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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
SECOND SESSION

PURSUANT TO SENATE RESOLUTIONS 74 AND 221, 85TH CONGRESS

JUNE 30, JULY 1, 2, AND 3, 1958

PART 32

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





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SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR
OR MANAGEMENT FIELD

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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

MONDAY, JUNE 30, 1958

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

The select committee met at 2:10 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 John F. Kennedy, Democrat, Massachusetts; Senator Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota.

Also present: Robert F. Kennedy, chief counsel; Paul J. Tierney, assistant counsel; John P. Constandy, assistant counsel; John J. McGovern, assistant counsel; Pierre E. G. Salinger, investigator; Walter R. May, investigator; George H. Martin, investigator; Sherman Willse, 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 were: Senators McClellan, Ives, Ervin, Kennedy, Mundt, and Goldwater.)

The CHAIRMAN. This is a statement by the Chair at the opening of a series of hearings and the statement is for the record and will serve as a premise for the testimony as it may be developed.

The Senate Select Committee on Improper Activities in the Labor or Management Field embarks today on a new and important series of hearings to determine the extent of racketeer and gangster infiltration into legitimate union and business enterprises.

At the outset, I cannot too strongly emphasize the importance of the work we are undertaking.

In previous hearings, we have touched on this critical problem. Our study into the New York phony local situation revealed an alarming picture of the extent to which gangsters led by John Dioguardi and Anthony (Tony Ducks) Corallo infiltrated the labor movement in the Nation's largest city, using their union positions for purposes of extortion, bribery, and shakedowns. The fact that one of the Nation's most powerful labor leaders, James R. Hoffa, the international president of the Teamsters, used Dioguardi and Corallo in his efforts to capture control of the union in New York City only serves to underline the importance of gangster infiltration in the labor movement.

Again, in our hearings on the garbage industry in New York, we heard testimony on how Vincent J. Squillante, the self-styled godson of Albert Anastasia, the late lord high executioner of Murder, Inc., seized control of that vital industry and used labor-union connections to ship recalcitrant operators into line.

These hearings were important. Yet, the committee in its first 18 months of existence, has become convinced that the relationship of the national criminal syndicate with legitimate labor and business is far more critical than has heretofore been revealed.

The ramifications of this problem present the gravest implications for the destiny of our national economy.

These are the ingredients of the problem.

There exists in America today what appears to be a close-knit, clandestine, criminal syndicate. This group has made fortunes in the illegal liquor traffic during prohibition, and later in narcotics, vice, and gambling. These illicit profits present the syndicate with a financial problem, which they solve through investment in legitimate business. These legitimate businesses also provide convenient cover for their continued illegal activities.

Dealing with such a group poses the most difficult of investigative problems. Even the Special Committee To Investigate Organized Crime in Interstate Commerce of the United States, which did such momentous work during the period of their hearings in 1950 and 1951, found this to be true.

We propose to probe deep into the ramifications of this problem. We feel that the picture will not be complete, however, without fully relating this illegal activity of the national crime syndicate and its infiltration and influence in labor-management relations.

We have scheduled for the coming week what amounts to an introductory hearing of the problem. Through expert witnesses from throughout the country, we expect to lay on the record comprehensive background information on the full scope and implications of the crime-labor-management situation.

In these hearings, and the ones to follow, we are going to call in some of the leading figures in the national criminal hierarchy. These people are all involved in legitimate enterprises, management and labor.

From those on the management side, we will seek to find out why they are in particular businesses. We will want to know whether their employees are organized by unions or not. If they are not, we will seek to discover whether pressure has been used to avoid union organization. If they are organized we will seek to discover if they have entered into collusive agreements with labor unions to the detriment of their employees.

We expect that some of the witnesses we will call will cover every facet of these problems. For example, one of the leading syndicate mobsters has connections with both labor unions and management. He has coerced unions into placing his thugs on their payrolls. He has grabbed control of construction companies and entered into collusive agreements with labor unions. It is this type of activity and nature of problem that we seek to probe.

We shall ask these leading hoodlums to turn over to the committee the books and records of their so-called legitimate enterprises so that

we can make the kind of study that is necessary to develop the fullest possible picture.

It is not sufficient to say that this particular hoodlum is in the jukebox business or that particular hoodlum is in the linen or laundry business. It is important to develop a pattern of the kind of businesses that attract the criminal element, why they choose these particular businesses, how they may be used as a front for illegitimate activity.

As a starting point for our hearings, we intend to focus on the criminal group which held a meeting at the home of Joseph Mario Barbara, Sr., in Apalachin, N. Y., on November 14, 1957. The discovery of this meeting by the New York State Police had the effect of revealing the scope of the interrelationships of some of the leaders of the national crime syndicate. We will also begin to delve into the infiltration of gangsters and racketeers into the garment industry in New York, New Jersey, and Pennsylvania.

It is important to understand from the outset that this criminal syndicate operation is not a localized one but national in scope. The fact that the gangland meeting took place in Apalachin, N. Y., does not in any way make this a localized New York problem. Similar gangland meetings, known to authorities, have been held in Cleveland, Ohio, and on the Florida Keys. There is no telling how many other meetings, in other parts of the country, have been undetected by authorities.

Throughout this investigation we have had the wholehearted cooperation of a number of public officials throughout the country. Gov. Averell Harriman of New York has been extremely helpful to the committee in its development of information on the Apalachin meeting. We have had splendid cooperation from District Attorney Frank Hogan of New York, whose office has done much work in tracing down the criminal activities of the syndicate, and Police Commissioner Stephen Kennedy of New York City has been extremely helpful. In Chicago, we have had the excellent cooperation of Mayor Richard Daley, the Chicago Police Department, and Virgil Peterson of the Chicago Crime Commission.

This criminal conspiracy has operated for many years in America, on rare occasions subjected to the light of publicity but, more often, operating at a level beneath the mainstream of American life. Because we are dealing with a clandestine group, because they are highly organized and disciplined, they present a formidable problem. They have achieved a position of eminence throughout the economic, social, and political strata of America. The committee is well aware of the difficult nature of the problem it is now tackling. We feel and hope that a successful investigation by the committee, however, will be of immense value to the Congress and the people of the United States.

As previous testimony of the committee has so vividly demonstrated, when hoodlums and racketeers get into labor and management they do it for the exploitation of the working people. Their participation inevitably leads to the corruption of the legitimate purposes of business. It is this exploitation and corruption of people and legitimate economic functions that presents such a grievous problem.

Are there any questions or any comments by other members of the committee?

Senator Ives. Mr. Chairman, I want to commend the chairman on what he has had to say about the situation into which we are about to probe. It so happens that Apalachin is only around 50 miles from where I live. I have always been curious, ever since the occurrence of that get-together there, as to the reasons for it and as to the connections which the people who were present have in this racketeering business.

I notice with considerable interest the expression of appreciation which the chairman has for Governor Harriman, and the assistance he has given us. In that connection I would remark that I think the State of New York might have done more itself in this connection if the Governor had been willing to authorize the attorney general of New York, Hon. Louis Lefkowitz, to investigate into this Apalachin matter at the time.

As I understand it, the Governor would not permit Mr. Lefkowitz to act. I am very glad, however, that we are going into this matter, and I hope that we can develop what we intend to develop—that this whole thing is a nationwide undertaking, something concerning every person in the United States, something very grave which all of us face, and which is particularly important where our children and their children are concerned. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. Are there any other members of the committee that have any statements?

All right, if there is no one else who wishes to comment, Mr. Kennedy, call your first witness.

Mr. KENNEDY. Mr. Chairman, as some of the names cause some difficulty, we have here a mimeographed memorandum on the individuals that we will be discussing over the period of the next week or so, and with a description of who they are, and where they come from. I would like to have permission to place that in the record if we may.

The CHAIRMAN. Was this prepared by the staff?

Mr. KENNEDY. That is correct.

The CHAIRMAN. It may be placed in the record just for guidance and information only, and it will not be accepted as proof.

Mr. KENNEDY. That is fine, Mr. Chairman.

The CHAIRMAN. It is not evidence, and it is simply a memorandum prepared by the staff for information of the committee.

(The list is as follows:)

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES

A

Abate, Antonio (Detroit): Arrests for larceny, gambling. Associate of Pete Licavoli.

Alaimo, Dominick (Pittston, Pa.): At Apalachin meeting. Coowner Jane Hogan Dress Co., Pittston. Committeeman for Local 8005, United Mine Workers of America. Arrests: Robbery, suspicion, violation internal revenue laws.

B

Baldassari, Joe (Scranton, Pa.): Operates jukeboxes and pinball machines through Baldassari Amusement Co. in Scranton. Arrested for possession of unregistered still, prohibition law, transportation, and possession of untaxed alcohol.

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- Barbara, Joseph Mario, Sr. (Apalachin, N. Y.): Host at Apalachin meeting. President of Canada Dry Bottling Co. of Endicott, N. Y. Arrests: Suspicion of murder (2), revolver, illegal acquisition of sugar.
- Biondo, Joe (New York City): Close associate of "Lucky" Luciano and Tom Luchese.
- Bommarito, Long Joe (Detroit): Arrests for armed robbery, kidnaping, gambling, suspicion of murder, prohibition law.
- Bommarito, Scarface Joe (Detroit): Arrests for carrying concealed weapons, suspicion of murder, prohibition law violations, extortion by threat, assault, gambling.
- Bonanno, Joseph (Brooklyn): At Apalachin meeting. Formerly in B. & D. Coat Co., manufacturers of women's coats. Arrests: grand larceny, revolver, conspiracy, violation of wage and hour law in 1942.
- Bonanno, Joseph (New York City): Arrests for grand larceny and transporting machineguns to Capone mob in Chicago. Violation of wage and hour law in 1942.
- Boniseria, Anthony (New York City): "The Chief." Associate of Mike Clemente, waterfront boss now serving time for extortion; Joe Magliocco, linen supply dealer, friend of Charles Luciano and owner of Sunland Beverage Co. (beer). Also arrested with Palmeri, John Oddo, Sam DiCarlo in connection with murder of John Bazzano.
- Bonventre, John (Brooklyn): At Apalachin meeting. Reputed occupations: Undertaker, cheese and oil business, Pinto Clothing Co., Levine & Bouventre, ladies' coat contractors, real estate salesman for Joseph A. Bivana, Brooklyn, uncle of Joseph Bonanno.
- Bonventre, John (Brooklyn): Coowner Brooklyn funeral parlor and close associate of Carmine Galenti and Frank Garafola, both of whom figured prominently in the Tresca murder investigation.
- Bufalino, William (Detroit): Head of Local 985, Teamsters, Detroit, which handles jukeboxes. Tried and acquitted in 1953 in jukebox racket.
- Bufalino, Russell J. (Kingston, Pa.): Owner of Penn Drape & Curtain Co., Pittston, Pa. Arrests: Criminally receiving stolen property (2).

C

- Cammarata, Frank (Detroit): Murder suspect, bank robber, deported in 1936, reentered United States in 1946. Released from Jackson, Mich., prison in May 1958. Last in Warren, Ohio, has evaded committee subpoena.
- Cammarata, Vincent (Detroit): Also known as Vito Camaiato, Vito Cammarata. Arrested for carrying concealed weapons, grand larceny, operating still.
- Cannone, Ignatius (Endwell, N. Y.): At Apalachin meeting. Owns Nat's Place, Endicott, and Plaza Lounge, Endwell, N. Y. Two arrests for disorderly conduct. One for fighting in Endwell, the other for shooting dice in New York City.
- Cannone, Ignazio (Endicott, N. Y.): Owner of two Endicott taverns—minor arrest record.
- Carlisi, Roy (Buffalo, N. Y.): At Apalachin meeting. Arrests: Violation Internal Revenue Act. Indicted for 15 counts of contempt by Tioga County grand jury February 27, 1958.
- Castellano, Benjamin (New York City): Associated with Paul Gambino in bootlegging. Reportedly active in black marketing and counterfeiting of ration stamps during World War II.
- Castellano, Paul (Brooklyn): At Apalachin. Possession dangerous weapon, robbery with violence. Brother-in-law of Carlo Gambino at Apalachin.
- Cateno, Gerardo Vito (South Orange, N. J.): At Apalachin meeting. Employee and stockholder Runyon Vending Sales Co., Newark. Arrests: 3 for gambling; robbery, 2; grand larceny, truck; material witness in murder case, loitering, bribery of Federal juror. Close associate of Longy Zwillman.
- Chait, Abe (New York City): Major power in garment industry and associate of notorious gangsters.
- Chivi, Charles Salvatore (Palisade, N. J.): At Apalachin meeting. Officer of Automotive Conveying Co., in which Joe Adonis was his partner. No known criminal record.

