives is from the pension and welfare fund.

Mr. KENNEDY. How much does he receive from them?

Mr. ADELSTEIN. He received last year \$9,800.

Mr. KENNEDY. He gets \$9,800?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Now, all of these individuals, do they get expenses above and beyond that?

Mr. ADELSTEIN. When you say "expenses" they are reimbursements for what they spend. We have no flat expense accounts.

Mr. KENNEDY. How much expenses do you have?

Mr. ADELSTEIN. It depends upon whether we have conventions, and whether it is just routine and it varies.

Mr. KENNEDY. How much, approximate expenses do you get a week?

Mr. ADELSTEIN. I don't get a flat amount. It depends upon—

Mr. KENNEDY. How much do you get on the average?

Mr. ADELSTEIN. On the average I would say \$15 or \$10 or \$25 and it depends upon the conditions.

Mr. KENNEDY. I understand that, on the average how much do you get?

Mr. ADELSTEIN. Mr. Kennedy, I never averaged it.

Mr. KENNEDY. How much did you get, for instance, for 1956, for expenses?

Mr. ADELSTEIN. The investigators had our records and I am sure if you refer to that you would know. I could not tell you, honestly.

Mr. KENNEDY. I would like to put in what records we have through our investigator, to show this, in this investigation.

The CHAIRMAN. All right, proceed.

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRAME. I do.

TESTIMONY OF MAURICE FRAME

The CHAIRMAN. State your name, your place of residence, and your business or occupation.

Mr. FRAME. My name is Maurice Frame; residence, 118-11 84th Avenue, Kew Gardens, N. Y. I am an investigator for the General Accounting Office, loaned to this committee.

The CHAIRMAN. How long have you been with the General Accounting Office of the Federal Government?

Mr. FRAME. Twenty years with the General Accounting Office and 24 years with the Federal Government.

The CHAIRMAN. Have you been an accountant during that time?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. Have you made a study of the books of local 813?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. And have you made a study of the total dues collected by the union?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. And have you made a study of the disbursements to Mr. Bernie Adelstein as far as salary is concerned, and to relatives of Bernie Adelstein?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. Would you tell us what the records show?

Mr. FRAME. The records of Local 813 and Local 34, company union, show—

Mr. KENNEDY. Local 34 is what kind of a union?

Mr. FRAME. That is a coopers international union, and also in the same office with local 813.

Mr. KENNEDY. Mr. Adelstein holds what position on that local?

Mr. FRAME. He is an officer of that local, also.

Mr. KENNEDY. How large is that local, Mr. Adelstein?

Mr. ADELSTEIN. About 800 members.

Mr. FRAME. In 1952, the total dues collected from the membership exclusive of initiation fees, applications, and reinstatements, totaled \$120,926.45. In the same year the total salaries paid to Mr. Adelstein and the relatives you mentioned, sir, totaled \$38,570. If I may say so, the ratio between the total salaries paid to the total dues collected are 32 percent.

Mr. KENNEDY. Could you move it along a little quicker?

The CHAIRMAN. What about expenses? Are you going to cover those?

Mr. FRAME. This schedule, sir, pertains to salaries, and a comparison with the total dues collected.

The CHAIRMAN. Proceed.

Mr. FRAME. In 1953, the total dues collected of the two unions totaled \$144,402.75. The total salaries and payments to the same people totaled \$53,070. The ratio, sir, is 37 percent for that year.

In 1954, the total dues collected, \$148,092.63. The total salaries and other payments to Mr. Adelstein and kin total \$66,785.

Mr. SHIVITZ. Did you say total expenditures to Mr. Adelstein?

Mr. KENNEDY. And relatives.

Mr. FRAME. And relatives. This is for the year 1954, sir, and the ratio shows 45 percent.

For the year 1955, the total dues collected is \$166,343.25 and the total salaries and payments, to Adelstein and kin, \$68,880. The ratio for this year is 40 percent.

For the year 1956, the total dues collections, \$167,184.75. The total salaries and other payments to Mr. Adelstein and his kin total \$75,360. The ratio, sir, in that year, is 45 percent.

Mr. KENNEDY. You have not included expenses; is that right?

Mr. FRAME. No, sir.

Mr. KENNEDY. Now, what did you find as far as the expenses were concerned for that 6-year period? What were the expenses for that period? Do you have that?

Mr. FRAME. Not in this schedule and not with these papers.

Mr. KENNEDY. Does anyone have it?

Mr. SHIVITZ. Before this witness leaves, Mr. Kennedy, and Mr. Chairman, may I point out while he is still on the stand that he is talking about income into one fund and payments of the fund of which he is speaking do not include all of the payments into that fund.

He talks about income into the union from dues, and excludes initiation fees for no reason at all and makes no reason for it, and he talks about payments which are not out of the local moneys at all.

I assume Mr. Frame is including in those disbursements of kin, Mr. Wolpert, who, it has just been stated to the committee, is no kin whatsoever of Mr. Adelstein.

The CHAIRMAN. Proceed, Mr. Witness.

Mr. KENNEDY. I think your statement speaks for itself, that these are payments out of the locals that you mentioned; isn't that right?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. Do you have the records on the expenses?

Mr. SHIVITZ. I don't know whether Mr. Frame heard your question because his answer is clearly erroneous. The payments that you have referred to, Mr. Frame, are out of the local funds or out of the pension and welfare funds.

Mr. FRAME. The payments to these persons are from the payrolls of local 813, local 34, local 813 health-and-welfare funds, and local 34 health-and-welfare funds, as well as the pension funds of the two. That is the salaries paid and fees paid and remuneration to the persons we are speaking of from these various sources.

Mr. SHIVITZ. But the income you have referred to, Mr. Frame, is only to the union and it does not include the income into these other funds which the disbursements were made. If those were included, of course, the percentage would drop appreciably. Isn't that correct, Mr. Frame?

The CHAIRMAN. Let us get this record straight now. If you desire the Chair to ask the witness a question, we will be glad to do that. We do have rules that we have to observe.

Mr. SHIVITZ. I apologize, Mr. Chairman.

The CHAIRMAN. We cannot establish such a precedent. Let me ask you, Mr. Frame, as I understood your statement, you included only dues collected.

Mr. FRAME. Yes, sir.

The CHAIRMAN. You are relating these expenditures to dues collected?

Mr. FRAME. To dues collected, sir.

The CHAIRMAN. And you are not relating these expenditures or the percentages to the total income of the union, but just as to dues collected.

Mr. FRAME. That is correct.

The CHAIRMAN. The welfare and the pension funds are separate from the dues.

Mr. FRAME. Yes, sir.

The CHAIRMAN. And they are not included in the figures that you have given?

Mr. FRAME. That is correct.

The CHAIRMAN. That clears it.

Mr. KENNEDY. And the dues are the moneys that are used to operate and run the union, are they not?

Mr. FRAME. Yes, sir.

Mr. KENNEDY. Now, as far as the expenses are concerned, do you have that?

Mr. FRAME. We have that information.

The CHAIRMAN. Someone else has the other funds? That is, the expense account?

Have you been sworn?

Do you solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MORVITZ. I do.

TESTIMONY OF MILTON MORVITZ

The CHAIRMAN. State your name and place of residence and your business or occupation.

Mr. MORVITZ. My name is Milton Morvitz; my address is 67-30 164th Street, Flushing, N. Y. I am employed by the United States General Accounting Office as an investigator and I am on loan to this committee as an accountant.

The CHAIRMAN. How long have you been in the employ of the Government?

Mr. MORVITZ. I have been an employee of the Government 16 years.

The CHAIRMAN. How long have you been an investigator in the GAO?

Mr. MORVITZ. I have been an investigator with the GAO since January 1, 1953.

The CHAIRMAN. All right.

TESTIMONY OF BERNARD ADELSTEIN, ACCOMPANIED BY HIS COUNSEL, DAVID SHIVITZ—Resumed

Mr. KENNEDY. Mr. Adelstein, so we get the record straight, do you also receive a salary from local 34?

Mr. ADELSTEIN. I do.

Mr. KENNEDY. On top of the approximately \$20,000?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. How much do you receive from local 34?

Mr. ADELSTEIN. I receive \$250 a week, and \$35 a week expenses.

Mr. KENNEDY. So you receive \$685 a week from this union, made up of about 2,700 members.

Mr. ADELSTEIN. About that.

Mr. KENNEDY. Of which a third are employers; is that right?

Mr. ADELSTEIN. In local 34, you mean?

Mr. KENNEDY. Combined.

Mr. ADELSTEIN. They are not a third employers combined. There are a third employers approximately, in 813, and in 34 the entire membership almost consists of employees. There, likewise, we have a uniform contract.

TESTIMONY OF MILTON MORVITZ—Resumed

Mr. KENNEDY. Now, you made a study of the expenses, Mr. Morvitz?

Mr. MORVITZ. I have a summary here of expenses.

Mr. KENNEDY. Is there any breakdown as to how the expenses were paid or to whom the expenses went?

Mr. MORVITZ. Only to the extent listed in summary form, and I can list this pretty quickly, and we might be able to elaborate from Mr. Melville Wolpert's sheets which are appended over here.

Mr. KENNEDY. Can you give me the expenses, just the overall picture of the expenses and then we can perhaps put your worksheets in the record.

Mr. MORVITZ. Yes, I can. Do you want me to give you the dues applications, which are summarized first, as against the expenses in the union itself?

Mr. KENNEDY. Well, I want to get the expenses for the period of time and then I want to find out what the books reflect.

Mr. MORVITZ. The total disbursements for 1952 was \$105,793.

Mr. KENNEDY. The expenses you cannot break down, Mr. Morvitz. I know there are expenses for running the union, for the office and the expenses in which there are no vouchers. Do you have that figure?

Mr. MORVITZ. Mr. Conley developed that entire picture with respect to cash expenses for which there are unsupported vouchers.

Mr. KENNEDY. How much does that amount to for this period of time; could you give us that figure?

Mr. CONLEY. Fifty-six thousand dollars.

Mr. KENNEDY. That is in excess of \$46,000 for which there are no supports.

Mr. SHIVITZ. What period is this?

Mr. KENNEDY. What period of time. Can we swear this gentleman?

The CHAIRMAN. You solemnly swear that the evidence you shall give before this Senate select committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CONLEY. I do.

TESTIMONY OF STEPHEN A. CONLEY

The CHAIRMAN. State your name, your residence, and your business or occupation.

Mr. CONLEY. Stephen A. Conley, Burgundy, N. Y., and I have been employed by the Government over 39 years, with the General Accounting Office since the inception in 1921 and I have been on loan to this committee as an accountant employed as an investigator. I have been on loan to this committee since March 1, of this year.

Mr. KENNEDY. You made a study of the books and records of 813, to determine the expenses as far as the individual officers are concerned?

Mr. CONLEY. Yes, sir.

Mr. KENNEDY. Did you find any vouchers for the expenses that were made?

Mr. CONLEY. There were no vouchers prior to March 11, 1957. March 11, 1957, was the date that Mr. Greene and Mr. Kelly of this committee subpoenaed the records of this union.

After that date there were some records kept, and not fully, but they were partially covered by receipts.

Mr. KENNEDY. Since that time there have been some records, but prior to that time there were no vouchers kept; is that right?

Mr. CONLEY. The cash expenditures from October 1, 1951, to May 1957 amounted to \$56,418 and \$1,579, made from March 11 to May, is partially covered by records.

**TESTIMONY OF BERNARD ADELSTEIN, ACCOMPANIED BY HIS
COUNSEL, DAVID SHIVITZ—Resumed**

Mr. KENNEDY. Can you tell us how that money was spent, Mr. Adelstein?

Mr. ADELSTEIN. I will try. For cash disbursements, postcards, stamps, we have people come into our office where we send out for food; strikes, where we feed people on the picket line.

Mr. KENNEDY. I am sure you have all of those expenses. Can you tell us or give us any kind of a breakdown as to how you spent this \$56,000?

Mr. ADELSTEIN. Mr. Kennedy, it would be like me asking you to give a breakdown here how you spent all of your money in the last year. I can't remember.

Mr. KENNEDY. I can assure you we could give it to you.

Mr. ADELSTEIN. I would refer to my records and try to cooperate, if you will give me the time. I can assure you that you will be well satisfied.

Mr. KENNEDY. We have examined your records, and there are no vouchers for some \$56,000.

Mr. ADELSTEIN. There are notations made in the checkbook of what the money was spent for, and the accountants and the investigators found all of the stubs in the books with these notations, whenever a check was drawn.

Mr. KENNEDY. There are no vouchers for it, and you could put anything on a check stub.

Mr. ADELSTEIN. Here is an analysis of some cash disbursements such as taxes.

Mr. KENNEDY. We are not talking about that, and we are only talking about the unsupported expenses.

Mr. SHIVITZ. Would you like to look at this?

Mr. KENNEDY. Could I?

Mr. SHIVITZ. Surely.

(Document handed to Mr. Kennedy.)

The CHAIRMAN. Is this document for inspection or for our attention?

Mr. SHIVITZ. If you wish to retain it, you may.

The CHAIRMAN. What is this document, Mr. Adelstein?

Mr. SHIVITZ. Covering the period October 1951 to March 1957, cash disbursements, and it is broken down into various categories.

The CHAIRMAN. Is this accurate according to your best judgment, Mr. Adelstein?

Mr. SHIVITZ. The accountant has stricken this off, a certified public accountant.

The CHAIRMAN. This is the record of your certified public accountant, Mr. Adelstein?

Mr. ADELSTEIN. Mr. Stienberg did that, and he is a certified public accountant.

The CHAIRMAN. If the answer is "Yes," I am trying to get it in the record.

Mr. ADELSTEIN. Yes, sir.

The CHAIRMAN. This may be made exhibit No. 39.

(The document referred to was marked "Exhibit No. 39" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. This doesn't answer the question at all.

Mr. ADELSTEIN. There is one correction. On this sheet, instead of taxes, it is taxis, t-a-x-i-s. Will you please correct that.

Mr. KENNEDY. Anything can be put on a check stub. Do you have any vouchers for any of this \$56,000 that was charged to cash.

Mr. ADELSTEIN. Whatever we had, we showed the investigators.

Mr. KENNEDY. Well, there are no vouchers prior to the day of our subpoena. Now, I want to ask you about another matter, Mr. Adelstein, and that is your dance fund. Have you operated a dance fund?

Mr. ADELSTEIN. Oh, surely.

Mr. KENNEDY. You have a dance every year?

Mr. ADELSTEIN. Mostly; yes sir; every year.

Mr. KENNEDY. Do you keep books and records on that?

Mr. ADELSTEIN. We have no books.

Mr. KENNEDY. You don't have any books?

Mr. ADELSTEIN. No; we keep a checkbook.

Mr. KENNEDY. Who keeps that?

Mr. ADELSTEIN. The girl in the office.

Mr. KENNEDY. So you have no books or records as to how the money was spent; is that right?

Mr. ADELSTEIN. Other than the checkbook; no.

Mr. KENNEDY. How about the income from it, do you have any books or records on that?

Mr. ADELSTEIN. What was that question?

Mr. KENNEDY. On the income, the cash receipts, do you have any records on that?

Mr. ADELSTEIN. We keep these records from year to year.

Mr. KENNEDY. You keep them from year to year?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. You do keep books and records on that?

Mr. ADELSTEIN. The only records we keep is the list of the members who pay, and the people that gave us ads to the journal.

Mr. KENNEDY. Where are those books and records?

Mr. ADELSTEIN. From year to year.

Mr. KENNEDY. Yes.

Mr. ADELSTEIN. We don't keep them more than a year.

Mr. KENNEDY. How much money do you raise in each one of those dances?

Mr. ADELSTEIN. \$15,000 to \$18,000 or \$20,000.

Mr. KENNEDY. Do you have the checkbooks?

Mr. ADELSTEIN. We do.

Mr. KENNEDY. You have those checkbooks?

Mr. ADELSTEIN. The committee looked at them and you have them. And you have the disbursements, showing how the money went from what was deposited.

Mr. KENNEDY. How many tickets were sold for those dances, Mr. Adelstein?

Mr. ADELSTEIN. I would say approximately 80 percent of the membership would pay for the tickets.

Mr. KENNEDY. How many?

Mr. ADELSTEIN. Our membership increased.

Mr. KENNEDY. Approximately how many tickets would you sell?

Mr. ADELSTEIN. What year are you speaking of?

Mr. KENNEDY. 1955, if we had approximately 1,500 members, there would be about 1,200 or 1,100 that would pay for the tickets.

Were the employers required to take out \$5 or a particular amount for the tickets?

Mr. ADELSTEIN. For their employees. We have a checkoff, yes.

Mr. KENNEDY. So that everybody was required to participate; is that right?

Mr. ADELSTEIN. That would be ratified by the membership.

Mr. KENNEDY. Did you get anything personally out of these dance funds?

Mr. ADELSTEIN. Personally?

Mr. KENNEDY. Yes.

Mr. ADELSTEIN. I never received anything, outside of a reimbursement for some of the expenses.

Mr. KENNEDY. But beyond that you didn't receive anything?

Mr. ADELSTEIN. Beyond that, no. I made a loan and I never took any money from any of them that wasn't rightfully mine.

Mr. KENNEDY. Did you receive any automobiles purchased out of the dance-fund money?

Mr. ADELSTEIN. There were automobiles purchased.

Mr. KENNEDY. For whom?

Mr. ADELSTEIN. For the union.

Mr. KENNEDY. For whom?

Mr. ADELSTEIN. For any of the business agents, fully employed by the union.

Mr. KENNEDY. Did you get an automobile?

Mr. ADELSTEIN. An automobile was bought for the union, under my name, which was since turned back to the union.

Mr. KENNEDY. In whose name was the automobile registered?

Mr. ADELSTEIN. Today in the union. We rent cars today.

Mr. KENNEDY. In whose name was that automobile registered that was purchased?

Mr. ADELSTEIN. At the time they were bought, well, when we started the union we all had our own cars, and we came in with our own automobiles.

Mr. KENNEDY. All I want to find out is the dance fund.

Mr. ADELSTEIN. From the dance fund, they would buy cars for the full-time delegates of the union.

Mr. KENNEDY. Was there an automobile purchased for you?

Mr. ADELSTEIN. There was.

Mr. KENNEDY. That is all. You didn't have to go through all of the rest.

Mr. ADELSTEIN. There was. It was under my name, but it belonged to the union.

Mr. KENNEDY. It was purchased in your name?

Mr. ADELSTEIN. Yes, sir; and the car was sold and the money was turned back in to the union.

Mr. KENNEDY. All of the members of the union were required to participate in the dance. You kept no books or records on what happened to the dance money, but you do admit that there was an automobile that was purchased in your name; is that right?

Mr. ADELSTEIN. Whatever happened to the money, the investigators saw the checkbooks and they have a complete record of it.

Mr. KENNEDY. Who controlled the receipts when they came in?

Mr. ADELSTEIN. I was chairman of the funds.

Mr. KENNEDY. Who put the money in the bank?

Mr. ADELSTEIN. Our girls in the office.

Mr. KENNEDY. Who is the girl in your office?

Mr. ADELSTEIN. It could be Frances Massielle, and it could have been Mrs. Herman.

Mr. KENNEDY. That was your sister?

Mr. ADELSTEIN. Yes; that is right.

Mr. KENNEDY. So the money came in to you and it was your sister who deposited the money in the bank account?

Mr. ADELSTEIN. The money didn't come in to me. It came in under the name of the Private Sanitation Union. All of the money that ever came in was deposited in banks.