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- Civello, Joseph Francis (Dallas, Tex.): At Apalachin. Food and liquor importer. Arrests: murder, violation liquor law. Conspiracy of Harrison Act, 2. Associate: John Ormento.
- Colletti, James (Pueblo, Colo.): At Apalachin. Owns Colorado Cheese Co., Pueblo. Arrests: Receiving stolen goods, disorderly person.
- Corrado, Dominick (Detroit): Nephew of Peter (deceased). Arrests for conspiracy to violate gambling laws, carrying concealed weapons, suspect in shooting.
- Corrado, James (Detroit): Arrests for gambling, suspect in shooting, suspect in assault with intent to kill.
- Corrado, Peter (Detroit), deceased: In numbers racket with Pete Licavoli, et al. Arrests in Rochester, N. Y., Detroit, and Toledo, principally for gambling. Indicted for 1 murder, sought in 2 others.
- Cucchiara, Frank (Watertown, Mass.): At Apalachin meeting. Treasurer of Purity Cheese Co. since 1938, Boston. Arrests: Assault and battery; possession morphine and dynamite; lottery; conspiracy to set up lottery; grand larceny; sale of narcotics; forgery; possession of still, 3; conspiracy to erect still.

D

- D'Agostino, Dominick (Niagara Falls, N. Y.): At Apalachin. Arrests: Buffalo, Harrison Act. Indicted April 8, 1958, on 7 counts. Criminal contempt by Tioga County grand jury.
- De Cavalcante, Sam (Trenton, N. J.): Alias "Sam from Trenton." Arrested for forgery, loitering, policy.
- DeFeo, Peter (New York City): Indicted with Vito Genovese, Mike Miranda, and others in connection with the murder of Ferdinand Boccia in 1934.
- DeMocco, John Anthony (Shaker Heights, Ohio): At Apalachin meeting. Arrests: Robbery, extortion, blackmail, investigation in bombing. Associate of John Scolish, also at Apalachin.
- Desimone, Frank (Downey, Calif.): At Apalachin. Former partner of Jack Dragna in Latin Importing Co.
- DiCarlo, Sam (Youngstown, Ohio, Buffalo, Cleveland): Arrested with Paul Palmeri, et al., in murder of John Bazzano, Pittsburgh restaurant owner, in Brooklyn.
- DiCarlo, Joe (Youngstown, Ohio; Florida): Alias "The Wolf" and "The Boss." He and brother Sam had coin and pinball machine operation in Buffalo, where he was labeled "Public Enemy No. 1" by the chief of police. Arrested for coercion, operating gambling house in Miami, extortion.
- Dio, Johnny, (New York City): Notorious New York extortionist. Nephew of James Plumeri, with whom he served time for garment industry extortion. Presently in jail for extortion.
- Diognardi, Tom (New York City): Brother of Johnny Dio. Close associate of major New York labor racketeers.

E

- Evola, Natale Joseph (Brooklyn): At Apalachin meeting. President-treasurer of Belmont Garment Delivery Co., and president of Amity Garment Delivery Co. Arrests: dangerous weapon, coercion. Presently under indictment with John Ormento and others in Federal narcotic conspiracy.

F

- Falcone, Joseph (Utica): At Apalachin meeting. Manager of Utica Retail Liquor Co. Brother, Salvatore, also at Apalachin. Arrest: Violation, internal revenue liquor tax.
- Falcone, Salvatore (Utica and Miami): At Apalachin meeting. Operates grocery store in Miami. Arrests: Violation, internal revenue liquor tax.
- Frasca, Gus (New York City): Indicted in connection with murder of Ferdinand Boccia in 1934.

G

- Gambino, Carlo (Brooklyn): At Apalachin meeting; associated with S. G. S. Associates, labor consultants. Arrests: Grand larceny, violations Internal Revenue Act (still); several Federal alcohol tax arrests.

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- Gambino, Paul (New York): Fled to Italy to avoid prosecution in a Federal alcohol tax case. While there held meetings with "Lucky" Luciano.
- Genovese, Michael James (Gibsonia, Pa.): At Apalachin meeting. Owner of Archie's Car Wash. Partner in L & G Amusement Co., Pennsylvania, coin machines, with John LaRocca in 1956. Arrests: Robbery, concealed weapon.
- Genovese, Vito (Atlantic Highlands, N. J.): At Apalachin meeting. Ranked among top gangsters in the country.
- Giglio, William J. (New York City): Convicted with Frank Livorsi in black-market sugar operation.
- Guarnieri, Anthony Frank (Johnson City, N. Y.): At Apalachin meeting. Vice president of Tri-Cities Dress Co., Inc., Binghamton, and president-treasurer of Owego Textile Co., Owego. Arrests: Possession firearms, lottery, felonious assault.
- Gussia, Bartolo (Endicott, N. Y.): At Apalachin meeting. Fish peddler. Barbara is godfather to his children. Arrests: Possession weapon (2), bank robbery, breaking and entering, bootlegging, murder (first degree).

I

- Ida, Joseph (Highland Park, N. J.): At Apalachin meeting. Automobile salesman. Associate of Mike Clemente and Rocco Pellegrino.
- Impastato, Nicolo (Kansas City, Mo.): Federal Bureau of Narcotics national list.

L

- La Duca, James Vincent (Lewiston, N. Y.): At Apalachin meeting. Was secretary-treasurer of Local 66, Hotel, Restaurant Employees, Buffalo. Associate of Steve and Anthony Maggadino, Roy Carlisi, and John Montana.
- Lagattuta, Samuel (Buffalo): At Apalachin meeting. Arrests: Arson, murder investigation, dangerous weapon.
- LaPadura, Joseph (New York City): Associate of Russell Bufalino in floating crap games.
- Laraso, Louis Anthony (Linden, N. J.): At Apalachin meeting. Was trustee of Local 394, Common Laborers and Hod Carriers.
- Licavoli, Dominick (Detroit and St. Louis): Uncle of Pete Licavoli, Detroit and Cleveland. Arrests: Holding girls for purposes of prostitution, breaking and entering.
- Licavoli, Jack (Youngstown and Trumbull County, Ohio; also Detroit) (alias Jack White): Arrests: Gambling.
- Licavoli, James (Detroit and Lake County, Ohio): Arrests: Murder, armed robbery, carrying concealed weapons, customs law and narcotics violations, kidnaping, blackmail.
- Licavoli, Pete (Detroit and Cleveland): In Cleveland and Detroit gambling syndicates, also Canadian gambling. Has ranch in Tucson, Ariz. Arrests: Robbery, rum-running, kidnaping, carrying concealed weapon, murder, extortion, gambling, assault.
- Licavoli, Thomas (Detroit, Toledo): Now serving life sentence in Ohio State Penitentiary for murder plot. Also hijacker, rum-runner, guntoter.
- Livorsi, Frank "Cheech" (New York): Served time for narcotics violation; later employed "Big John" Ormento when he was released from prison on similar charge. Arrests run from homicide to income tax violation. Associated with William Giglio in operation of Eatsum Food Products Co., and Tavern Fruit Juice Co. Convicted of black market sugar operation.
- Lombardozi, Carmine (Brooklyn): At Apalachin meeting. Arrests: Homicide, burglary, unlawful entry, disorderly conduct, abduction-rape, weapon, policy (3), common gambler.
- LoPronto, Salvatore (New York City): Close associate of John Ormento, major narcotics violator. Convicted of illegal possession of firearms.
- Lucchese, Thomas (New York City): Twice arrested for homicide. Sentenced 3 years, 8 months to 10 years for grand larceny. Influential underworld figure with interests in construction and garment industries. ("3-Finger Brown").

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

M

- Maggadino, Antonio (Niagara Falls): At Apalachin meeting. Vice president of Maggadino Funeral Home. (Record (all in Italy): falsifying name on passport, clandestine activities, homicide, denounced for robbery, rape, and extortion.
- Maggadino, Peter (Buffalo): President, Maggadino Memorial Chapel, Inc. Recently had difficulty with Federal grand jury when he failed to produce records of business which he claimed were in possession of Vincent Sero, an accountant who is missing.
- Maggadino, Steve (Lewiston, N. Y.): His son, Peter, married to niece of John Montana. His daughter is married to Charles Montana, nephew of John. Another daughter married to LaDuca. A principal in Power City Distributing Co. Brother of Anthony, who attended Apalachin meeting.
- Magliocco, Joseph (East Islip, N. Y.): At Apalachin meeting. Arrests: Transporting wine, possession of gun and alcohol. Sole stockholder of Sunland Beverage Co., wholesale beer distributor.
- Majuri, Frank Thomas (Elizabeth, N. J.): At Apalachin meeting. Was vice president of Local 364, Hod Carriers and Common Laborers Union. Arrests: Conspiracy to commit robbery, possession of liquor, violation ABC Act and contempt, illicit manufacture of alcohol with intent to sell, disorderly conduct, bookmaking.
- Mancuso, Rosario (Utica, N. Y.): At Apalachin meeting. November 1953 elected president of Local 186, Hod Carriers and Common Laborers Union. Arrested March 25, 1951, for assault with intent to commit murder.
- Mangano, Philip (Brooklyn): Found shot to death in Bergen Beach marsh, Brooklyn. He was treasurer of Modern Ship Painting & Sealing Corp., Brooklyn.
- Mangano, Vincent (Brooklyn): Has been missing since shortly after brother Philip was found murdered in Bergen Beach marsh, Brooklyn, in early 1950's.
- Mannarino, Gabriel (New Kensington, Pa.): At Apalachin meeting. Former owner, with brothers, of Sans Soucie, Habana, now owned by Louis Santos, also at Apalachin. Arrests: gambling, violation of liquor laws, robbery, firearms act, lottery, obstructing justice. Owner of Nu-Ken Novelty Co (slot and cigarette machines, jukeboxes).
- Matranga, Frank (San Diego, Calif.): Son-in-law of John Priziola of Detroit. Arrested for being tipoff man for a gambling joint.
- Meli, Angelo (Detroit, Mich.): Detroit prohibition hoodlum who has branched out in auto parts sales, jukeboxes, and real estate.
- Meli, Vincent A. (Detroit, Mich.): Has no record. Partner with brother-in-law, William Bufalino, in Melody Enterprise Co., and owner of record of Mel-Tone Juke Box Co., and G. & M. Music Co., Detroit.
- Miranda, Michele A. (Forest Hills, N. Y.): At Apalachin meeting. Close associate of Vito Genovese. Arrests: Disorderly conduct, suspicious person (2), vagrancy (2), homicide (2). On Federal Bureau of Narcotics International List 229.
- Monachino, Patsy (Auburn, N. Y.): At Apalachin meeting. Partner with brother Sam in Super Beverage Co.
- Monachino, Sam (Auburn, N. Y.): At Apalachin meeting. Partner with brother Patsy, in Super Beverage Co., beer wholesalers and distributors. Visited Joe "Socks" Lanza at Auburn Prison.
- Montana, John Charles (Buffalo): At Apalachin meeting. President of several companies and director, chairman, etc., of various civic associations. Associate of Mangadinos, LaDuca.

N

- Nani, Sebastian (California): Federal Bureau of Narcotics International List No. 241.

O

- Oddo, John (Brooklyn, N. Y.): Alias "Johnny Bathbeach" and "Crazy John." Associate of Angelo Polizzi of Detroit. He was 1 of 14 arrested for murder of John Bazzano in Brooklyn. He was 1 of 9 rearrested for consorting with criminals.

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- Olivetto, Dominick (Camden, N. J.) : At Apalachin meeting. Arrests: Criminal registration (2), illicit alcohol. Associated with Forest Products, Almonessen, N. J.
- Orlando, Augustino W. (Detroit) : Arrests: Conspiracy to violate the State labor laws; in 1952 for carrying gun and conspiracy following a pay-off to UAW Committeeman William Poindexter.
- Ornetto, John, "Big John" (New York) : At Apalachin meeting. A prominent figure in 107th Street (New York City) narcotics circles. He was arrested together with Salvatore La Proto for the possession of 2 guns, 1 with silencer, concealed in a trap in an automobile. Has three narcotics convictions and is currently subject of nationwide manhunt in connection with a large narcotics conspiracy. Operates Long Island Trucking Co.
- Osticco, James Anthony (Pittston, Pa.) : At Apalachin meeting. Arrests: liquor law and conspiracy. Official of Medico Industries, Inc.

P

- Palmeri, Paul (deceased) (New Jersey) : Was questioned in Moretti murder. Once partner in Maggadino Funeral Home in Buffalo. Had been arrested with Bonisera, Sam D. Carlo, John Oddo, and others in connection with murder of John Bazzare.
- Papadio, Andino (New York) : Recently arrested as part of the narcotics conspiracy in New York for which Big John Ormento is a fugitive. In garment industry with Farrell Modes, dresses.
- Pellegrino, Rocco (White Plains, N. Y.) : Has narcotic record. Close associate of John Ormento, Saro Mogavara, Socks Lauza, Mike Clemente.
- Perrone, Anto Sam (Detroit) : Arrested on several occasions for carrying concealed weapons. In 1951 he was arrested for conspiracy to interfere with formation of a labor organization.
- Pieri, Sam (Buffalo) : Together with Sal Rizzo exercises some influence through IBEW in obtaining entertainment in the Buffalo area.
- Polizzi, Alfred (Coral Gables, Fla.) : A former leader of the notorious Mayfield Road gang (Cleveland) with long police record. Was partner in Buckeye Catering. Presently in construction firm in Coral Gables, Fla.
- Polizzi, Angelo (Detroit) (deceased) : Associated with Valley Platers, Inc. Arrests: Murder, suspicion of murder, carrying concealed weapons, counterfeiting. He was an associate of Johnny Dio and John Ormento of New York.
- Polizzi, Charles "Chuck" : Operator of gambling casinos in northern Kentucky. He was a partner in Buckeye Catering.
- Polizzi, Mike (Detroit) : Son of Angelo Polizzi. Former jukebox operator with Pete Tocco and "Papa John" Priziola. Currently an investor in Torosian Oil Co., and president of Valley Platers, Inc.
- Plumeri, James (New York City), alias "Jimmy Doyle" : Uncle of Johnny Dio, with whom he was convicted for garment industry extortion. Now connected with El Gee Carriers, garment trucking and garment firms.
- Priziola, "Papa John" (Detroit, Mich.) : Detroit Police Department No. 10171. Several aliases. His name was found in records seized from Jack Dragna, west coast mobster. Criminal record includes arrests for carrying concealed weapons, armed robbery, gambling, suspicion of murder, grand larceny. Closely associated with the Licavolis, Zerillis, and Toccos.
- Profaci, Joseph (Brooklyn) : At Apalachin meeting. Owner of Carmela Mia Packing Co. Number of arrests in Italy and United States. An oldtime, well established gangster.