Mr. KENNEDY. Do you have the checks for any of these years, for 1953, for instance?

Mr. ADELSTEIN. The committee has whatever checks we have.

Mr. KENNEDY. Do you know where the checks for 1953 are?

Mr. ADELSTEIN. At this point I wouldn't know.

Mr. KENNEDY. We don't have those.

Mr. ADELSTEIN. If you don't have them, I don't know where they are.

Mr. KENNEDY. Mr. Morvitz, you made a study of the dance situation? Will you tell us what happened?

TESTIMONY OF MILTON MORVITZ—Resumed

Mr. MORVITZ. Yes; I will.

This account was opened and designated as "Charity and Emergency Fund, Local 813, IBT, AFL." It was opened at the First National City Bank, at that time the National City Bank, on December 30, 1952, with a deposit of \$3,639. And an analysis of this account revealed that there were no set of books maintained for this account. Financial data for this account could only be obtained from the check-stub book, canceled checks, and bank statements. The receipts and disbursements of this account were not incorporated in the receipt of books of local 813. Melville Wolbert, the accountant for the union, indicated to us that no financial statements were ever prepared of this dance account. There were no bank reconciliations available of this account, so there was no way of reconciling any given month with the book balance, as it would reflect itself in the limited records we did have and the bank balance.

There were no reports of receipts and disbursements from the dance fund on form 990, an internal-revenue form which under the Internal Revenue Code requires unions to report their financial data.

Mr. KENNEDY. They never made a report to the Government on this fund, is that right?

Mr. MORVITZ. They did not. In addition, there were no reports of receipts and disbursements from the dance fund to the Bureau of

Labor Standards, another form which is required under the labor statutes, to be submitted to the Labor Department, United States Department of Labor. There were no canceled checks available from the date of the inception of the account which I mentioned was December 30, 1952, through December 1953. The union was asked many times to account for its disappearance, and could not give us any intelligent answer.

Mr. KENNEDY. Could you tell us about for instance the tickets, how many tickets were purchased?

Mr. MORVITZ. Well, in one instance, and this refers to the dance held on February 26, 1957, the records of Reo Press—

Mr. KENNEDY. Was this 1956?

Mr. MORVITZ. It was held in 1957, but these tickets would have been printed in 1956. The records of Reo Press, a printing firm, show that a total of 10,000 tickets were printed for the union dance to be held on February 26, 1957; Webster Hall, the place where this affair was held, has a capacity of only 1,750 persons.

Mr. KENNEDY. What did you find as to the purchases that were made from the funds of the dance fund account?

Mr. MORVITZ. Well, I have a long schedule here and I also have a memorandum which highlights some of the expenses.

Mr. KENNEDY. Would you give us that, some of the highlights?

Mr. MORVITZ. I just want to get that memorandum here. The Pierpont Wine & Liquor Store, this store I should say by way of introduction is owned by Bernard Adelstein and his wife, Elsie Adelstein. This store is located in Brooklyn, N. Y., and sold to this account, to this dance account, to the union, approximately \$1,500 worth of liquor and this covered a period of about 3 years of purchases.

Mr. KENNEDY. What else did you find that they purchased?

Mr. MORVITZ. We found in one instance a listing on May 18, 1956, check No. 578, Michael Wolbert, organizing expense, \$550. We also find a check on March 21, 1956, check No. 535, a check made payable to Jimmie Hoffa, dinner committee, \$1,000.

We also have a check here dated July 23, 1956, check No. 597, made payable to Brenner, Hanna & Murphy for an attorney fee in the amount of \$2,000.

The CHAIRMAN. Out of this dance fund?

Mr. MORVITZ. Out of this dance fund, yes.

The CHAIRMAN. What about the automobiles? Did you find anything about that?

I didn't know you had to pay lawyers to dance. I am getting a source of new clients here.

Mr. MORVITZ. With respect to the car, check No. 493—I would like to change that. Check No. 496 dated February 2, 1956, made payable to the Cadillac motor car division, the amount of this check is \$5,889.30 for a Cadillac.

Mr. KENNEDY. An air-conditioned Cadillac?

Mr. MORVITZ. Yes, sir; to Bernard Adelstein.

Mr. KENNEDY. I would like to point out again, Mr. Chairman, that all members of the union were assessed for this dance fund, and this was not a voluntary dance that one could go to if one wished, but everybody was assessed according to Mr. Adelstein's own testimony, for the tickets, I believe, at \$5 per head.

Mr. MORVITZ. There is another item of significance, and this refers to the insurance question here. These payments at least to a great degree were also made out of the dance fund and these payments were made to the Union Labor Life Insurance Co., and these policies refer to annuities, and the premiums were to be paid out of the dance fund for Mr. Bernard Adelstein and others.

The CHAIRMAN. Who are some of the others?

Mr. MORVITZ. Well, we have a listing of those, Senator.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Would you explain that again? There was an annuity policy that had been purchased and the premiums were paid out of the dance fund for Mr. Adelstein?

Mr. MORVITZ. That is right, and I can specifically list the policy with respect to Mr. Bernard Adelstein.

Mr. KENNEDY. How much is that worth?

Mr. MORVITZ. The amount of insurance would be \$10,000. That is the amount of coverage.

The premiums, the annual premium is \$766.70. These annuity payments would commence at the age of 60, and in this case Mr. Bernard Adelstein had a right to designate his own beneficiary. Under decided cases, I would like to just read—

Mr. KENNEDY. Just summarize, under the decisions of the court, what is it?

Mr. MORVITZ. The courts have held that premiums paid by a corporation and here we will substitute a union for the corporation, by a corporation on the life of officers, and particularly with respect to annuity policies, these premiums should be included in income of the policyholder for tax computations in the year in which the premiums are paid.

Mr. KENNEDY. Did you include those premiums in your tax return, Mr. Adelstein?

Mr. ADELSTEIN. I have this year.

Mr. KENNEDY. You did?

Mr. ADELSTEIN. Surely.

Mr. KENNEDY. This year?

Mr. ADELSTEIN. Yes, sir.

Mr. KENNEDY. Did you prior to that time?

Mr. ADELSTEIN. The insurance is for all of the paid personnel of local 813, and not for me alone. I was informed at one time, or advised that I didn't have to.

Mr. KENNEDY. But did you?

Mr. ADELSTEIN. Since I was, I have included it.

Mr. KENNEDY. You had not up to this time, or up to this year?

Mr. ADELSTEIN. Up to this time, this year I have included it.

Mr. MORVITZ. On this particular policy there is another point: On December 6, 1956, Bernard Adelstein applied for and obtained a loan in the amount of \$6,583.94 with interest at 5 percent. Now, this policy actually was taken out back in February 18, 1947, so that in effect this represents substantially the entire amount of cash surrender value that he would be entitled to at the time.

Mr. KENNEDY. That is fine.

I want to ask you just a few last questions.

On General Sanitation, Mr. Adelstein, did you know at the time of the establishment of General Sanitation; were you informed of that by Mr. Squillante?

Mr. ADELSTEIN. What is that?

Mr. KENNEDY. That General Sanitation Co. was being formed, or established. Were you informed of that fact by Mr. Squillante, James Squillante?

Mr. ADELSTEIN. I knew of General Sanitation after it was formed.

Mr. KENNEDY. Did Mr. Wolpert of your office have anything to do with General Sanitation Co.?

Mr. ADELSTEIN. Which Wolpert?

Mr. KENNEDY. Melville Wolpert.

Mr. ADELSTEIN. Not to my knowledge.

Mr. KENNEDY. Is he here, Melville Wolpert?

Mr. ADELSTEIN. Surely.

Mr. KENNEDY. Could you step forward, please.

The CHAIRMAN. You solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WOLPERT. I do.

TESTIMONY OF MELVILLE B. WOLPERT

The CHAIRMAN. Mr. Wolpert, state your name and your place of residence and your business or occupation.

Mr. WOLPERT. Melville B. Wolpert, 2789 Third Place, Baldwin, N. Y., certified public accountant.

The CHAIRMAN. You work for the union, do you?

Mr. WOLPERT. I do not presently work for the union.

The CHAIRMAN. You do not work directly for the union?

Mr. WOLPERT. No.

The CHAIRMAN. On a fee basis, is that right?

Mr. WOLPERT. No, sir.

The CHAIRMAN. What arrangements do you have with the union?

Mr. WOLPERT. I am auditor of the insurance and pension funds of the union.

The CHAIRMAN. And you are paid by that organization?

Mr. WOLPERT. By the insurance and pension funds.

The CHAIRMAN. On a fee basis or salary?

Mr. WOLPERT. On a monthly fee basis.

The CHAIRMAN. And you have other outside accounts?

Mr. WOLPERT. Yes, sir.

The CHAIRMAN. Have you had anything to do with General Sanitation?

Mr. WOLPERT. Not to my knowledge, sir.

The CHAIRMAN. You have not?

Mr. WOLPERT. No, sir.

The CHAIRMAN. You would know, would you not?

Mr. WOLPERT. I believe I would, sir.

Mr. KENNEDY. Did you have anything to do, or did Mr. Squillante speak to you about the books of General Sanitation?

Mr. WOLPERT. Mr. Squillante contacted me in 1955, and he asked me if I would like to handle the accounting for a firm. I met Mr. Squillante and when I understood that it was a carting firm, I refused the assignment. I don't recall the name of the firm.

Mr. KENNEDY. You never had anything to do with it after that?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. Did you ever on the books of General Sanitation with Mr. Squillante?

Mr. WOLPERT. No, sir. Perhaps at the outset there may have been something mentioned to me at the time, but not after I refused to handle the account.

Mr. KENNEDY. You never had anything to do with it after that time?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. Did you discuss that with Mr. Adelstein?

Mr. WOLPERT. I may have mentioned it to him.

Mr. KENNEDY. That you had been approached by Mr. Squillante?