Q

- Quaserino, Rafael (Detroit, Mich.) : Closely associated with John Ormento in narcotic traffic.

R

- Rao, Chas. (New York City) : A partner in a metal lathing business, his name was found in address books of Jack Dragna and Nomo A. Sano of the west coast. Was an associate in the thirties of plasterers union delegates who went to Sing Sing for extortion. Brother, Vincent Rao.
- Rao, Joe (New York) : Held with Trigger Mike Coppola in connection with Scottoriggio murder; while serving prison term 1936 for assault on Black-

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- well's Island, created a sensation in the way he was able to maintain control while in prison.
- Rao, Vincent (Yonkers, N. Y.): At Apalachin meeting. Real-estate operator and owner. Arrests: Grand larceny, possession of gun (2), violation Workmen's Compensation Act.
- Rava, Alfred (Brooklyn): At Apalachin meeting. Manager of New Comers Restaurant, Brooklyn. Arrests: Extortion, policy, internal-revenue law, vagrancy. Close contact with Albert Anastasia.
- Renda, James (Detroit): Canadian gambling-house operator, was 2 times tried for murder, 1 victim being a police sergeant.
- Renda, William (Detroit): Killed in Detroit prison while attempting to free a prisoner. Father of Carl Renda.
- Riccobono, Joseph (Staten Island, N. Y.): At Apalachin meeting. Owns Christine Dresses and Toni Belle Dresses, Brooklyn. Arrests: Weapon, extortion, and conspiracy.
- Riala, Anthony (West Orange, N. J.): At Apalachin meeting. Owns Airport Hotel, Newark. Arrests: Maintaining a nuisance and permitting prostitution on premises.
- Rosato, Joseph (New York): At Apalachin meeting. Alias "Joe Palisades." Owner of two trucking companies in the garment industry. Arrested for homicide; gun.
- Rubino, Mike (Detroit): Associated with Angelo Neli, Scarface Joe Dommarito, Pete Licavola, in jukebox operation. Associate of Joe Di Carlo.

S

- Santos, Louis (Habana, Cuba): At Apalachin meeting. Real name Louis Trafficante, Jr., who now operates San Souci gambling casino in Habana. His father has been boss of Tampa rackets for years.
- Santora, Salvatore (Leonia, N. J.; New York City): Past and present narcotic partner and fugitive with John Ormento in narcotic conspiracy.
- Scalise, Frank (City Island, N. Y.): Murdered 1957, in Bronx. Associate of Rocco Pellegrino.
- Scalish, John (Cleveland, Ohio): At Apalachin meeting. Operates Buckeye Cigarette Co., vending machines. Arrests: Burglary, robbery (2).
- Sciandra, Angelo Joseph (Pittston, Pa.): At Apalachin meeting. Associated with Dixie Frocks Co., Wyoming, Pa., and Claudia Frocks, New York City. Arrests: Assault.
- Sciortino, Patsy (Auburn, N. Y.): At Apalachin meeting. Associated with Diana Bleach Co., Auburn, N. Y. Arrest: Violation of Immigration Act.
- Seozzari Simone (San Gabriel, Calif.): At Apalachin meeting. Arrests: Suspicion bookmaking (2). Had \$10,000 in cash and checks when picked up. He operates cigar stand at Venetian Athletic Club, Los Angeles.
- Sero, Sam (Syracuse): President Darling Ice Cream Co., Syracuse, N. Y. Has contact with Barbara, Rosario Maneuso, Sam Monachino, and Salvatore Falcone.
- Sero, Vincent (Buffalo): Accountant for Buffalo activities who is missing since Federal grand jury has demanded records of Maggadino Memorial Chapel, Inc., which were in his possession.
- Smurra, George (New York City): Indicted in connection with the murder of Ferdinand Boccia in 1934, as were Vito Genovese and Mike Miranda.
- Stracci, Joseph (New York): Arrests run through murder, rape, burglary, assault, robbery, grand larceny, drugs. Served one term Sing Sing. Reported power behind Jewelry Workers Union Local 222, and associate of Raymond Patriarca, a Rhode Island figure.

T

- Tocco, Anthony J. (Detroit): Has record of arrests in Detroit.
- Tocco, Pete (Detroit): Arrested for bootlegging during prohibition.
- Tocco, Sam (Detroit): Arrests for robbery, larceny, carrying concealed weapons, suspicion of murder.
- Tocco, William "Black Bill" (Detroit): Detroit Police Department No. 13817. He has record of arrests since 1920, for armed robbery, suspicion of murder,

INDIVIDUALS AT APALACHIN AND NAMES OF SOME OF THEIR CONTACTS AND ASSOCIATES—Continued

- violation of the prohibition law, gambling. In Detroit, gambling activity with Pete Licavoli and Joe Zarilli.
- Tornabe, Salvator (New York City) (deceased, December 30, 1957): At Apalachin meeting. Beer salesman for Sunland Beverage Corp., owned by Joe Magliocco. Admitted sale of whisky to Federal agent in 1921.
- Tortorici, Frank (New York City): Officer of Locals 222 and 422, Jewelry Workers, and welfare funds of same.
- Tortorici, Joe "Joe Stutz" (New York City): Nine arrests, no convictions, for crimes ranging from homicide, felonious assault, and robbery to vagrancy and liquor-law violations. Associate of prominent New York City labor racketeers such as Tony Ducks Corallo and Joe Stracci "Joe Stretch"; also, associate of Lorenzo Brescia and Pete DeFeo.
- Tramunti, Carmine (New York City): Associated in labor racketeering with Anthony Corallo alias "Tony Ducks," Mack Macaluso, Dick Kamanitzky.
- Turricane, Patsy (Endicott, N. Y.): At Apalachin meeting. Arrests: Operating still. Associated with grocery store.

V

- Valente, Costenze Peter (Rochester): At Apalachin meeting with brother Frank. They operate Valente Bros. produce business in Rochester. Has operated restaurants in Pittsburgh.
- Valente, Frank Joseph (Rochester): At Apalachin meeting with brother Costenze Peter Valente, and with whom he operates produce business in Rochester. Arrests: Counterfeit money, forgery, blackmail, larceny, internal-revenue laws, assault and battery to commit rape, robbery, murder (2), conspiracy to violate Selective Service Act.
- Volpe, Santo (Pittston, Pa.): Arrested in 1932 with Albert Anastasia, Paul Palmeri, Anthony Bonisera, and others for murder of John Bazzano in Brooklyn, where Bazzano had been lured after the murders of three Volpe brothers in Pittsburgh.

Z

- Zerilli, Sam (Detroit): Arrests for prohibition-law violations, conspiracy to violate State gambling laws.
- Zerilli, Joseph (Detroit): Associate in various rackets of Pete Licavoli et al.
- Zicari, Emanuel (Endicott, N. Y.): At Apalachin meeting. Arrests: Counterfeiting. Occupation: Shoe worker.
- Zito, Frank (Springfield, Ill.): At Apalachin meeting. Owner and operator of Modern Distributing Co., jukeboxes. Claims to be retired. Arrests: Conspiracy to violate prohibition laws.

MR. KENNEDY. As we are going into this meeting in Apalachin, Mr. Chairman, the first witness will be Sgt. Edgar Crosswell.

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

MR. CROSSWELL. Yes, sir.

TESTIMONY OF SGT. EDGAR D. CROSSWELL

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

MR. CROSSWELL. My name is Edgar D. Crosswell, and I am a sergeant at the Bureau of Criminal Investigation of the New York State Police.

I reside and work from the Vestal substation in Vestal, N. Y.

THE CHAIRMAN. How long have you been in this work, Sergeant?

MR. CROSSWELL. Seventeen years. With this department.

THE CHAIRMAN. Of course, you waive counsel?

Mr. CROSSWELL. Yes, sir.

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

Mr. KENNEDY. Sergeant, in what areas of New York have you been working?

Mr. CROSSWELL. I have worked throughout the State, but the greater part of my time has been spent in and about Broome and Tioga Counties.

Mr. KENNEDY. Does Mr. Joseph Barbara have a residence there?

Mr. CROSSWELL. In Tioga County; yes, sir.

Mr. KENNEDY. When did you first become interested in Mr. Joseph Barbara?

Mr. CROSSWELL. In 1944.

Mr. KENNEDY. Will you tell us the circumstances surrounding that?

Mr. CROSSWELL. At that time, I picked up a man who had been stealing gasoline from one of Barbara's plants.

Mr. KENNEDY. This was during the war?

Mr. CROSSWELL. During the gasoline shortage, during the war. I called Mr. Barbara to come down to the station and he seemed very reluctant to prosecute the man for stealing gas, which at that time was hard to get, and it sort of seemed funny that he didn't want to do anything about it.

Mr. KENNEDY. Was there anything suspicious about the man at the time that you picked him up? Did he have any firearms on him?

Mr. CROSSWELL. Mr. Barbara had a revolver on him when he came in.

Mr. KENNEDY. He came down to the police department?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. He had a revolver on him?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. He did not want to prosecute this individual; is that right?

Mr. CROSSWELL. That is correct.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, Mundt, and Goldwater.)

Mr. KENNEDY. Had you known anything about Mr. Barbara prior to that time?

Mr. CROSSWELL. No, not prior to that.

Mr. KENNEDY. Did you become interested in him then?

Mr. CROSSWELL. From that time on; yes, sir.

Mr. KENNEDY. Did you find out anything about his background?

Mr. CROSSWELL. Yes. That came some time later. Every investigation of any importance that we conducted in that area concerning vice or gambling seemed to center around Joseph Barbara and the people who associated with him. In 1948 I went down to Wyoming, Pa., trying to get some information on his background.

Mr. KENNEDY. Why did you go down there? What had you known about his contacts with Pennsylvania?

Mr. CROSSWELL. Well, he originally came to the Endicott, N. Y., area, from the Pittston, Pa., area.

Mr. KENNEDY. Had you known anything about the activities of any of these gangsters or hoodlums in the Pittston area?

Mr. CROSSWELL. Up until that time; no, sir.

MR. KENNEDY. But you knew that he came out of that area?

MR. CROSSWELL. That is right.

MR. KENNEDY. Did you make inquiry at a later time on his background?

MR. CROSSWELL. Yes, I did.

MR. KENNEDY. Would you relate what you found out?

MR. CROSSWELL. Do you want about his criminal record?

MR. KENNEDY. The information that you learned at that time.

MR. CROSSWELL. We found that in January of 1931 he was arrested as a suspect in a murder charge, and later discharged. In connection with that arrest, the Pennsylvania State Police records disclose that Calomero Calogare arrived in Pittston, Pa., on December 31, 1930. On January 4, about 8 p. m., this man was walking along Railroad Street in Pittston, Pa. Two men were following him and when they overtook him, 1 of the men fired 5 or 6 shots. The victim made a deathbed statement and accused Tony Merreale of shooting him, over ill feeling between the victim and Santo Volpe, Sam Volpe, and Charles Bufalino.

MR. KENNEDY. Santo Volpe and Sam Volpe; they are from Pittston also?

MR. CROSSWELL. That is right. And Charles Bufalino is from Pittston. Tony Merreale with brothers Carmel and Joseph, also known as Colorado Joe, were boarding at the same home. There it was established that subject was a frequent visitor at this home, subject being Barbara, and a close friend of Carmel Merreale. Tony Merreale on apprehension claimed at the time of murder he was working at Old Forge at a still for Barbara. Barbara was arrested on suspicion of being a second man. However, witnesses failing to identify him, he was discharged.

SENATOR MUNDT. What was Barbara's obvious means of livelihood at that time?

MR. CROSSWELL. In 1948?

SENATOR MUNDT. At the time you are talking about.

MR. CROSSWELL. At that time, in 1931, he was just a hoodlum down around Pennsylvania, in the coalfields.

SENATOR MUNDT. He didn't have any legitimate means of income, do you mean?

MR. CROSSWELL. Not that I know of, sir.

SENATOR MUNDT. Before you go on, I would like to ask one question. You said when Barbara came to the police station he refused to testify against the man that stole the gasoline, and you found a revolver on him?

MR. CROSSWELL. Yes, sir.

SENATOR MUNDT. Is that against the law to carry a revolver without a permit?

MR. CROSSWELL. Not with a permit, and he had a permit.

SENATOR MUNDT. He had a permit?

MR. CROSSWELL. Yes, sir.

SENATOR MUNDT. Is that a State permit, a local permit or a permit from the FBI?

MR. CROSSWELL. New York State.

SENATOR MUNDT. And he had one?

Mr. CROSSWELL. Yes, sir.

Senator MUNDT. Thank you.

The CHAIRMAN. All right.

Mr. CROSSWELL. On February 21, 1933, Barbara was arrested by the Police Department of Scranton, Pa., for suspicion and investigation, and was discharged the next day in police court.

In connection with that, Pennsylvania State Police records show that a Samuel Wichner, a Jewish-American racketeer involved in bootlegging, hijacking, and blackmailing was murdered between the hours of 10 and 12 p. m. The crime was discovered at 7 p. m., February 16, 1933, when a Ford coupe belonging to the victim was found in the 400 block of Meriden Avenue, in Scranton, Pa.

The body was in the rear compartment. Death was caused by strangulation. The crime took place indoors, after struggle with his murderers; victim was rendered at least partially unconscious when they applied a slip noose about his neck and drew it tight until he died. Two pieces of No. 9 sashcord, each 12 feet in length, one with noose about neck, and then a half hitch about arms, then taking it under the knees, knotted and brought down about the ankles, which was brought up. The second cord started about the feet and wrapped about the body. The victim, minus hat and coat, was then placed in the rear compartment of his own car, the same driven to Scranton and abandoned. Two men left the car and entered a black Buick sedan occupied by two other men which had followed them to the spot.

Victim, minus his hat and coat, was badly beaten about the face, possibly with knuckles. The victim was allegedly lured to the home of Barbara on the belief that he would have a conference with Barbara, Santo Volpe, and Angelo Valente, who were to be his silent partners in a new bootlegging venture.

He had informed his wife he had been to Barbara's home the previous night and was instructed by Barbara to return at 9:30 p. m. the following night and not let anyone know where he was going, not even his wife.

His criminal record also shows that on August 1, 1931, he was arrested for violation of 1897 of the penal law of the State of New York. That arrest was made by New York City Police Department and he was discharged on August 7, 1931; 1897 of the penal law is unlawful possession of a firearm.

His criminal record also shows that on June 13, 1946, in United States court at Utica, N. Y., Barbara was convicted of illegal acquisition of sugar, which involved an illegal possession of some 300,000 pounds of illegal sugar.

The CHAIRMAN. How many pounds?

Mr. CROSSWELL. 300,000.

The CHAIRMAN. What was the date of that?

Mr. CROSSWELL. In 1946.

The CHAIRMAN. During the war?

Mr. CROSSWELL. Yes, sir. Right after the war. But the actual arrest, the conviction was after the war, but the actual arrest was during the war.

The CHAIRMAN. The offense was committed under the war restrictions?

Mr. CROSSWELL. Yes, sir.

Senator MUNDT. Sergeant, I notice on the dope sheet that we have on this man, that he is president of the Canada Dry Bottling Co. Is that the whole parent organization that a character like this is president of?

Mr. CROSSWELL. No. They have franchised dealers, and he was a franchised dealer. The correct title of his business was "Canada Dry Company of Endicott, Inc."

Senator MUNDT. He was president of the Endicott distributing agency as it were?

Mr. CROSSWELL. He was a franchised dealer of the parent company, but he has now disposed of that business.

Senator MUNDT. He disposed of that?

Mr. CROSSWELL. Yes, sir. In checking Barbara's criminal record, the Pennsylvania State Police files also reflect that he was arrested in Scranton, Pa., on February 10, 1932, on a charge of suspicion of murder. This does not appear on his regular sheet from the Department of Correction, and I don't know why. However, he was not booked, which would be the answer to it. And the arrest does not show in his criminal record. Harry Steinberg, alias Jack Lewis, a New York City parolee, in company with Edward Weiss, of Scranton, were walking down Muncy Avenue in Scranton, Pa., when a car going in the same direction overtook them. The car's occupants started shooting. Steinberg was killed, Weiss wounded and recovered. When taken to the hospital, Weiss identified Barbara and Nick Ross as the killers.

When they were arrested and taken to the hospital, Weiss declared that they were not the men, and they were released. The story behind this murder is that subject and others, subject again being Barbara; the story behind this murder is that Barbara and others were operating a big still near Cresco, Monroe County, Pa. Weiss learned its location and tried to blackmail Barbara for \$2,500, with a threat to tip Federal agents. Mendell Katz, acting as their spokesman, made the proposition to Barbara in a hotel in Stroudsburg.

Subject stalled, asking for a couple of days to see his partner, and raise the money. In the meanwhile, he moved the still to another location, at an alleged cost of \$1,500.

It is noted that Joe Merreale, alias Colorado Joe, whose riddled body was found on the outskirts of Endicott about the latter part of 1933, left Scranton the day he was killed, with the announced intention of going to Endicott to obtain money, intending to return to Scranton the same day.

When the subject left he was the one this victim would go to when he needed money or a can of alcohol. Again, when I spoke of subject, I meant Barbara.

Mr. KENNEDY. So he came out of this area around Scranton, Pa., where there had been a number of gangland murders and a great deal of violence, is that right?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. And he went to settle in upstate New York?

Mr. CROSSWELL. Endicott, N. Y.

Mr. KENNEDY. And took on this business.

You, yourself, became interested in him in 1945, and you checked on his criminal record and background, and his associates. Did

you find from your further investigation and watching him after that, that he was in contact with a lot of these underworld figures?

Mr. CROSSWELL. Yes. In watching his place and his residence we would see these hoodlums from Pennsylvania and from our local area appear at Joseph Barbara's home at various times, at frequent intervals.

Mr. KENNEDY. Were you ever able to determine what any of those meetings were about?

Mr. CROSSWELL. No; we were not.

Mr. KENNEDY. Was there a meeting in 1956?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. Would you relate that to the committee?

Senator GOLDWATER. Mr. Counsel, before you complete that period, I have a question.

Was this man ever convicted of any of these crimes?

Mr. CROSSWELL. Only the Federal violation of the illegal acquisition of sugar.

Senator GOLDWATER. How much time did he serve on that?

Mr. CROSSWELL. He got a \$5,000 fine; no jail time.

Senator GOLDWATER. But in all of the arrests in Pennsylvania he was never convicted?

Mr. CROSSWELL. No, sir.

Senator GOLDWATER. Was the evidence in those cases strong?

Mr. CROSSWELL. Apparently not strong enough for a conviction.

Senator GOLDWATER. Has he ever been convicted in New York State?

Mr. CROSSWELL. No, sir; he was not.

Senator GOLDWATER. Has the evidence in those cases been strong?

Mr. CROSSWELL. He has never been arrested in New York State.

Senator GOLDWATER. He has never been arrested?

Mr. CROSSWELL. No, sir.

We have never had sufficient evidence to arrest him.

Senator GOLDWATER. Thank you.

Senator MUNDT. In that same vein, when all this background of criminal allegation was established against Mr. Barbara, was his revolver permit revoked by the State of New York?

Mr. CROSSWELL. No, sir; it was not revoked until after the Apalachin meeting.

Senator MUNDT. That was the one in 1957?

Mr. CROSSWELL. 1957.

Senator MUNDT. Under what conditions can hoodlums get revolver permits?

I would think they would take them away from them after they found out they had given them to a fellow with a felonious record.

Mr. CROSSWELL. I would think so, too, Senator.

Senator MUNDT. But it was not done?

Mr. CROSSWELL. It was not done.

Senator MUNDT. Thank you.

Senator IVES. How did he acquire this permit, do you know? What process did he go through? Where did he get it?

Mr. CROSSWELL. He got it from the Broome County judge.

Senator IVES. Broome County judge?

Mr. CROSSWELL. Yes, sir.

Senator IVES. Is Apalachin in Broome County?

Mr. CROSSWELL. No, sir. It is not. But at that time he lived in Endicott, N. Y.

Senator IVES. It is alleged that he has some kind of a heart condition. Do you know anything about that?

Mr. CROSSWELL. He has a very severe heart condition, yes, sir.

Senator IVES. When did he acquire that?

Mr. CROSSWELL. In July of 1956.

Senator IVES. That is when it first showed up?

Mr. CROSSWELL. That is the first I knew about it.

Senator IVES. Thank you very much.

Mr. KENNEDY. He has been subpoenaed before the committee and has furnished a medical report as to the reasons that he cannot come, which includes the fact that he has a heart condition.

Senator IVES. May I follow that up with a question to the sergeant?

Are you satisfied that he has a heart condition?

Mr. CROSSWELL. Yes, sir, I am personally.

Senator IVES. You are personally, yourself?

Mr. CROSSWELL. Yes, sir. Agencies that I have worked with have sent doctors in and examined him. He does have a serious heart condition. He spent over 6 months in the hospital when he had his initial attack, and he has been back subsequent to that.

Senator IVES. That was before this meeting at his house in Apalachin?

Mr. CROSSWELL. Yes, sir.

Senator IVES. Thank you.

Senator MUNDT. How old is he now, Sergeant?

Mr. CROSSWELL. He is about 54, 53 or 54.

Senator GOLDWATER. What do you have to do to get a revolver permit in New York State?

Mr. CROSSWELL. You have to apply for it to a court of record, a county judge, and your application has to have 4 or 5 character witnesses, you have to submit a set of fingerprints. You are supposed to be investigated, usually by a sheriff's department. Then the county judge either grants the permit or turns down the request.

Senator GOLDWATER. Are they usually pretty thorough on that investigation?

Mr. CROSSWELL. Usually; yes. They are usually very much guided by the people who are listed as references. If they call them and the people say they are reliable people, they usually take their word for it.

Senator GOLDWATER. Did you ever see his application?

Mr. CROSSWELL. Yes, sir; I have.

Senator GOLDWATER. What kind of character witnesses did he give?

Mr. CROSSWELL. He had the very best.

Senator GOLDWATER. In New York State?

Mr. CROSSWELL. Yes, sir.

Senator GOLDWATER. How long after he moved to New York State from Pennsylvania did he apply for his revolver permit?

Mr. CROSSWELL. I would have to trust my memory on that now. I think it was about 1940 that he got his permit. He had moved there in about 1931 or 1932.

Senator GOLDWATER. In this case, are you satisfied that they checked his fingerprints?

Mr. CROSSWELL. No, sir. If they checked his fingerprints, they certainly would have found this, his criminal record.

Senator GOLDWATER. How do the county judges in New York get their jobs? Are they elected or appointed?

Mr. CROSSWELL. They are elected, sir.

Senator GOLDWATER. How long are their terms?

Mr. CROSSWELL. I believe it is 6 years.

Senator IVES. Six years is right.

May I ask a question? For how long is a pistol permit good at the present time?

Mr. CROSSWELL. At the present time it is good until revoked.

Senator IVES. Until revoked?

Mr. CROSSWELL. Yes, sir.

Senator IVES. When did that go into effect?

Mr. CROSSWELL. About 5 years ago, I believe.

Senator IVES. And prior to that time how long had they been good?

Mr. CROSSWELL. I am not sure whether it was every year or every 3 years that they had to be renewed.

Senator IVES. There was a time when I had one myself, but I let mine lapse after I gave my pistols away. There was a time when it was good indefinitely, and then they had one where every year you had to renew it. That was too much of a thing, so I let my weapons go.

Mr. CROSSWELL. Now, they are good again until revoked.

Senator IVES. I guess I will get some more weapons, then.

The CHAIRMAN. All right.

Mr. KENNEDY. As far as his convictions are concerned, at least one instance it was the witness against him in the murder down in Pennsylvania who refused to identify him after he had identified him originally; is that correct?

Mr. CROSSWELL. That is right. It is my understanding that he identified him when he thought he was going to die, and by the time they brought Barbara in, he found out he was not going to die, and then he refused him. Then he didn't want to die.

Mr. KENNEDY. On the situation in New York, as I understood your recitation of the record, he had been arrested for carrying a gun without a license, had he not?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. So he had been arrested?

Mr. CROSSWELL. Arrested, but not convicted.

Mr. KENNEDY. When was that?

Mr. CROSSWELL. That was on August 1, 1931.

Mr. KENNEDY. Had he been involved or closely associated with any other violence cases, other than the ones you have recited, specifically in 1952?

Mr. CROSSWELL. These are the only ones that I know of that are a matter of record. Among police authorities in the Pennsylvania, Pittston, area where he lived for many years, he was known to be connected with a lot of things that could never be proven.

But they have at least some proof of the things I have related here.

Senator MUNDT. At the present time does he have any legal and obvious means of earning a living, or is it solely the Canada Dry Bottling Co.?

Mr. CROSSWELL. He just sold that for a quarter of a million dollars. What part was his or what part was mortgaged, I have no way of knowing.

Senator MUNDT. He has no other business that you know of?