Mr. WOLPERT. That is right.

Mr. KENNEDY. But you decided not to have anything to do with it?

Mr. WOLPERT. I did not feel that it would be ethical or practicable to handle a carting firm's business.

Mr. KENNEDY. Did you keep any of the books or records for that firm?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. You did not?

Mr. WOLPERT. No.

Mr. KENNEDY. Did you make any accounting or do any accounting work for Mr. Squillante?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. Did you do any accounting work for General Sanitation at all?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. Did you do any work for any other carting firm?

Mr. WOLPERT. Never.

Mr. KENNEDY. You never have?

Mr. WOLPERT. No, sir.

The CHAIRMAN. I hand you here two sheets, documents, and ask you to examine them and state if you identify it.

(Document handed to witness.)

The CHAIRMAN. It is a handwritten document, I believe.

Mr. WOLPERT. Yes, sir.

The CHAIRMAN. What is it, please?

Mr. WOLPERT. These are worksheets which I drew up at that meeting with Mr. Squillante.

The CHAIRMAN. All right, they may be made exhibit No. 40.

(The documents referred to were marked "Exhibit No. 40" for reference and may be found in the files of the Select Committee.)

The CHAIRMAN. What kind of worksheets are they, Mr. Witness?

Mr. WOLPERT. They list certain of the assets of the General Sanitation Corp., and certain principals who were involved. May I add this was the last contact that I had. It was merely this one sitting.

Mr. KENNEDY. And that is the end of it?

Mr. WOLPERT. That is right.

Mr. KENNEDY. You never had anything to do with it after that?

Mr. WOLPERT. No, sir.

Mr. KENNEDY. You did prepare that set of sheets?

Mr. WOLPERT. Yes.

Mr. KENNEDY. And you never had any contact or discussions about it after that?

Mr. WOLPERT. I was out of the account, and I didn't wish——

Mr. KENNEDY. You never had any conversations or discussions after that?

Mr. WOLPERT. I do not recall any.

Mr. KENNEDY. You would remember if you had, would you not?

Mr. WOLPERT. I believe that I would.

Mr. KENNEDY. Did you have any conversations or discussions after that date on this matter?

Mr. WOLPERT. No, sir; I do not recall any.

Mr. KENNEDY. This was what date?

Mr. WOLPERT. I don't remember.

Mr. KENNEDY. 1955, I believe it was.

Mr. WOLPERT. Probably.

Mr. KENNEDY. Could I call another witness, a short witness?

Mr. Goldfarb.

The CHAIRMAN. Do you solemnly swear that the evidence you shall give before this Senate select committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOLDFARB. I do.

TESTIMONY OF HARRY B. GOLDFARB

The CHAIRMAN. State your name and your place of residence and your business or occupation.

Mr. GOLDFARB. My name is Harry B. Goldfarb. I live at 1429 Milwood Lane, Merritt, N. Y., and I am a certified public accountant in the State of New York.

Mr. KENNEDY. How long have you been a certified public accountant?

Mr. GOLDFARB. Since 1952, I believe, Mr. Kennedy.

Mr. KENNEDY. Were you approached during 1955 to perform some work on the General Sanitation Co.?

Mr. GOLDFARB. Yes; I was.

Mr. KENNEDY. Would you tell us what happened?

Mr. GOLDFARB. In what respect?

Mr. KENNEDY. First, by whom you were approached and what occurred after that.

Mr. GOLDFARB. I was called by a friend of mine, Dave Wolpert.

Mr. KENNEDY. No relation to this Mr. Wolpert; is that right?

Mr. GOLDFARB. Not that I know of. He asked me would I be willing to handle an account on a sort of a fee basis, or share a fee basis, and he in turn told me to call Mel Wolpert, which I did.

Mr. KENNEDY. Did you get in touch with Mel Wolpert?

Mr. GOLDFARB. Yes.

Mr. KENNEDY. What conversations did you have with him?

The CHAIRMAN. Is that the other witness on the stand?

Mr. GOLDFARB. Yes, sir.

Mr. KENNEDY. What conversations did you have with him?

Mr. GOLDFARB. He simply gave me a rundown on the situation, and he told me that he felt that he couldn't handle this particular account because it wouldn't be ethical, since he had some connection with the

union which I didn't understand, and he asked me if I could handle it, and I said I would, and I did.

Mr. KENNEDY. Did he give you this sheet?

(Document handed witness.)

Mr. GOLDFARB. Yes; he did.

The CHAIRMAN. Let the record show that is exhibit No. 40. Exhibit 40 has been presented to the witness. Proceed.

Mr. KENNEDY. So he did give you that sheet of paper, did he not?

Mr. GOLDFARB. Yes; he did.

Mr. KENNEDY. So he did have that activity after he drew up this memorandum or these worksheets; he did have that activity in connection with General Sanitation. Did you agree, then, to take this assignment?

Mr. GOLDFARB. Yes; I did.

Mr. KENNEDY. You took the account?

Mr. GOLDFARB. Yes.

Mr. KENNEDY. Did you work on the books and records?

Mr. GOLDFARB. Yes; I did.

Mr. KENNEDY. Did Mr. Wolpert make any statement to you about the fee that was to be paid?

Mr. GOLDFARB. No; he didn't.

Mr. KENNEDY. Was any statement made at a later time?

Mr. GOLDFARB. About the fee?

Mr. KENNEDY. Yes.

Mr. GOLDFARB. I determined the fee.

Mr. KENNEDY. What did you decide to charge?

Mr. GOLDFARB. \$60 a month.

Mr. KENNEDY. Did you keep all of the money?

Mr. GOLDFARB. No; I didn't.

Mr. KENNEDY. What arrangements were made about that?

Mr. GOLDFARB. I paid Mr. Wolpert one-third.

Mr. KENNEDY. You gave Mr. Wolpert one-third of the fee?

Mr. GOLDFARB. Yes.

Mr. KENNEDY. \$20?

Mr. GOLDFARB. \$20.

Mr. KENNEDY. Over what period of time was that?

Mr. GOLDFARB. It would have been over a period of time that I handled the account. However, I don't believe I gave him \$20 from the very first time, because we hadn't made any definite arrangements as to the distribution of the fee.

Mr. KENNEDY. How did you make a determination as to how much Mr. Wolpert was to receive?

Mr. GOLDFARB. Well, there was no formal method of making a determination. I simply asked him if it would be all right if I gave him one-third and I kept two-thirds.

Mr. KENNEDY. He understood this connection with General Sanitation?

Mr. GOLDFARB. Well, that I couldn't testify to, except of course judging by the exhibit—

Mr. KENNEDY. I mean, he had given you this account, had he not?

Mr. GOLDFARB. Well, he gave me the account. I don't know whether Mr. Wolpert knew that this was General Sanitation.

Mr. KENNEDY. Did he ever introduce you or talk to Mr. Squillante in your presence?

Mr. GOLDFARB. To which Mr. Squillante?

Mr. KENNEDY. Either Mr. Squillante. Vincent Squillante.

Mr. GOLDFARB. Vincent Squillante, yes.

Mr. KENNEDY. How did you meet Mr. Vincent Squillante?

Mr. GOLDFARB. He brought me up to the Madison Avenue address. I think that is the cartmen's association, and I met Mr. Squillante there.

Mr. KENNEDY. So Mr. Wolpert brought you to Mr. Squillante's office, is that right?

Mr. GOLDFARB. Yes, he did.

Mr. KENNEDY. And the purpose of bringing you there was to make arrangements on this account?

Mr. GOLDFARB. Apparently it was to get the O. K.

Mr. KENNEDY. Did Mr. Squillante give the O. K. at that time?

Mr. GOLDFARB. When you say, "did he give the O. K.?" there was no formal action there, either. As a matter of fact, as I remember the conversation, Mel Wolpert said "This is the fellow who is going to handle that account."

That is about all there was to it.

Mr. KENNEDY. Who did you make the arrangements with in connection with receiving the pay?

Mr. GOLDFARB. Mr. Donno.

Mr. KENNEDY. And those arrangements were O. K.'d; is that right?

Mr. GOLDFARB. That is right.

Mr. KENNEDY. Then you had a further conversation with Mr. Wolpert about giving him the third?

Mr. GOLDFARB. That was quite a bit later.

Mr. KENNEDY. When was that?

Mr. GOLDFARB. I would say 2 or 3 months later.

Mr. KENNEDY. Did you write out checks to Mr. Wolpert?

Mr. GOLDFARB. Yes, I did.

Mr. KENNEDY. Are these the checks?

The CHAIRMAN. Let me have them.

I hand you here 4 checks, original checks, 3 of them in the amount of \$20 each, 1 in the amount of \$40.

I ask you to examine these checks and state if you identify them, and state for what purpose they were issued.

(Documents handed to witness.)

The CHAIRMAN. Have you identified the checks?

Mr. GOLDFARB. Yes, sir.

Mr. KENNEDY. Those are checks that you made to Mr. Mel Wolpert?

Mr. GOLDFARB. Yes.

Mr. KENNEDY. As a third of the fee; is that right?

Mr. GOLDFARB. That is right.

Mr. KENNEDY. Did you have any discussions with him after this regarding this account?

Mr. GOLDFARB. Not regarding this account, no.

Mr. KENNEDY. Regarding the reports? Did you send him any reports?

Mr. GOLDFARB. I sent him reports from the very beginning.

Mr. KENNEDY. You sent him reports?

Mr. GOLDFARB. I sent him a copy. Either it would have been a penciled copy of my report, or a typewritten copy of the report.

Mr. KENNEDY. How often did you send him a copy of the report?

Mr. GOLDFARB. I believe every month during the time that I did the accounting.

Mr. KENNEDY. Were you ever told to send a copy of the report to Jimmie Squillante?

Mr. GOLDFARB. I believe there was one time, yes.

Mr. KENNEDY. Who told you that?

Mr. GOLDFARB. Mel Wolpert.

Mr. KENNEDY. Mr. Wolpert told you at least on one occasion to send a copy of the report directly to Jimmie Squillante? Is that right?

Mr. GOLDFARB. Yes. I believe it was his home address.

Mr. KENNEDY. I believe that is all.

The CHAIRMAN. The checks will be made exhibit 41-A, B, C, and D. (The documents referred to were marked "Exhibits 41-A," "41-B," "41-C," and "41-D" respectively, for reference and will be found in the Appendix on pp. 7049-7052.)

Mr. KENNEDY. While you kept the books and records, were there any payments made to the union on a checkoff system that you remember?

Mr. GOLDFARB. I wouldn't know about that.

Mr. KENNEDY. You do not know?

Mr. GOLDFARB. No.

Mr. KENNEDY. Would your reports show it if there had been any checkoffs made for the employees?

Mr. GOLDFARB. Not the reports, no, sir.

Mr. KENNEDY. Did you ever see any checkoffs?

Mr. GOLDFARB. I wouldn't recognize them. I would, perhaps, if it were noted as such. I mean, if there were checkoffs coming off the rolls, then as such it would have been indicated in the books.

Mr. KENNEDY. Did you see any payments to any welfare fund?

Mr. GOLDFARB. Not that I recall.

Mr. KENNEDY. You do not?

Mr. GOLDFARB. I do not.

Mr. KENNEDY. Well, did you see any payments to the union of any kind?

Mr. GOLDFARB. Not that I recall.

The CHAIRMAN. Mr. Wolpert, according to your testimony, it would have been somewhat misleading, if the last witness has given us the facts. Are his statements correct?

Mr. WOLPERT. Yes, sir.

The CHAIRMAN. Is there anything further?

TESTIMONY OF BERNARD ADELSTEIN, ACCOMPANIED BY COUNSEL, DAVID SHIVITZ—Resumed

Mr. KENNEDY. I would like to ask Mr. Adelstein regarding General Sanitation, and the so-called Miracle Mile incident. Did General Sanitation make any payments to the union for their employees?

Mr. ADELSTEIN. I can't recollect.

Mr. KENNEDY. We asked you to check it. Have you checked it in your books and records?

Mr. ADELSTEIN. You asked me for the contract.

Mr. SHIVITZ. Mr. Kennedy, at the request of Mr. Adlerman yesterday, I caused a telephone call to be made to the New York office to

determine whether any moneys had been paid from General Sanitation to the union or its pension or welfare funds. So far as they could determine on the telephone yesterday, no such payments were made.

Mr. KENNEDY. Thank you. As I understand it, the books and records and all the contracts of local 813 were subpoenaed by the district attorney in New York; is that right?

Mr. ADELSTEIN. Yes.

Mr. KENNEDY. Did you get a receipt from them on the contracts that you had turned over?

Mr. ADELSTEIN. Mr. Kennedy, I don't think they subpoenaed us for the contracts. They asked for all the books and records.

Mr. KENNEDY. Did they also get the contracts?

Mr. ADELSTEIN. They got the contracts.

Mr. KENNEDY. Do you have the receipt?

Mr. SHIVITZ. In the interest of time, could I make a statement covering this point, with the chairman's permission?

Mr. KENNEDY. Yes.

Mr. SHIVITZ. May I?

Mr. KENNEDY. Will it expedite?

Mr. SHIVITZ. I believe so. I will give you all the facts with respect to the contracts as I have been able to ascertain, if you wish me to.

Mr. KENNEDY. The attorney general, the district attorney, was to receive all the contracts that you had in your possession, was he?

Mr. ADELSTEIN. What we could find at that time.

Mr. KENNEDY. And he gave you a receipt for those contracts?

Mr. ADELSTEIN. I believe he did.

Mr. KENNEDY. And on that list of contracts that he received from you there is no notation of General Sanitation, is there?

Mr. ADELSTEIN. I wouldn't know unless I looked at it.

(The witness conferred with his counsel.)

Mr. ADELSTEIN. Mr. Shivitz, my attorney, said he looked at it, and there isn't.

Mr. KENNEDY. Or Corsair Carting is also not listed; is that right?

Mr. ADELSTEIN. We have a contract, or had—

(The witness conferred with his counsel.)

Mr. ADELSTEIN. It isn't on that list, I am told.

Mr. KENNEDY. These were both firms in which Mr. Squillante or his relatives were interested; is that right?

Mr. ADELSTEIN. I wouldn't know if any of the relatives of Squillante were interested in Corsair Carting.

Mr. KENNEDY. You did not?

Mr. ADELSTEIN. I wouldn't know.

Mr. KENNEDY. The district attorney at that time was making an investigation of Mr. Vincent Squillante; is that right? That is why he wanted these books and records? It was not an investigation of 813.

Mr. ADELSTEIN. It was a John Doe subpoena.

Mr. KENNEDY. But did you understand he was investigating—

Mr. ADELSTEIN. I didn't know why he wanted our books and records.

Mr. KENNEDY. But, anyway, you did not turn over the contracts of General Sanitation or Corsair; is that right?

Mr. ADELSTEIN. We found them in our office at a later date, with other contracts.

Mr. KENNEDY. When did you find them?

Mr. ADELSTEIN. With other contracts.

Mr. KENNEDY. When did you find them?

Mr. ADELSTEIN. What?

Mr. KENNEDY. When did you find them?

(The witness conferred with his counsel.)

Mr. ADELSTEIN. After our meeting Saturday, and we moved to new quarters, we looked through records and files—we were cleaning up the place. We met with you last Saturday, I believe, and you raised the question and we started to look again, and there we found these contracts.

Mr. KENNEDY. So it has been since Saturday that you found these contracts?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. You say that according to your attorney, that there have been no payments made by General Sanitation to the union?

Mr. ADELSTEIN. That is true.

Mr. KENNEDY. Can you give any explanation of that?

Mr. ADELSTEIN. No, sir.

Mr. KENNEDY. Can you give any explanation as to why you would furnish a list to Mr. Nolan of union concerns to distribute at the Miracle Mile of acceptable union concerns, when this company was not making any payments for their employees?

Mr. ADELSTEIN. When the delegates check trucks, they are supposed to let me know whether there are union men on these trucks or not. I don't check the trucks on the field, Mr. Kennedy. Mr. Nolan worked in that area. Mr. Nolan is not with us since.

Mr. KENNEDY. Who was it that was handling it out of your office? Who was the accountant that was handling it and could keep you advised?

Mr. ADELSTEIN. It depended upon what collections were involved. If it was dues, it would be in the union office.

Mr. KENNEDY. Whose responsibility was it that this list was furnished to Mr. Nolan, giving a list of acceptable firms, when this company in fact was not making any payments for its employees?

Mr. ADELSTEIN. We have a bookkeeper, all book——

Mr. KENNEDY. Who is that?

Mr. ADELSTEIN. Lang.

Mr. KENNEDY. Did you go to Lang to find out whether the payments were being made on behalf of this company?

Mr. ADELSTEIN. Now, when you ask me did I go, for what period do you mean? Since you and I met?

Mr. KENNEDY. When the Miracle Mile incident took place and you furnished this list to Mr. Nolan.

Mr. ADELSTEIN. I don't believe I went to Mr. Lang. I don't believe I went to our bookkeeper in the union office.

Mr. KENNEDY. We also had testimony that Donno Co. was having difficulty with the union until they combined with General Sanitation, Mr. Nunzio Squillante, and thereafter had no trouble with the union.

Mr. ADELSTEIN. That is not true. Donno still is having trouble with the union.

Mr. KENNEDY. During the period of time in which they were affiliated or associated in General Sanitation, they have had no difficulty with the union?

Mr. ADELSTEIN. We have tried to organize the unorganized anywhere under our jurisdiction.

Mr. KENNEDY. You were picking and choosing, it would appear, because you were not doing very much work on General Sanitation, and you were not doing very much work with those companies associated with James Squillante.

Mr. ADELSTEIN. We had a contract with General Sanitation.

Mr. KENNEDY. You might have had a contract, but there was no enforcement on the contract, and there was no dues paid and no welfare or pension funds paid.

Mr. ADELSTEIN. Anyone in violation of contract brought to my attention, I can assure you will be taken care of as soon as I get back to the city.

Mr. KENNEDY. You were being paid \$20,000.

The CHAIRMAN. Let us see if we can bring this to a conclusion now.

This General Sanitation Co. paid no dues, paid no welfare funds, paid nothing else, to the union: is that correct?

Mr. KENNEDY. That is correct, Mr. Chairman.

The CHAIRMAN. And during the time it was on the approved list of those that they might use?

Mr. KENNEDY. Also, Mr. Chairman, Miravel and DeCabia, none of their employees at that time were making payments as members of the union.

Mr. SHIVITZ. Mr. Chairman and Mr. Kennedy, may I state when I checked on this yesterday, I also checked on Miravel and DeCabia, and they did make payments for their employees. They do have a contract.

The CHAIRMAN. The question is were they making payments at that time. It is all related to that time.

Mr. ADELSTEIN. Miravel and DeCabia—

The CHAIRMAN. They were going out picketing people and forcing them to get into the union. Then we hand them a list and the first name on the list is somebody who has a contract, but they are not enforcing it.

Mr. KENNEDY. And Westbury Paper Stock.

Mr. ADELSTEIN. That is a subsidiary of Jamaica Ash which has a contract with the union.

Mr. KENNEDY. Their employees have no contract.

Mr. ADELSTEIN. Their employees who drive trucks have contracts with our union. Westbury is owned by Jamaica Ash, who has a contract with the union.

The CHAIRMAN. Are there any questions, Senator Ives?

Senator IVES. No. I think we have had enough.

The CHAIRMAN. All right.

Mr. ADELSTEIN. Can I answer one question?

(The witness conferred with his counsel.)

Mr. ADELSTEIN. They got me owning a liquor store. I don't own a liquor store.