Mr. CROSSWELL. He has a business that they just started, J. B. Industries, but as far as we can find out, they are not doing anything and we don't know what it is.

They filed a certificate of incorporation and that is all.

Senator MUNDT. When did he sell the Canada Bottling Co.?

Mr. CROSSWELL. About 3 months ago now.

Senator MUNDT. After the Apalachin meeting?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. During the period up until the meeting in 1957, you say that you found that there was a congregation of the local hoodlums as well as hoodlums from out of State at Barbara's home?

Mr. CROSSWELL. Yes. They were constantly going back and forth to Barbara's home.

Mr. KENNEDY. Who were some of his contacts?

Mr. CROSSWELL. Russell Bufalino was there an awful lot, from Pittston, Pa. Anthony Guarneri, from Endicott.

Mr. KENNEDY. Guarneri?

Mr. CROSSWELL. Correct. And Emanuel Ziccari.

Mr. KENNEDY. Who are they?

Mr. CROSSWELL. Emanuel Ziccari is a man with a criminal record for, I believe it is, passing counterfeit money. He was a constant companion of Barbara's.

Mr. KENNEDY. Who is Guarneri?

Mr. CROSSWELL. Guarneri now operates a dress company in the city of Binghamton, known as the Triple Cities Dress Co. He formerly operated one in Owego, N. Y., Owego Textile Co.

Mr. KENNEDY. Has he a criminal record of any kind?

Mr. CROSSWELL. Yes. We have arrested him twice on lottery charges, once for unlawful possession of a firearm. He also has a conviction for unlawful possession of slot machines.

Senator GOLDWATER. Did he lose his pistol permit?

Mr. CROSSWELL. Barbara, you mean?

Senator GOLDWATER. No, the one you were just talking about.

Mr. CROSSWELL. He never had one, Guarneri had one, and we arrested him for unlawful possession of the gun because he never had a permit. He was convicted and did 4 months in jail and fined \$300.

Mr. KENNEDY. Can you just give us a couple of others?

Mr. CROSSWELL. Patsy Turrigiano. He is a man whom we have arrested for operating an illicit alcohol still which we felt Barbara was backing, and Turrigiano had absolutely no money when he set up this elaborate still and bought a new truck and a new car and went right into business, and he was constantly going back and forth to Barbara's house at that time.

The CHAIRMAN. How long ago has that been?

Mr. CROSSWELL. That was about 1948, sir. I believe it was 1948.

Mr. KENNEDY. Did you find that a group of these people congregated at Barbara's home in 1956?

Mr. CROSSWELL. Not in his home, no.

Mr. KENNEDY. At his place.

Mr. CROSSWELL. No. We found where Barbara had registered at the Arlington Hotel in Binghamton, N. Y., with a bunch of hoodlums.

Mr. KENNEDY. Some of the people you just mentioned were present?

Mr. CROSSWELL. No, they were not.

Mr. KENNEDY. Who were some of the people that were there?

Mr. CROSSWELL. Louis Volpe, of Long Island City, N. Y., and Frank Garofalo.

Mr. KENNEDY. Who is Louis Volpe?

Mr. CROSSWELL. I don't know him, and he has no criminal record that I know of. Frank Garofalo, of New York City—he has one arrest for vagrancy and suspicion, and he is mentioned quite prominently in Ed Reed's book on the Mafia as being a topflight member of Mafia in New York City.

John Vonventre, of Brooklyn, N. Y., and I don't have his criminal record, but he has one.

Joseph Barbara we have discussed, and Joe Bononno, also known as Joe Bananas. They were all registered at the Arlington Hotel on the 16th and 17th of October 1956.

Mr. KENNEDY. Do you know anything about Joe Bananas?

Mr. CROSSWELL. I know he has a long criminal record, and I don't have a copy of it.

Mr. KENNEDY. He has been arrested for grand larceny and transporting machineguns to the Capone mob in Chicago?

Mr. CROSSWELL. That is right.

Senator IVES. May I break in there?

Do you happen to know whether those were the only ones registered at that time, in the Arlington?

Mr. CROSSWELL. They were the only ones that we could trace, and those were the only ones charged to Barbara's company.

Senator IVES. You don't know whether there were any others there that might be a part of them?

Mr. CROSSWELL. We believe a man named Carmine Galente was there. Galente was picked up after he left the city of Binghamton in company of Frank Garofalo and two other unknown men.

Senator IVES. Do you happen to know whether anybody with any alias was there, or whether they registered in their own names or not?

Mr. CROSSWELL. Well, there could have been a lot of aliases that we wouldn't have recognized.

Senator IVES. You don't know how many were there at that time?

Mr. CROSSWELL. No, sir, we do not.

Senator IVES. Thank you.

Mr. KENNEDY. Would you tell us who Galente is, just in summary?

Mr. CROSSWELL. He has a real long record. Do you want his record read?

Mr. KENNEDY. If you can summarize it. Is that possible?

Mr. CROSSWELL. Yes, it starts back in 1921, he was arrested as a juvenile for larceny and juvenile delinquency, and then for grand larceny, petty larceny, and sentenced to the penitentiary. Attempted robbery and assault, that was later changed to assault, and he served 2½ to 5 years in Sing Sing Prison.

He was arrested for petty larceny. Then he was arrested for assault, second degree, 2½ to 5 years. He was paroled in 1930, and returned as a parole violator, and served his time.

In 1930 he was arrested for homicide with a gun, and later discharged. In 1930 he was arrested for assault and robbery. In 1930 he was arrested for attempted assault and robbery, that is the same case, and he was sentenced to serve 12½ years in Sing Sing Prison. I believe I am correct in this, that was a result of shooting his parole officer.

He was arrested again for violation of parole in 1943 and returned. Senator MUNDT. Did he serve the 12½ years?

Mr. CROSSWELL. Well, here is the rundown on that. He was sentenced to 12½ years, and he went to Great Meadows Prison in 1932, and then he was transferred to Clinton Prison in 1933, and he was paroled in 1939, so he served 6 years of the initial term.

Senator IVES. Who paroled him, the parole board?

Mr. CROSSWELL. Yes, sir.

Senator MUNDT. Did they find a volunteer to be a parole officer? Having shot the first one it would be pretty hard to get the second one?

Mr. CROSSWELL. He was declared delinquent in 1943 and returned to Sing Sing, and transferred to Clinton, and discharged by court order in 1944. So he served a good share of that 12½ years altogether, but he did it over a long span.

Senator MUNDT. Being discharged by court order, does that mean that they found a flaw in the case by which they sent him up?

Mr. CROSSWELL. That is I have to record, and I would presume that is being terminated, and that he had finished his sentence.

Then he was arrested in 1947 for violation of section 8 of the United States Code.

Senator MUNDT. There is no habitual-criminal law in the State of New York?

Mr. CROSSWELL. Yes, sir; there is.

Senator MUNDT. How does he beat that?

Mr. CROSSWELL. The same way Barbara had his pistol permit. I am not trying to be smart, Senator. I do not know the answer to those things.

Senator MUNDT. It is a disturbing thing that the same people continually commit crimes when a habitual-criminal law is to get the criminal who is a habitual and lock him up for safekeeping for life.

Quite obviously, the law has been ignored as far as this man is concerned in the State of New York, so it is a rather serious situation.

Mr. CROSSWELL. Carmen Caballente is now wanted in connection with pilfering, and they have arrested some members and Carmen Gallente is one of the members that they cannot find.

The CHAIRMAN. Do I understand Barbara had these men there and paid their expenses and paid their hotel bills?

Mr. CROSSWELL. Yes, sir.

The CHAIRMAN. Obviously, in some kind of conference.

Mr. CROSSWELL. That has been going on for several years, sir.

The CHAIRMAN. But this man whose criminal record you have just given is one of those who was in that meeting?

Mr. CROSSWELL. We think he was, Senator. He was in a car with 3 others that were at the meeting, and they all had baggage, and the other 3 had just checked out of the Arlington Hotel so we presume Gallente certainly must have been with them at the meeting.

The CHAIRMAN. All right.

Mr. KENNEDY. How did you happen to arrest them?

Mr. CROSSWELL. He was stopped for speeding.

Mr. KENNEDY. Did he have his registration and license with him at that time?

Mr. CROSSWELL. He was using a license of a man named Joseph D. Polero, who also has a criminal record similar to Gallente's, and he is known as a dope peddler and he is now wanted by Federal and I believe, also, New York City authorities for bail jumping and dope violations.

Mr. KENNEDY. Did he serve time for that, Gallente? Did he serve time for driving with someone else's permit and speeding?

Mr. CROSSWELL. I believe he got 30 days to the specific charge of driving while his license was revoked. We had 4 or 5 charges against him.

Mr. KENNEDY. Then, as you point out, there were a number of meetings up until 1957, and then came the meeting in November of 1957.

Mr. CROSSWELL. The big one; yes.

Mr. KENNEDY. Would you tell us about that one? What happened in that?

Mr. CROSSWELL. You mean how we came to discover it?

Mr. KENNEDY. Yes.

Mr. CROSSWELL. It is rather embarrassing, it was so simple. My partner and myself were investigating a bad-check case in a motel in Vestal.

Senator IVES. Just a minute. Your partner, did you say?

Mr. CROSSWELL. Yes, sir.

Senator IVES. Who is that?

Mr. CROSSWELL. Trooper Vasasko.

The CHAIRMAN. Go ahead.

Mr. CROSSWELL. And since the 1956 meeting in the Arlington Hotel, we had been very alert and watching the hotels and motels for any other people who registered and had their bills charged to Barbara.

We saw young Joseph Barbara approaching the motel and so we stepped into the proprietor's living room, which is directly in back of the office, and young Joseph Barbara came in and he engaged three rooms for the night of November 13 and 14, and he said he wanted them charged to Canada Dry Bottling Co., and wanted to pick up the keys then.

The proprietor's wife asked him to register and he told her that he could not register then because they were having a convention of Canada Dry men and he did not know just who was going to occupy the rooms, and he would register for them the next day.

So they gave him the keys and he went on out. We checked around that evening and up at Barbara's house we found Patsy Turrigiano's car, whom we knew was a still operator, and a car registered to a James V. LaDuca, of Lewiston, N. Y.

Mr. KENNEDY. Who is he, first?

Mr. CROSSWELL. He was a union official, of hotel and restaurant union.

Senator IVES. In Buffalo?

Mr. CROSSWELL. Yes, sir.

There was another car there with a New Jersey registration issued to an Alfred Angelicola, of Paterson, N. J. That was about 9 o'clock at night.

We checked back to the motel at 9:30 and we saw an Ohio registered car and we checked that registration and it was issued to the Buckeye Cigarette Service, of Cleveland, Ohio, operated by a man named John Scalish.

We asked the proprietor about that car and he said two men had driven in and went into one of the rooms that Barbara had reserved, and so we sent him out with a couple of registration cards to get the men to register. He came back and he said that they had refused to register and said that "Joe" would take care of it the next day.

He wanted to throw them out, and we told him no, to leave them there. We wanted to see what was going to happen. So with the fact that Patsy Turrigiano's car that was up at Barbara's house, we thought there might be something to do with another still getting under motion, and we got in touch with the Alcohol-Tobacco Tax Unit agents in that area, Kenneth Brown, and Arthur Rustin, and asked them to come down about midnight, I believe.

They got down to our station. We checked around until 2:30 in the morning and nothing further happened except a car of LaDuca appeared before one of the other rooms that Barbara reserved at the Parkway Motel.

The next morning the Ohio cars stayed at the motel and LaDuca's car left about 8:30 and we checked the rooms and the men had taken everything out of the rooms, and all of the beds had been occupied which indicated that 4 men had come with LaDuca in his car, because only 2 were there from the Ohio car.

Then we started, and I notified the inspector. Inspector Sidney, there were some strange cars in the area and it looked as though Barbara might be having another meeting, and we were going to check it out, and we would get in touch with him later. So my partner and the two agents and I drove down to the plant and there was nothing around there, and we drove up to Barbara's residence and that is when the stuff hit the fan.

We drove in, and everybody started running in all directions.

MR. KENNEDY. Could you point out on the chart? Could you go over there and point out what occurred or we can bring it over here, the chart.

(A chart was brought before the witness.)

MR. KENNEDY. Could you go over and point out where you came in, Sergeant, and where the cars were?

THE CHAIRMAN. First, identify the picture, and what is it?

MR. CROSSWELL. This is a picture of the main buildings of Barbara's home, and his residence. There is a town road running right past here, which does not show on this picture. We came up this road and turned into this driveway and 4 or 5 cars were parked here.

First of all, this is a two-car garage, with a dog kennel on this end, and there is a large barbecue pit and this is a picnic pavilion, and air conditioned.

This is the main house, and this is one of his tenant houses.

As we came in here, a lot of men ran from around the barbecue pit and around this corner and some ran for the house, and some came out

of the house and ran the other way, and everybody got all excited and all worked up.

The CHAIRMAN. Could we have a microphone there?

Mr. KENNEDY. Now, can you go to the bigger one. I think.

The CHAIRMAN. Point out again what you have just said. I did not even hear you from up here.