The CHAIRMAN. Does your wife own one?

Mr. ADELSTEIN. My wife owns the store. I don't own it.

The CHAIRMAN. We just made a half a mistake. We said you and your wife own it.

Mr. ADELSTEIN. There were many mistakes made by the Senate.

Mr. KENNEDY. Who put the money up for your wife?

Mr. ADELSTEIN. I gave my wife that as an outright gift. Is that unethical?

The CHAIRMAN. Well, you have the record straight on it. You may stand aside.

Does that conclude your witnesses for the day?

Mr. KENNEDY. Yes.

The CHAIRMAN. The Chair has prepared and will place in the record at this point, a summation of these hearings. Copies of it may now be handed to the press and also to any of the witnesses who desire it. I am just doing that in the interest of brevity. The press may have it. It is a part of the record.

I call attention to one point at the conclusion of this prepared statement. I said the committee therefore recommends to the appropriate New York State and Federal agencies that an investigation of these allegations be pursued with the utmost vigor. Senator Ives thinks that the New York authorities are ready to proceed.

Senator IVES. Both the district attorney in the city of New York and the attorney general, Louis Lefkowitz, of the State of New York. They are all set to go.

The CHAIRMAN. We are very happy to know that.

Senator IVES. As a matter of fact, I think the attorney general held up temporarily while this hearing was going on.

The CHAIRMAN. We hope this record will be helpful to him.

(The closing statement of the chairman is as follows:)

Two weeks ago this committee presented the picture of large companies acting in collusion with a labor relations man to prevent unionization of their business firms.

Through the past week we have also dealt with a labor relations man. Here, however, we have dealt with a different type of situation and collusion between a labor relations man and a union together with captive associations of businessmen.

Not only does Vincent J. Squillante, a hoodlum labor relations man, play a part, but we find that garbage collection industry men banded together in associations which eventually, under Squillante, invoked monopoly and restraint of trade arrangements with a system of punishments for nonconforming members through the use of whip companies.

One of the strangest phases is the part the union, local 813, Private Sanitation Workers, under its secretary-treasurer Bernard Adelstein, played in coercing the association cartmen by invoking security clauses devised to compel them to join and stay in the association.

Adelstein's collusion with Squillante is obviously payment for Squillante's part in inducing the cartmen of the Intercounty Cartmen's Association of Nassau and the Suffolk County Cartmen's Association to join the union, thus increasing the income and power of Bernie Adelstein. Testimony showed that approximately 45 percent of the total union income was paid out to Adelstein and his relatives.

In Vincent Squillante we have presented the picture of a man who traded on his association with key underworld characters and his ability to "handle" Local 813, International Brotherhood of Teamsters, to parlay himself into a position where he was the absolute czar of the private sanitation industry in Greater New York.

The committee record is rife with examples of underworld connections with both Squillante and local 813. In all, the names of more

than 46 hoodlums have shown to have been connected in one way or another with the carting industry during the course of this week.

The record has shown that Squillante, the self-styled godson of gangland executioner Albert Anastasia, entered the private sanitation industry without previous experience in the industry or experience as a labor-relations man. He rose overnight to a position where he was able to rule without challenge over an industry of vital importance to the public health and welfare. Squillante's only previous qualifications were experience in the New York policy rackets and as a pusher of narcotics.

Starting from a base in the Greater New York Cartmen's Association, and operating through his brother, Nunzio Squillante, and his nephew, Gennaro Mancuso, Squillante quickly established control over the private sanitation industry in seven of the most populous counties of the United States. Witnesses have testified to their belief that Squillante represented the highest echelon of the organized Italian underworld.

This is substantiated by the introduction of evidence indicating Squillante's business relationship with such well-known hoodlums as Albert Anastasia, Joseph Feola, Anthony Carfano, Alfred (Pogi) Toriello, Frank Scalise, and many others.

The testimony before this committee has indicated that Squillante traded on his associations with the underworld and the union to—

(a) Establish himself as the executive director of three separate employer associations.

(b) Force individual carters into the various associations and into Local 813, IBT.

(c) Create a monopoly with respect to the collection of garbage and refuse in the Greater New York area.

(d) Uphold and enforce the principal of territorial rights.

(e) Trick the members of these associations into paying his back income taxes.

These devices were used by Squillante to set up a monopoly situation throughout the entire Greater New York area in the private sanitation industry.

Squillante, a Federal probationer and convicted tax evader, used these contacts not only to establish control of the industry, but to milk money from organizations peripheral to the cartmen's industry.

Among the devices used by Squillante were the Empire Management Corp., Long Island City; the Carters Defense Fund; and the Carters Landfill, Inc.

Local 813, International Brotherhood of Teamsters, assumed a position somewhat akin to that of whip firms set up by Squillante to enforce decisions in each of the associations he and his mentors controlled.

Testimony and evidence have further shown that the key to success with Local 813, International Brotherhood of Teamsters, was the magic name of any prominent underworld figure associated with a firm. This is particularly illustrated in the favorable treatment extended to companies such as Sanitary Haulage Corp. (Anthony Ricci), Sunrise Sanitation (Carmine Tramunti and Anthony "Tony Ducks" Corallo), General Sanitation Co. (Nunzio Squillante and Vin-

cent Squillante), Corsair Carting Co. (Nunzio Squillante and Vincent Squillante), and Westchester Carting Co. (Nicholas Ratteni).

Each of these firms, and other firms controlled by persons who were either mobsters or friends of mobsters, were able to operate with an advantage over their competitors by virtue of either no union contract or a union contract in name only, which allowed noncompliance with union-contract conditions.

The extent to which the union prostrated itself to aid the underworld cause was best illustrated in the Miracle Mile incident. Here local 813 allowed Nunzio Squillante, who was operating a nonunion company, to use a union picket line to obtain profitable Long Island business which he promptly sold for a sum in excess of \$8,000.

The committee has uncovered what it believes to be evidence of violation of State and Federal statutes in connection with this investigation. There is evidence on the hearing record to indicate that there may have been such crimes as income-tax evasion, monopoly, restraint of trade, fraud against the Federal Government, extortion, coercion, perjury, and violation of Federal probation. The committee therefore recommends to the appropriate New York State and Federal agencies that an investigation of these allegations be pursued with the utmost vigor.

In conclusion, then, the Chair wishes to express the thanks of the committee to certain staff and others who have cooperated with us, and especially make reference to Newsday, a publication of Long Island, for furnishing us valuable leads and information that it has, and for loaning to us Mr. Robert Greene, one of its staff members, and who has been working on the staff as an employee, as an investigator.

This publication, as I understand, has at times initiated quite extensive investigations of its own there in New York from time to time, trying to help clean up this condition up there.

Then I wish to express our thanks to Mr. James Kelly and Mr. Walter May, regular members of the staff, and to those from the General Accounting Office who have been on loan to us, who have worked on this very complicated and difficult ramification that is obviously operating in New York, Mr. Morris Frame, Mr. Stephen Conley, Mr. Milton Morvitz, and to the officials of New York, particularly New York district attorney's office, Mr. Frank Hogan, his chief assistant, Mr. Scotti, and the detectives of his office who have worked with the committee.

Our thanks also go to the New York State attorney general, Louis Lefkowitz; New York State commissioner of investigations, Arthur Reuter; New York City Department of Investigations, Charles Tenny; New York City Department of Licenses, Mr. Bernard O'Connell; and the Nassau County district attorney's office, Mr. Frank Gulotta.

I wish also to thank Miss Florence Barkley, of the General Services Administration, who has also participated in this investigation.

To all of those, the committee expresses its thanks. We have to have the cooperation of others if the committee is to accomplish its mission and carry out its function with fruitful results. We would

like for all citizens to cooperate with us, and certainly all of those in official positions. It is difficult, even when we have all of that cooperation, when we go into a matter so entangled as is the garbage situation in New York. It is difficult even with all of that cooperation and expert help to untangle it to where it doesn't stink. We have not been successful in doing that even now.

The committee stands adjourned.

(Members of the select committee present at time of adjournment: Senators McClellan and Ives.)

(Thereupon, at 1:17 p. m., the committee was adjourned, subject to the call of the Chair.)

APPENDIX

EXHIBIT No. 1

PACKAGE & GENERAL UTILITY
DRIVERS LOCAL NO. 396

346 90. UNION AVENUE
LOS ANGELES CALIFORNIA

NO 5954

JANUARY 28 19 55 16-176
1223

PAY TO THE ORDER OF

WILLIAM L. CROWDER

56.00

WILHELM EAMSTERS
LOCAL 396 A. 25 DOLS 00 CTS

DOLLARS

PACKAGE & GENERAL UTILITY FOR FIRM LOCAL NO. 396

PAYEE'S SIGNATURE

William L. Crowder

DATE

REPAYMENT OF THIS CHECK TO CREDIT FOR THE ACCOUNT OF THE BANK OF AMERICA NATIONAL ASSOCIATION	
REPAYMENT OF FULL	
INITIATION FEE	25 00

WILSHIRE-WESTLAKE OFFICE

California Bank

2000 WILSHIRE BOULEVARD
LOS ANGELES, CAL

MEMBER FEDERAL RESERVE BANK

422

LENTS, GARBAGE, AND ASH REMOVAL
2704 HAMILTON AVENUE

NO.

50-1081
213

Sept. 14, 1955

EAST MEADOW, N. Y.

PAY TO THE ORDER OF Private Sanitation Union Local 813 \$ 1,400.00

One Thousand - Two Hundred and ****00/100 DOLLARS

The MEADOW BROOK
National Bank
MERRICK, N. Y.

BY ENDORSEMENT THIS CHECK IS ACCEPTED
IN FULL PAYMENT OF THE FOLLOWING ACCOUNT

DATE	AMOUNT
Security for:	
Henry M. Lent	
George Vogel	
Christian D. Lent	
Thomas Lent	

TOTAL OF INVOICES _____
LESS % DISCOUNT _____
DEDUCTIONS _____
AMOUNT OF CHECK _____
IF INCORRECT PLEASE RETURN

To be refunded on termination of present contract if not used as per contract.

14-1981
SECURITY FUND

PAID TO THE ORDER OF ANY BANK OR TRUST COMPANY
MAY 15 1955
THE NEW YORK CLEARING HOUSE
ALL OTHER ENDORSEMENTS GUARANTEED

NOV 19 55 0097

CHEMICAL BANK TRUST COMPANY
FEDERAL RESERVE BANK OF NEW YORK
FEDERAL RESERVE BANK OF NEW YORK
176

EXHIBIT No. 6

INTER-COUNTY CARTMEN'S ASSOCIATION, INC.

ROY BROWN, PRESIDENT

JACK MONTESANO, 1ST VICE PRESIDENT
 GUY ANTONACCI, 2ND VICE PRESIDENT
 SANTO RECCA, TREASURER

ANDREW LATTIERI, SECRETARY
 FRANK SALEMI, ASST. RECORDING SEC.
 ALFREDO FABULA, SERGEANT AT ARMS

VINCENT J. SOUILLANTE, EXECUTIVE DIRECTOR

ROYAL STREET, BELLMORE, L. I., N. Y.
 LE 5-2910-1-2

BOARD OF DIRECTORS

CARMEN DECABIA
 WALTER DYNIA
 PETER PARISE
 ALFREDO FABULA
 ROY BROWN
 JACK MONTESANO
 FRANK RUGGIERO

PUBLIC RELATIONS

FRANK SALEMI

Mr. Earl C. ...
 My. Van Ness
 701 Colonial Bldg.
 Uptondale, N.Y.

Dear Mr. Van Ness:

Due to the fact that you have not paid the
 (2) consecutive meetings the body has voted that as of
 Wednesday, Nov. 16, 1955 you are expelled from the
 membership rolls.

Very truly yours,

Jerry Mancuso
 Jerry Mancuso
 Executive Director

JM/cm

EXHIBIT No. 7

ALBONQUIN 4-8824
4-8828**Private Sanitation Union Local 813**

AFFILIATED WITH: INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA

AFFILIATED WITH THE
AMERICAN FEDERATION OF LABOR
STATE FEDERATION OF LABORCENTRAL TRADES AND LABOR COUNCIL
BUILDING AND CONSTRUCTION TRADES COUNCIL147 FOURTH AVENUE · ROOM 113 · NEW YORK 3, N. Y.
BERNARD ADELSTEIN - Secretary-Treasurer~~PROPERTY~~ AND BUSINESS REPRESENTATIVE

May 27, 1955

Uniondale Garbage &
Disposal Co.
707 Colonial Road
Uniondale, Long Island

Dear Employer:

You have failed to deposit security and are otherwise in violation of contract with the Union.

You are hereby directed to appear at the Union office, 147 Fourth Avenue, New York 3, N.Y. on Tuesday, May 31, 1955 at 2 P.M.

Upon your failure to appear and comply with our agreement, the matter will be referred to the New York State Department of Labor for action as provided in the contract.

Very truly yours,

*Bernard Adelstein*BERNARD ADELSTEIN
Secretary-Treasurer

GR-7-4557

mike

EXHIBIT No. 9

"Established by a Neighbor for his Neighbors"

UNIONDALE GARBAGE & DISPOSAL CO.

707 COLONIAL STREET
UNIONDALE, L. I.TELEPHONE ~~XXXXXXXXXXXX~~
IV 3-7233

December 17, 1956

Insurance Trust Fund
147 Fourth Avenue
New York 3, N. Y.

Att: Mr. B. Adelstein:

Dear Sir:

Due to the fact that the people responsible for the security clause in our contract are no longer in existence, we would like to have our security money (\$4200) plus interest, refunded. We would appreciate your immediate attention regarding this matter as we deem it necessary for business expansion.

Thank you.

Yours truly,

Sherman Van Ness
Uniondale Garbage & Disposal Co.

DVE

EXHIBIT No. 10

NASSAU SANITATION CO., INC.

Front Street

Massapeque Park, N. Y.

Telephone: 3 55-APRIMA 6-6110

ALFRED WILLIAMS, Pres.
 LEONARD J. PABER, Vice Pres.
 MELLIE MAY PABER, Secy.
 RICHARD P. PABER, Asst. Secy.

January 11, 1955.

TO WHOM IT MAY CONCERN

Please be advised that Mr. Michael and Mr. Squillante of the General Sanitation Service Corp., are well known to us and are known to us to be efficient and excellent sanitation men.

We assure you that they are well qualified by years of experience and present reputation to service any store or building unit with the full guarantee that the work will be done satisfactorily.

Very truly yours,

Nassau Sanitation Co. Inc.

By: Arthur J. Paberi

PSP/HE

EXHIBIT No. 12

*Recd 3/13/56*NEW YORK CITY
270 BROADWAYALBANY
STATE OFFICE BUILDINGSYRACUSE
472 S. SALINA STREETBUFFALO
STATE OFFICE BUILDING

NEW YORK STATE BOARD OF MEDIATION

MERLYN S. PITZELE, CHAIRMAN
RT. REV. JOHN P. BOLAND
HARRY J. CARMAN
JACOB ORUMET
RALPH E. KHARAS
MABEL LESLIE
BURTON S. TURKUS270 BROADWAY
NEW YORK 7, N. Y.JULIUS J. MANSON, DIRECTOR
NEW YORK CITY DISTRICT
TELEPHONE
BARCLAY 7-1616ARTHUR STARK
EXECUTIVE DIRECTOR

March 12, 1956

Nassau Sanitation Co.
1010 Park Blvd.
Massapequa Park, N.Y.Local 813, Private Sanitation Union
147 Fourth Avenue
New York, N.Y.Issue: Payments to Insurance Fund, Security Deposit
Union Help, Non-compliance with contract.

Gentlemen:

We have been asked to name an arbitrator in the dispute stated above. It is our understanding that this request is made pursuant to the terms of an existing collective bargaining agreement. We have accordingly designated a member of our staff who will conduct a hearing at the office of the Board, 270 Broadway, on Friday, March 23, 1956 at 2 P.M.

Please be present at that time and ready to proceed. Bring the Union agreement with you and any records which may be pertinent. Any question concerning this designation or Board procedure should be directed to me.

Very truly yours,

Julius J. Manson
Julius J. Manson
District Director

MB-5 (5-55)

EXHIBIT No. 13

<u>FIRM</u>	<u>PHONE</u>
General Sales Office, Inc.	PRINCETON 4-7909
General Service Co.	WYCKWOOD 8-0517
Jamaica Sales Office, Inc.	JAMAICA 8-2411
Esola & Gerner	WYCKWOOD 6-0197
Franklin Building Firm	JAMAICA 8-0510
W. H. H. Paper Stock	ROSELAND 2-2111
Jamaica Sales & Service	WYCKWOOD 8-2411
Mirval & Co. Inc.	HICKORY HILLS 8-2411
Long Island Sales Office	HICKORY HILLS 8-2411

EXHIBIT No. 14

ALGONGQUIN 4 8824 8825

THOMAS F. NOLAN

BUSINESS AGENT

UNION LOCAL 813 I. B. OF T
AFFILIATED WITH
CENTRAL TRADES & LABOR COUNCIL A. F. L.
BUILDING TRADES COUNCIL A. F. L.

147 FOURTH AVENUE
ROOM 115
NEW YORK 3, N. Y.

Tel. PRimrose 5-0070

Estate Carting Co.

P. O. BOX 274 - NEW HYDE PARK, L. I.

REMOVERS OF ASHES AND RUBBISH, ETC.

DUMP TRUCKS TO HIRE

July 31 19

Arnold Consittelle
Northern Blvd. Mr. Cassett

Prompt Service

Reasonable Rate

Prompt Service		Reasonable Rate
For Removing	Dir. and Rubbish for Month of <i>May</i>	25
" "	Cans of Ashes at <i>June</i>	25
" "	Load of Rubbish and etc. at <i>extra load June 30th</i>	4
	Cans of Rubbish at <i>July</i>	25
	Bills Rendered	<u>879.</u>

This bill to be paid by the tenth of August or service will be discontinued.

WESTBURY PAPER STOCK COMPANY
 198
 50.891
 213
 1055
 \$500.00
 WESTBURY, N. Y. May 3
 WESTBURY PAPER STOCK COMPANY
 DOLLARS
 and
 WESTBURY PAPER STOCK COMPANY
Primo Fazzino
Credito Fazzino

BANK OF WESTBURY TRUST COMPANY
 WESTBURY, N. Y.

WESTBURY PAPER STOCK COMPANY
 198
 50.891
 213
 1055
 \$500.00
 WESTBURY, N. Y. May 3
 WESTBURY PAPER STOCK COMPANY
 DOLLARS
 and
 WESTBURY PAPER STOCK COMPANY
Primo Fazzino
Credito Fazzino

DATE: *Oct 20 1954*
 TO THE ORDER OF: *Mr. J. J. Quinn*
 \$ *1055.00*
 PAY TO THE ORDER OF: *Cash*
 50.891
 213
 1055
 \$500.00
 WESTBURY, N. Y. MAY 3 1954

BY ENCLOSURE THIS CHECK WHEN PAID IS ACCEPTED
 AS FULL PAYMENT OF THE FOLLOWING ACCOUNT

IF INCORRECT, PLEASE RETURN NO RECEIPT NECESSARY

Municipal Committee
 524 11th Ave.
 N. H. P.
 EDY-1600 N.Y. 5
 # 5972171
 7-26-54

MA TO THE ORDER OF ANY
 BANKER OR TRUST CO.
 MASSACHUSETTS DEPOSITORS GUARANTEE

THE MASSACHUSETTS DEPOSITORS GUARANTEE
 100 STATE STREET
 BOSTON, MASSACHUSETTS

MAY 3 1954
 MAY 3 1954
 MAY 3 1954

THE MASSACHUSETTS DEPOSITORS GUARANTEE
 100 STATE STREET
 BOSTON, MASSACHUSETTS

EXHIBIT No. 21

262

50 891
213

195

\$ 305 ⁰⁰/₁₀₀

WESTBURY PAPER STOCK COMPANY
WESTBURY, N. Y.