Mr. CROSSWELL. There is a town road leading along this side which does not show on this photograph. We came up that and turned into the driveway and there were 4 or 5 cars here and men ran from the barbecue pit around to this corner of the house, or this corner of the garage, and then into the house, and some of them came from the house and ran down this way, and we backed out and started on down the road here.

Mr. KENNEDY. That is all for now.

Now, would you come over to this chart, and we will put the lights back on.

Would you explain what happened, where you went after you backed down the road?

Mr. CROSSWELL. This is a town road and we came back down, down between this row of houses and over to here where you can see a light spot on the photograph. There we parked our car and called for a uniformed car to meet us at that location. This ride from here down, we talked over what we were going to do, and we decided the only thing we could do was stop everybody and find out who were in the cars as they came out of the place.

Senator MUNDT. Is that the only exit road to the house?

Mr. CROSSWELL. That is the only way to get out there, yes. The road past here ends at a washed-out bridge down below this farmhouse, and this road ends here at a washed-out bridge, so the only way to get out was through this road.

As we were setting up a roadblock here, we could not see the Barbara buildings themselves, but we could see this open field, and we saw 10 or 12 men running from the direction of Barbara's house into this pine woods. So, the first cars that we got down here in this area we set up a road over here called the McFadden Road that circles these woods and meets another road that goes down through here known as the Creek Road.

There was no place that these people could go, and they had to come out here either in open fields or on the McFadden Road or the Creek Road, and they rounded those up. Then everybody came down and we stopped them at the roadblock.

After we saw that we were running into a real bunch of unsavory characters, we decided to take them all in to the substation and get as much information from them as we could.

Senator MUNDT. How many did you pick up altogether?

Mr. CROSSWELL. Sixty-two, but that included two characters of Barbara's, so there were 60.

The CHAIRMAN. Did you set up a roadblock on the other road, where they could go around and get back into town?

Mr. CROSSWELL. There is no way that they could get back into town, sir. They had to come down either the Creek Road or the McFadden Road, and we had those roads blocked off, plus roving patrols over each of those roads. We were picking them up as they came out of the woods, 1 or 2 at a time.

The CHAIRMAN. They came out of the woods and they ran into the woods, and then were walking when you picked them up?

Mr. CROSSWELL. Yes, sir.

The CHAIRMAN. I see.

Mr. KENNEDY. Could you describe what they looked like, some of these people?

Mr. CROSSWELL. Before they went in the woods or afterward?

Mr. KENNEDY. Well, describe both.

Mr. CROSSWELL. Well, they were all dressed for the most part in silk suits, and white on white shirts, and highly polished, pointed shoes, and broad brimmed hats, and typical George Raft style.

Mr. KENNEDY. Was that before they went in the woods?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. What did they look like? the ones you picked up, that came out of the woods?

Mr. CROSSWELL. Some of them lost their hats and they were a little bedraggled, and three were full of cockle burrs and their shoes were kind of scuffy.

Mr. KENNEDY. What about Montana? Do you remember having any discussion with him?

Mr. CROSSWELL. Yes; Montana was down in the road block and he had been picked up in a field over on the McFadden Road, caught in a barbed-wire fence. The troopers brought him down to me, and I had a spare car there, and I set him in the car waiting for transportation.

Mr. KENNEDY. He is from Buffalo, N. Y.?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. That is John Charles Montana?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. Who is he?

Mr. CROSSWELL. He called me over to the house and he sent a man over and said he wanted to see me and I went over and he told me he was very embarrassed being there, and he had just stopped in to see Barbara, and did not know that there was going to be any such gang of characters as he found up there, and if I would let him go up and get his car and get out of there he could probably do something for me.

He started mentioning a lot of prominent people that he knew in Buffalo and that area and one of the officials of our department that he knew very well. He mentioned no specific thing that he could do for me, but that he could do something for me if I would let him go and get his car.

Senator IVES. How was he attired? Did he have the George Raft attire, too?

Mr. CROSSWELL. Yes, sir; top coat and all.

Senator IVES. Pointed shoes and all?

Mr. CROSSWELL. Yes, sir.

Senator IVES. Large hat?

Mr. CROSSWELL. Yes, sir.

Senator IVES. He had all of that on to have a cup of tea?

Mr. CROSSWELL. That is his story.

(At this point, the following members were present: Senators McClellan, Ives, Ervin, and Mundt.)

Mr. KENNEDY. What time did you set up the roadblock?

Mr. CROSSWELL. We pulled in the yard at 12:40. We had the road-block in operation at 12:15, but for all practical purposes——

Senator MUNDT. Was that daytime or night?

Mr. CROSSWELL. Daytime. It was from 12:40 at the time we were in there, and no one went in or out of that road from 12:40 on.

Mr. KENNEDY. I understand Mr. Montana made some statements that he arrived after noon that day.

Mr. CROSSWELL. I have heard him make that statement at hearings, and he said he arrived there at 2:30.

Mr. KENNEDY. Would it have been possible for him to get there at 2:30?

Mr. CROSSWELL. He could not have gotten in there after 12:40. He also has told the story that his car broke down. He said nothing to me that day about his car breaking down.

The CHAIRMAN. That signals a rollcall vote in the Senate. The committee will have to stand in recess temporarily.

We will return as soon as the Senators have voted.

(Brief recess, with the following members present: Senators McClellan, Ives, Ervin, and Mundt.)

(At the reconvening of the session, the following members were present: Senator McClellan and Ives.)

The CHAIRMAN. The committee will be in order.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. LaDuca from the Hotel and Restaurant Workers' Union has denied, as I understand it, to our investigators, that he was even present at the meeting. Do you know if he was present?

Mr. CROSSWELL. On the night of November 13, LaDuca's car was at the Barbara residence. Later that night it stayed up at one of the rooms reserved at the Parkway Motel by young Barbara, and stayed there all night.

In the wastepaper basket of that room we found a hotel bill from 2 different hotels, in the name of James LaDuca, and 1 in the name of Charles Montana. When LaDuca was picked up, we found matches from the Parway Motel in his pockets.

On Sunday, following the raid on Thursday, we found LaDuca's car parked in the garage at Barbara's house; rather, the barn at Barbara's house. When we picked him up that night, he denied that he had ever been at the Parkway Motel, or that he had been at Barbara's place.

We told him about seeing his car there the night before, about seeing it at the Parkway Motel, and he said he was just on his way through from Buffalo, N. Y. If we had seen his car in that area, the car must have been stolen.

Mr. KENNEDY. You say that you got the possessions of these various people. Did they have money on them?

Mr. CROSSWELL. Yes.

Mr. KENNEDY. Did they have wallets?

Mr. CROSSWELL. Very few had wallets. Most of them just had their money loose in their pocket, and for identification they would have an operator's license or registration of a car in their shirt pocket.

Mr. KENNEDY. Did sums of money get large in any case?

Mr. CROSSWELL. Yes. Most of them ran between two and three thousand dollars that they would have in their pockets.

Mr. KENNEDY. That was in cash?

Mr. CROSSWELL. Cash.

Mr. KENNEDY. Did Mr. Scozzari have a greater amount?

Mr. CROSSWELL. Scozzari had about \$10,000, but \$8,000 of that was in a certified check from a bank in California.

Mr. KENNEDY. What was his employment at the time?

Mr. CROSSWELL. He had been unemployed for 20 years.

Mr. KENNEDY. Mr. Mancuso, did he tell you where he was employed at the time?

Mr. CROSSWELL. Yes. He gave me a business card of a Nu-Form Concrete Co. in Utica, N. Y., listing him as president of that company. We sent some of our men up there to check for him, to try to serve a subpoena on him, and there was no such address as the address given on the card. It was a residential area with no concrete business there. They could find no trace of the concrete business.

Mr. KENNEDY. On the card it said he was president of the company?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. Is there any way that you could tell or prove that the meeting was actually planned ahead and that these people all didn't just drop in to see their sick friend Joseph Barbara?

Mr. CROSSWELL. Yes.

On the 5th day of November 1957—that was 9 days prior to the actual meeting—Barbara called the Armour Co. in Binghamton, N. Y., and placed an order for prime steaks. The steaks that he ordered were their best cuts of meat and stuff that Armour in Binghamton, a city of 80,000, does not even stock. They had to send to Chicago after them. That was picked up on the 13th by one of Barbara's trucks and signed for by one of his caretakers named Blossom. The bill for the steaks was \$399.10.

Mr. KENNEDY. They had to send out of town for the steaks?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. To Chicago?

Mr. CROSSWELL. Yes, sir.

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

Mr. KENNEDY. That is all, Mr. Chairman. I wish to express the appreciation of the staff to Sergeant Crosswell for all the assistance he has given.

The CHAIRMAN. Are there any other questions?

Senator IVES. I have no questions outside of the fact that I would like to thank the sergeant for being here today and cooperating the way he has.

Mr. CROSSWELL. Thank you.

The CHAIRMAN. Senator Mundt.

Senator MUNDT. Just before we were called over for the vote, sergeant, we were talking about a fellow by the name of Montana. That being a western name kind of intrigued me a little. You said that he had sort of propositioned you out in your car about being able to pull some influence and be of assistance to you up in Buffalo if you should just pretend you had not seen him there. Then, if I understood you correctly, and I am not sure I did, you mentioned that at some hearings he had explained his presence.

What was the nature of those hearings?

Mr. CROSSWELL. That was before the—the place where I heard him testify was before the Legislative Watchdog Committee of the New York State Legislature in Albany.

Senator MUNDT. Were they interrogating him about this meeting of hoodlums that he attended?

Mr. CROSSWELL. Yes.

Senator MUNDT. And did he change his story during those hearings or did he tell them a different story from what he had told you?

Mr. CROSSWELL. He told them a different story than he had told me.

Senator MUNDT. As I understand the story he had told you, he had just dropped in casually for tea and was quite surprised at the type of characters who were there.

Mr. CROSSWELL. He said nothing about tea. He said he was an old friend of the Barbara family who was driving through and just stopped in to see him.

Senator MUNDT. What did he tell the watchdog committee?

Mr. CROSSWELL. He told the watchdog committee that some 50 miles prior to reaching Apalachin, his car had developed trouble with the brakes and the windshield wipers. It was raining and he had looked all along the road for a gas station or garage and could not find any. He remembered that he knew Joe Barbara, he had trucks and would probably have mechanics around, so he drove up there to get his windshield wipers fixed. Then he was cold and chilled from the rain and the cold ride, and he had gone inside and asked Mrs. Barbara to prepare a cup of tea for him, to warm him up.

Senator MUNDT. I would think a good invigorating run through the woods would tend to warm him up a little bit, too.

Mr. CROSSWELL. Yes.

Senator MUNDT. I suppose that story came so late that you had no chance to check his car to determine whether or not it really had trouble?

Mr. CROSSWELL. No. In fact, when he told that story, he had sent mechanics down from Buffalo to pick up his car, and he had receipted bills, or they had fixed the windshield wipers and they had fixed the brakes on the car.

But it was apparently all ready to go at the time he was begging me to let him get out of there. All he wanted to do was to go up and get that car and get out of there.

Senator MUNDT. Quite obviously, a story of that kind, which is pretty inoffensive, would have been the logical thing to have told you at the roadblock, had it been based on fact.

Mr. CROSSWELL. I would think so, yes.

Senator MUNDT. It would seem so to me. There is nothing reprehensible about having car trouble, if that had been the thing that brought him in. It would have been the first thing, I would think, that would have sprung from his lips at the time he was trying to explain to you his presence there. Does this man Montana have a police record?

Mr. CROSSWELL. No, not that I know of, sir.

Senator MUNDT. Does he have a pistol permit?

Mr. CROSSWELL. He did have one. He surrendered it immediately after the Apalachin meeting.

Senator MUNDT. But he had the pistol permit at the time he attended the Apalachin meeting?

Mr. CROSSWELL. Yes, and a pistol.

Senator MUNDT. Your pistol permits relate only to carrying a pistol, do they not? Not to having one in your possession in your home?

Mr. CROSSWELL. You have to have a permit in New York State to even possess one, possess or carry.

Senator MUNDT. And the same permit is available which enables you to carry one as to possess one?

Mr. CROSSWELL. Yes, sir.

The CHAIRMAN. All right. Thank you very much.

Senator IVES. Just a moment, Mr. Chairman.

What was the make of the car Mr. Montana was driving?

Mr. CROSSWELL. A 1957 Cadillac.

Senator IVES. That was new, then, last year, the year he was driving it?

Mr. CROSSWELL. It was practically brand new at that time.

Senator IVES. And here he was having all of this trouble with it?

Mr. CROSSWELL. So he says.

Senator IVES. Thank you.

The CHAIRMAN. All right. Thank you very much, Sergeant Crosswell.

We appreciate the cooperation you have given us, and your willingness to be of all the assistance you could.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, the next witness is from the Bureau of Narcotics, and Mr. Anslinger, the Commissioner of the Bureau of Narcotics, has requested that no pictures be taken of his face.

The CHAIRMAN. All photographers, television cameras and so forth, will be governed accordingly.

Come around.

Mr. KENNEDY. Mr. Pera.

The CHAIRMAN. 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. PERA. I do.

TESTIMONY OF MARTIN F. PERA

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

Mr. PERA. My name is Martin F. Pera. I am at 90 Church Street, New York, N. Y. I am an agent of the United States Bureau of Narcotics.

The CHAIRMAN. How long have you been in Government service?

Mr. PERA. 10 years.

The CHAIRMAN. How long have you been in the service of the Bureau of Narcotics?

Mr. PERA. 10 years.

The CHAIRMAN. You waive counsel?

Mr. PERA. Yes, I do.

The CHAIRMAN. Thank you very much. Mr. Kennedy, proceed.

Mr. KENNEDY. Mr. Pera, have you spent all your career with the Bureau of Narcotics in this country?

Mr. PERA. No. I have been on special assignments overseas, in the Near East and in Europe.

Mr. KENNEDY. Specifically what countries?

Mr. PERA. Turkey, Greece, Italy, France, Portugal.

Mr. KENNEDY. What have been your assignments in those areas?

Mr. PERA. The obtaining of evidence against narcotic law violators who were responsible for smuggling large quantities of drugs into the United States, and the cooperation with the various foreign governmental agencies in that regard.

Mr. KENNEDY. Could you tell the committee who are mainly responsible for bringing the drugs in, if there is any particular organization that is chiefly responsible for bringing narcotics and drugs into the United States?

Mr. PERA. Well, for the last practically 15 years, and prior to that time as well, the predominant traffic in narcotics, the importation and distribution within the United States, have gone through the hands of the organization that we term to be the Mafia.

Mr. KENNEDY. Did you do any work on the Mafia while you were overseas?

Mr. PERA. That, among others. That was not my specific assignment, but I did work along that line as well.

Mr. KENNEDY. Could you tell the committee what this organization consists of, as you have studied it in Europe, and as you have studied it here in the United States?

Mr. PERA. Yes. The organization originated in the late 18th century in Sicily to combat the exploitation by the Bourbon overlords of Sicily at the time. There was a situation of absentee landlordism and the excesses of these landlords over the tenant farmers and other people in that area resulted in the banding together of the local tenant farmers and their forming an organization to combat, a secret organization to combat, the excesses of the landlords.

Much of it was similar to the action of, let's say, the plundering of the wealthy people, the extortions, kidnaping.

The organization required very tight discipline. It was a secret organization, and it was organized along clan lines, along family lines. As a secret society it had no bylaws. The various communities and various villages had their own particular leaders. They were responsible to a grand council which was composed of leaders on the upper echelon to those from the communities. It was expected of the members of this organization that they be absolutely obedient to the officers of the organization.

Another tenet of the organization was reciprocal aid to the members in need of assistance.

Another followed never to seek the aid of governmental authorities but to arbitrate differences amongst themselves and hold their own court. Another was never to reveal the names of members.

Another was to avoid the show of ostentation which might draw the attention of authorities. The last was to maintain a humble attitude toward governmental authority. I think that all these would be found logical rules by which any organized conspiracy to violate the law must abide in order to exist. This we know to be the unwritten code of the Mafia.

MR. KENNEDY. You say this started back several hundreds of years ago. Can you trace it up to the present time and find it active in other places other than Sicily?

MR. PERA. Yes. During the late 1800's and early 1900's many Sicilians immigrated to the United States to escape the dire poverty of their country. They settled, of course, where they first arrived, and among these immigrants were members of the Mafia and elements from their group. Their first criminal activity was to extort money from the more successful of their group, from members outside the Mafia and from the more successful Italian merchants that had immigrated to the United States.

Their organization was not quite organized to a national degree at that time, and in various parts they were known as the Union Sicilione or the old Black Hand.

The Union Sicilione or the old Black Hand comprised the local Mafia elements in the particular locality.

MR. KENNEDY. It was aimed, at least initially, chiefly against their own countrymen?

MR. PERA. Yes. At that time, it should be appreciated that many of these people did not know the language very well. They weren't able to move around in circles that might have been exploited by them otherwise. To that extent, they were forced to exploit their own countrymen at the time.

MR. KENNEDY. Did they become particularly active in the 1930's, during prohibition?

MR. PERA. Yes.

The prohibition era found tremendous opportunity for them. This organization was a secret organization. It was dedicated to work in contrary to the laws of the United States, and local laws, and with the tremendous profits inherent in the production and distribution of bootleg liquor it offered an opportunity that these people took advantage of. We have some of the group that attended Apalachin that became wealthy during that time.

There were men like Barbara, for instance, who was found with a tremendous load of sugar. Well, sugar, of course, is used in the fermentation process, with yeast, and is one of the raw materials with which bootleg alcohol is made.

Of course, the Falcones. Among the many, of course, was Capone that made his mark in the prohibition days.

MR. KENNEDY. What was the result? You say that this strict discipline was set up in Sicily, and this organization became even more active during prohibition over here. What was the result, if any, of the people over here who broke down as far as discipline was concerned and refused to obey instructions or orders?

MR. PERA. Well, in the first place, their becoming active on a national scale, as they did in the prohibition era, gave them the opportunity to organize on a national scale, and to gain internal discipline on a national scale.

It offered them the opportunity to compete with other mobs and the result was a great degree of violence that took place during the prohibition era, much of it directly traceable to the activities of the Mafia. During 1928 we have one of the first meetings in the United

States that was observed of the Mafia, the meeting at Cleveland, Ohio, and among those who attended were several that attended the Apalachin meeting.

Mr. KENNEDY. Who were some of those?

Mr. PERA. Joe Profaci, Magliocco.

Mr. KENNEDY. Sam DiCarlo, was he there also?

Mr. PERA. I don't think he attended the Apalachin meeting. Well, those were the two that attended the Apalachin meeting that also attended the 1928 meeting. The violence inherent in their activities can be indicated by the fact that Frank Geillo, who attended the 1928 meeting was found shot to death in Hot Springs on April 22, 1944. Joseph Vaglica of Tampa, Fla., was killed in Tampa on July 11, 1947.

Vincent Mangano, who, for a long time was a power in Brooklyn, along with his brother Phillip, in the Mafia, disappeared in 1952.

His brother, Phillip, was found shot to death shortly before that time in Brooklyn.

Mr. KENNEDY. They instilled this discipline amongst their own members, did they, here?

Mr. PERA. Yes. There are no bylaws within the organization. There are no obvious written codes within the organization. But the study that has been made over a period of many years by the Bureau of Narcotics indicates that these people are organized along family lines, that they grow into the Mafia. It isn't as though someone from the outside were appointed into this group.

They have this tradition all their lives, and they must adhere to the discipline that is required by the organization.

Senator IVES. Are these people that were murdered that you mentioned persons who violated the code of the Mafia?

Mr. PERA. Well, the reasons for their murder are ambiguous. Undoubtedly somewhere along the line they obviously violated the code of the Mafia.

Exactly in what respect each one of these individuals violated the code I am not prepared to disclose. I don't have all the particular knowledge on each one of these individuals. But the manner in which they were murdered, and the fact that in some cases there were indications that they had lost grace prior to their murder within the organization, would tell us that somehow or another they violated one of the tenets, or else at times there may be warring factions within the Mafia.

Senator IVES. Thank you.

Mr. KENNEDY. Were you able to trace, while you were in Europe, the moving, for instance, of narcotics from Europe to this organization that exists here in the United States?

Mr. PERA. Yes. The smuggling of heroin into the United States has taken place through different routes during different years, but generally, predominantly, most of the heroin smuggled, let's say, within the last 10 years, has taken place in the following manner:

The opium was produced in the Balkan countries, such as Turkey, in the Near East, in Turkey and Iran, and perhaps in Yugoslavia, and is processed into morphine base. Let's say Turkish opium that is purchased by traders in Istanbul outside of the government monopoly. There is a government monopoly in the trading of opium in Turkey, and the controls are very strict.

On the other hand, there is what is called the black market in opium where individual businessmen will go and purchase, outside of the Government monopoly, quantities of opium from the farmers.

This opium is processed into morphine base, after it is transported across Syria into Lebanon. From Beirut, Lebanon, or perhaps Aleppo, Syria, this morphine base is shipped to clandestine laboratories in France for conversion into heroin. In the laboratories in France, and this is in the last, say, 7 to 10 years, they are operated by Corsican traffickers, and we might point out there that the Corsican underworld element are cousins to the Sicilians. They call each other cousins. They speak Italian. Many of them immigrated originally to Corsica from the Italian islands.

They understand one another thoroughly, and even though they might come from separate disciplines at the top level, they have an efficient interchange in criminal activity.

The laboratories in France are operated by Corsican violators who, in turn, arrange for the smuggling of these drugs, of heroin, into the United States, via French seamen smugglers, couriers, as it were, or else in some instances the heroin is sent back to the traffickers in Sicily or in Italy, and it is brought over here by means of concealment in trunks or the personal effects of immigrants.

Senator IVES. May I ask a question there?

The CHAIRMAN. Senator Ives.

Senator IVES. I am curious to know where the head of the Mafia is today. What country? Sicily, still?

Mr. PERA. Well, a study of their organization, as it exists, would indicate to us that it is a loose organization, that there is no autocracy in it, that it is composed of a group of individuals who discuss with each other what is mutually beneficial to them and come to agreement on lines of action that is mutually acceptable to them.

Senator IVES. Is that in each country?

Mr. PERA. No, there is a tremendous amount of interchange between the Mafia elements in the United States and those in Italy. But to say that one is in control of the other, I think, would be stretching it a bit.

Senator IVES. Is any one person in control of the Mafia in this country?

Mr. PERA. Well, according to what we know, I would say "No."

Senator IVES. In other words, that is a case of groups working together?

Mr. PERA. Yes. It is purely a case of a junta or a group of individuals within this organization that have lived and that have grown up under its discipline, and that have the respect, and the cooperation, and the subservience of all the members underneath them.

Senator IVES. I believe there will be more interrogation by the counsel on this matter, is that correct?

Mr. KENNEDY. Yes.

Senator IVES. Thank you.

Mr. KENNEDY. Along those lines, would that be one of the reasons for the meeting such as took place at Apalachin?

Mr. PERA. Yes. Any group that exists in violation of the laws of the country has to exist secretly, and each one of the leaders of the Mafia within the particular locality under their control is autonomous to a certain degree.

He is responsible for his area. Many times if group meetings don't take place, if a meeting such as Apalachin does not take place, the man within his own particular area might be lax in his discipline or else he might get too big for his shoes.

He may assume that suddenly he is the biggest group and go on a tangent by himself, or he may encroach on the territory of others.

Or he may go into some particular activity that might be prohibited by the grand council. Again, in the organizational structure as we know it, we have what we call the ground council that is composed of the top leaders, the top group, within the Mafia.

There are lesser leaders from various particular localities throughout, let's say, the United States, and perhaps within Sicily.

These are group chiefs. These are group chiefs, and they have the authority within their own particular locality. Beneath them are certain individuals within the Mafia that have committed some act that is creditable to them. It may be the murder, the official murder, of someone designated to be gotten rid of.

It may be carrying out—well, it is the carrying out of some task that was difficult. These men are called for some reason or another button men, as we know them in New York.

The CHAIRMAN. What is it?

Mr. PERA. Button. In other words, they have a mark of identification, identifying them to be experts or above the level of the ordinary member.

Mr. KENNEDY. How did they get that name? Do you know?

Mr. PERA. I have no idea. The sources of information from within the group, and undercover agents that we have, they are the source of this information.

Senator MUNDT. Is there an oriental counterpart of Mafia?

A good bit of the opium that comes into this country comes out of Red China. I am wondering if the operators out of Mafia have a tie-in with these people in Red China, or whether there is a Chinese equivalent of the Mafia that negotiates the drug traffic from the Far East.

Mr. PERA. Certainly a certain amount of the heroin that does come into this country does come from the Far East. When it gets to the shores of the United States through the illicit channels, which are, in many cases, individual seamen in the business, couriers, from that point on we can trace, after the arrival of that heroin, we can trace it in the hands of Mafia channels, or channels of this particular underworld element.

Senator MUNDT. I was wondering if they had sort of an underground railroad for the Chinese opium in narcotics such as you described in getting the opium from the poppy, in Yugoslavia and Turkey, and running it through the transfiguration that takes place at Lebanon and through these French Corsicans.

All of that I understood to be sort of part of the ramifications of the Mafia operation in that area, in the Near East. But because statistics show such a large and growing percentage of the opium coming from Red China, I was wondering whether, in your studies, you had discovered that the Mafia or some other apparatus was in charge of the traffic of that area.

Mr. PERA. To say that the Mafia is in charge of opium coming in from the Far East, I could not say that from the information that

I have had at my disposal. Certainly, a certain amount of opium years ago, let's say, when French Indochina existed, there were quantities of opium that were shipped to the laboratories, again, around Marseilles, France, to the Corsican underworld there, and then transhipped to the United States.

This, of course, went through the same channels into distribution here. But to say that the Mafia has joined a criminal conspiracy with Red Chinese sources, I would not be prepared to say that; no.

Senator MUNDT. Red Chinese traffic is so large that I think it has more than just an occasional shipment brought in by a salt sea sailor coming in from the Far East.