WESTBURY PAPER STOCK COMPANY
DOLLARS

WESTBURY PAPER STOCK COMPANY

WESTBURY, N. Y.

General Sanitation

Five

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Curcio & Higgins

Charles Higgins

BANK OF WESTBURY TRUST COMPANY
WESTBURY, N. Y.

1 AUG - 4

WESTBURY, N. Y.

General Sanitation

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WESTBURY TRUST COMPANY
 100 HICKENSTREET
 WESTBURY, N. Y.

250
 50 1891
 Sept 12 1935
 \$1,000.00

PAY TO THE ORDER OF
 Cash 1.05

AND *to the order of*
 BANK OF WESTBURY
 WESTBURY, N. Y.

WESTBURY PAPER STOCK COMPANY
 100 HICKENSTREET
 WESTBURY, N. Y.

ONE THOUSAND DOLLARS

BANK OF WESTBURY TRUST COMPANY
 WESTBURY, N. Y.

1000
Sept 12 1935
Charles Fazzini

Charles Fazzini

IF THIS CHECK IS PAID WHEN PAID IS RECEIVED
 IN FULL PAYMENT OF THE FOLLOWING ACCOUNT
 AMOUNT

*Cont. for
 Equallat
 New York
 store*

WESTBURY TRUST COMPANY, INC. DE. & P. - NEW YORK

at for 9/16/28

NO.

1-797
280

June 14 1926

\$1433.75

1/100 DOLLARS

*Carstairs Defense Fund
40 E. 14 St.
N.Y.C.*

ROYAL STATE BANK, N.Y.
NEW YORK

Royal State Bank of N.Y.

Fourteen hundred thirty three

George De Lella - Sec. I.G.

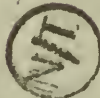
Michael Fitzoye

PAY TO THE ORDER OF



B

ROYAL STATE BANK OF NEW YORK
BRONX OFFICE, 326 EAST 148th STREET
BRONX, N. Y.



NO RECEIPT REQUIRED
RETURN IF NOT CORRECT

THIS CHECK PAYS IN FULL THE FOLLOWING ITEMS

DATE AMOUNT NET

NO RECEIPT REQUIRED
 RETURN IF NOT CORRECT
 THIS CHECK PAYS IN FULL THE FOLLOWING ITEMS

CASH	AMOUNT	DATE	REMARKS

No.

1-797
260

June 15 1916

ROYAL STATE BANK OF BRONX, N. Y.

*Cartman's Defense Fund
 c/o Mr. Tisdale - 402 W. 14 St
 N.Y.C.*

Royal State Bank of N.Y. \$1,564.20

Fifty hundred & sixty four 20/100 DOLLARS

*George D. Seale - Sec. I.R.
 Michael T. Deane*



ROYAL STATE BANK OF NEW YORK B
 BRONX OFFICE 326 EAST 149th STREET
 BRONX N. Y.

W.V.



*Xhr
 1/16*

EXHIBIT No. 32

B

ROYAL STATE BANK OF NEW YORK
 101 N. W. ST. N. Y. OFFICE: 316 N. W. 1ST STREET
 BRONX, N. Y.

1954 No. 9304

\$1,894.00

DOLLARS

R. Fenwick

And W. Van Hee

PAY TO THE ORDER OF

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

For deposit only

And W. Van Hee

Spinal

FOR DEPOSIT ONLY

DEPOSIT SLIP

NO. 1000

DATE

AMOUNT

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ARNOLD D. ROSKMAN
120 BROADWAY

NO. 372
PAY TO THE ORDER OF

NEW YORK Jan 9 1956

MAXIMILIANIERS TRUST COMPANY
149 BROADWAY

Bellevue C. Carfano

Twelve Thousand and 00/100

\$12,000.00

_____ DOLLARS

Arnold Roskman

ATTORNEY SPECIAL

Re James Santalano Co Inc

Bellevue C. Carfano

POST OFFICE

POSTAGE WILL BE PAID BY ADDRESSEE

POST OFFICE BOX 1001 L. JURY 1-30

1 30 NEW YORK

JAN 12 1956

1

The MEADOW BROOK
MERRICK OFFICE
MERRICK, N. Y.

50-1081
213

PAY TO THE ORDER OF *Melville Wolpert*

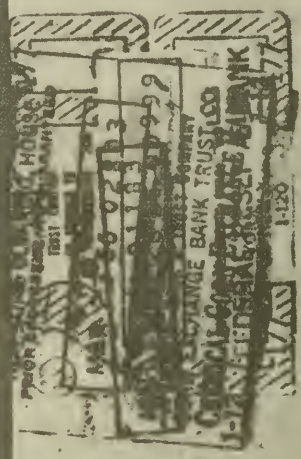
Twenty and 00/100

DOLLARS

Melville Wolpert

No. *62*

FOR DEPOSIT ONLY IN THE
Chemical Corn Exchange Bank Trust Co.
MELVILLE B. WOLPERT



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20-1981
213

The MEADOW BROOK National Bank
MERRICK OFFICE

MERRICK, N. Y.

MAY 24 1956

PAY TO THE ORDER OF *Melville Wolpert* \$20⁰⁰/₁₀₀

STwenty and 00/100 DOLLARS

No. *94* 1

Henry D. Wolpert

Melville Wolpert
1396611

149

BANK OF AMERICA
NEW YORK

WEST CHAMBER
OR WESTERN
OF THE BANK

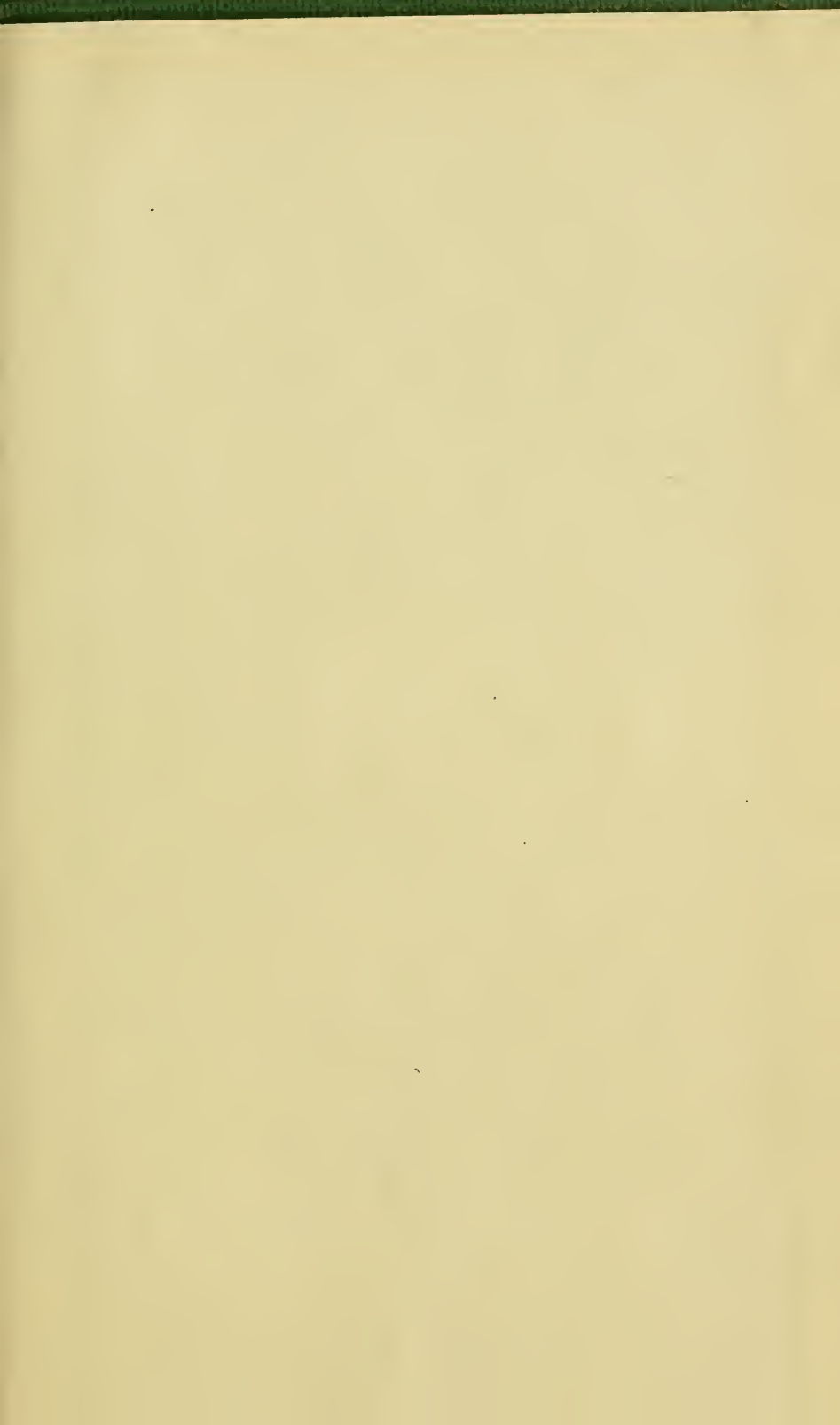
1956

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MANHATTAN TRUST COMPANY
4 UNION SQUARE

CENTRAL SAVINGS BANK
IN THE CITY OF
NEW YORK

PAID



BOSTON PUBLIC LIBRARY



3 9999 06352 022 3