Mr. PERA. There are quite a few sailors that come in that do indulge in that.

If 1 sailor brings in 2 or 3 kilos at a crack, it is quite a bit of heroin.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Your description of these groups and their various ramifications and associations would almost lead one to believe that there may be some family connection among all of them. Is that true?

Mr. PERA. Yes. There is a tremendous family tie-in with these people. Again, they are organized along clan lines which would reflect the family tie-in.

Senator IVES. That is what I understood you to say. That carries on today, does it?

Mr. PERA. Yes; it still carries on today.

Senator IVES. Would you say this, for example: Would you say that the Mafia, if they are operating, we will say, in central New York—south central is where Apalachin is—is related by family to the Mafia existing around Chicago and Detroit?

Mr. PERA. Yes. Well, just one example—and there are many examples we could go into, but without taking time just a little example—Profaci's daughter is married to a fellow by the name of Anthony Tocco, in Chicago. He is prominent in the Mafia there.

There are many interrelationships reflecting the clan organization. These people all came originally from small villages in Sicily, where there wasn't very much travel or influx of foreign elements, so that their organization would be along family lines.

Senator IVES. That, of course, makes it a far more effective organization, subject to far greater discipline internally than another type of organization might be.

Mr. PERA. Yes. We have found that, and we have found that the reason, let's say, that we get so little information from that group is simply because the man that violates their code may be condemned to death, and his own brother may have to carry out the execution.

Senator IVES. That is the end of your search.

Mr. PERA. That is right.

Senator IVES. Thank you very much.

Senator MUNDT. You used the phrase "grand council" several times. Is that a name which has been rigged up by the law-enforcement officials to describe the high command, or is that a name that members of the Mafia themselves use in describing the central apparatus?

Mr. PERA. That is a name that from undercover sources we have, sources of information we have, from amongst this group, when they relate their activity to us, they have mentioned the grand council.

Furthermore, in the past we have had a number of Sicilian undercover agents, agents of the Bureau of Narcotics of Sicilian extraction, who have, at great risk to their own lives, spent years studying this organization and working amongst them.

Much of our information has been developed as a result of their work.

Senator MUNDT. Are your undercover agents and your counteragents successful enough so that they can identify the members of the grand council in the United States?

Mr. PERA. Immediately, what is presiding at this particular time?

Senator MUNDT. Precisely.

Mr. PERA. We could guess at who. We could give a pretty good guess in that direction. But to say that they would know with certainty I would not be prepared to go that far.

Senator MUNDT. About how many members are there in the grand council?

Mr. PERA. Well, again, we are coming to a point where we don't know too much about their activities. Again, it is a secret organization. They maintain any breach of discipline, any talking on the part of their members, with a threat of death. You can get so much, even by undercover work.

Senator MUNDT. Everything you have said about the Mafia is equally true of the Communist cells of this country. The FBI has been startlingly successful penetrating the cells of the Communist Party to the point of identifying people in charge. I would assume that the Bureau of Narcotics has also had a considerable amount of success in using Sicilians, Italians, or Corsicans as counteragents, who are able to penetrate this apparatus, so that you have a pretty good idea of how large a command it is, whether it is a council of 100, a council of 10, or a council of 3, something of that nature; wouldn't you?

Mr. PERA. Again, we have found that repeatedly—and I think any enforcement agency with experience along those lines would reiterate this—that, if the penalty is death for any breach of discipline or any disclosure made on the part of these members, they think twice before they do talk about it.

The penalty is also death if they make a mistake and allow someone—that is, an undercover agent—to enter their midst. Perhaps in other cases a man might do 10 years, or, rather, a man might be reluctant to do 10 years in prison or maybe 20 years in prison, he may feel that it is worth his while, perhaps, if he discloses the operation of the particular crime that he was involved with, and it might be worth his while to disclose that if he can get off with that sentence. But our experience has been a singular lack of information from that direction.

Senator MUNDT. I don't expect you to get many members of the Mafia to turn state's evidence and become squealers, but, as far as the fear of death is concerned, the records are replete with Communist agents who have made that one fatal mistake, and who have been thrown out of a hotel window in Washington, D. C., or have fallen

out of a building in New York City, or have gotten hit by a car, or mysteriously disappeared.

These are dangerous rackets. But the law-enforcement agencies have been able to penetrate them by using counter agents to go into the precise purpose, after a period of 5, 10, or 20 years of service, and who have come out and disclosed to the law-enforcement agencies details by which this racket operates.

I would assume that in all these many years that the Mafia has been operating we must have had some success on occasion in developing counteragents who were able to find something out from the inside by having qualified as a Mafia member, while really working for Uncle Sam. Hasn't that ever happened?

Mr. PERA. We have had people very close to the Mafia. We have had people that have been trusted amongst the leaders of the Mafia. We have agents that have worked that close to the group under cover.

Naturally, in a public hearing, it would be inopportune to discuss or disclose their findings.

Senator MUNDT. I don't want to know anything about who they are or their system, but I am wondering something about what they found.

Mr. PERA. My testimony this afternoon is a result of what they have found out.

Senator MUNDT. And among the things that they have discovered, can you shed any light on the size of this grand council?

Mr. PERA. The grand council, as we know it—again, these things are very flexible—is composed of between, let's say, about eight to a dozen men.

Senator MUNDT. That is what I am trying to find out. I wanted to know whether you meant 100 or 500. I wanted to get some idea. This is a pretty tightly-knit organization. Ten, 12, 15, or 20 men are the ones who really exercise the discipline and decide ultimately who among the big shots is going to get bumped off. Is that right?

Mr. PERA. Well, again, that is a complex subject, because many of these difficulties between the groups are submitted to arbitration, and they might not go that high. They might not go to the grand council. Oftentimes the grand council might have other things on their mind other than to decide who within the field is deserving or who is undeserving.

Senator MUNDT. Was this rather sensational murder of some hoodlum, whose name I have forgotten, in a barber shop of the Waldorf-Astoria or some place—

Mr. KENNEDY. Albert Anastasia.

Senator MUNDT. Was this a Mafia murder, do you think?

Mr. PERA. Albert Anastasia had a prominent position in that organization. Certainly the manner in which he died, and there were some indications of his having slipped in power before that time which would lead us to believe that that was a Mafia killing.

Senator MUNDT. It occurs to me that the limitation of a rat of that size probably would be determined at a meeting of the grand council.

Mr. PERA. It may be a subject for discussion. I think that that probably had been decided some time, perhaps quite a bit prior to that time.

Senator IVES. In that connection, may I interrupt there? There was a report at the time of this Apalachin meeting that one of its purposes was to decide what to do with—well, I wouldn't say estate—but with the empire of Anastasia. Is there any truth in that?

Mr. PERA. The various subjects discussed at the Apalachin meeting we can only guess at, because we were not there. Unquestionably, there must have been some discussion along that line. Whatever happened to that would affect the group as a whole.

Senator IVES. Just who were these 60 people that were at Apalachin? They apparently were not the grand council. I suppose members of the grand council were among them, but just what did they represent?

Mr. PERA. I think, again speaking of the grand council, I would reflect on the meeting that took place a year prior to the Apalachin meeting.

Senator IVES. 1956?

Mr. PERA. Yes. I think that meeting was significant in that relatively few people were mentioned at that meeting.

Senator IVES. So far as anybody knows.

Mr. PERA. Yes. I think it is safe to say that Carmen Galente, Joseph Barbara, John Bonventre, and Joe Bonanno were at that meeting.

Senator IVES. They are part of the grand council?

Mr. PERA. I can't—I don't—I wouldn't be able to give a correct answer as to that. But I think that meeting was particularly significant because they were very powerful individuals within the organization, and the meeting having taken place a year prior to the Apalachin meeting certainly set the scene for the Apalachin meeting.

Senator IVES. Thank you very much.

The CHAIRMAN. Is there one difference between the Communists and the Mafia in this regard: The Communists, of course, seek to enlarge their membership, through devious ways, and they don't go out like some other organization, maybe, and solicit members, but as I understood about the Mafia you are largely born into it or marry into it, and so forth?

Mr. PERA. That is probably the most prominent difference between the two, and to the other extent, their criminal conspiracy and violation of the laws of the United States.

The CHAIRMAN. Yes. But from what I understand, from all the information we have which will be developed, this underworld syndicate as we speak of it, or Mafia, if it does have those connections, it seems that they are either born into it as a child of someone who is involved, or the children intermarry from different families that are in it, and in that way it is pretty well perpetuated. I am talking about the inner circle of that particularly.

Mr. PERA. Yes. The intermarriages are significant in that oftentimes you wonder whether these people want to marry each other. Yet the marriages take place. Let's say two people of a prominent status within the Mafia if they have children, you will find that their sons and daughters get married. They don't marry on unequal terms, too often.

The CHAIRMAN. On equal terms?

Mr. PERA. No, on unequal terms. In other words, a leader within the organization would not have his child marry to someone who is a nobody within the organization.

The CHAIRMAN. I see. I thought maybe that was significant in that there was that distinction between the way maybe the Communists operated in building their organization and the way the Mafia operated.

In other words, the Communists, of course, seek, I would assume, to get more members and more members all the time, whereas the Mafia would not seek to greatly enlarge its membership.

Mr. PERA. There is no soliciting that I know of among the people within that organization.

The CHAIRMAN. I see.

All right, Mr. Kennedy.

Mr. KENNEDY. We will not be able to finish with this witness today, Mr. Chairman, but I want to ask him just a couple of last questions.

Have you found that this organization has attempted to penetrate into the broad field of labor-management relations?

Mr. PERA. Yes. They have made a concerted effort in that direction.

Mr. KENNEDY. And are some of these same people who handle narcotics out of Sicily, out of the Middle East, are those same people also prominent in this field of labor-management?

Mr. PERA. Yes.

Mr. KENNEDY. I don't think we have time at this time to go into the correlation between the groups and some of these people. He has some examples, Mr. Chairman. Maybe we can continue it tomorrow.

The CHAIRMAN. You will return in the morning.

The committee will convene at 10 o'clock in the morning.

We will stand in recess until that time.

(Whereupon, at 4:30 p. m. the hearing was recessed, to reconvene at 10 a. m. Tuesday, July 1, 1958, with the following members present: Senators McClellan, Ives and Mundt.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, JULY 1, 1958

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 Barry Goldwater, Republican, Arizona; and Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Paul J. Tierney, assistant counsel; John P. Constandy, assistant counsel; John J. McGovern, assistant counsel; Pierre E. G. Salinger, investigator; Walter R. May, investigator; George H. Martin, investigator; Sherman Willse, investigator; and Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

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

The CHAIRMAN. Will the witness resume the stand, please?

Mr. KENNEDY. Mr. Chairman, I might repeat what I said yesterday, that the Bureau of Narcotics, has asked that no pictures be taken of the witness face.

The CHAIRMAN. The photographers and cameras, you who are in command of them, be governed accordingly, please.

TESTIMONY OF MARTIN F. PERA—Resumed

Mr. KENNEDY. Mr. Pera, when we broke up yesterday, we were discussing or had begun to discuss whether some of these same individuals who are active in the narcotics trade are also active in labor-management field. I believe you replied yesterday that some of these same individuals were active in the labor-management field.

Mr. PERA. Yes, in labor, in both labor and in the business field, yes.

Mr. KENNEDY. Now, could you give the committee, some examples of some of these individuals who have gone either into labor unions or gone into so-called fronts as businesses, and who are also active in the narcotics trade?

Mr. PERA. Yes, I could give general background of their moving into the management field.

Mr. KENNEDY. Would you do that, please?

Mr. PERA. Incidentally, I would like to correct one statement I made yesterday, an inadvertent error. I mentioned this Anthony Tocco was from Chicago, and I had meant to say Detroit.

Mr. KENNEDY. I think the question had been prior to that whether anybody from Detroit or Chicago was connected with it, and you answered it in that way.

Mr. PERA. All right.

Well, with regard to their encroachment in the business field, we noted that the Capone income-tax case alerted people in the Mafia, and they learned that their old tenet of not showing apparent wealth was a good one to go by. They also learned that the crude techniques of force were no longer desirable. There was too much public attention.

So having excellent advise, they learned to funnel their money into various businesses, and usually these businesses were services, businesses that rendered a service as opposed to the production of a product. The service is much easier to control and gain a monopoly in. They learned to knock out their competition by pouring large funds into the business.

Mr. KENNEDY. Just on the service, would that be things such as the linen service?

Mr. PERA. Yes, sir.

Mr. KENNEDY. Ordinarily.

Mr. PERA. Linen, laundry, the vending, the garbage removing, all are examples of such services.

Mr. KENNEDY. Have you found that these individuals about whom you talked yesterday have actively infiltrated into many of these businesses in the communities around the country, the largest cities around the United States?

Mr. PERA. Yes, sir. One of the outstanding examples that bore public scrutiny a short time ago was the Squillanti operation in the Greater Cartmen's Association of New York. That was composed of a group of businesses which removed garbage from the city of New York, and they tried to move that operation into Queens and Westchester Counties in New York.

They were gaining a practical monopoly in the garbage removal field. We have the vending business, the linen-supply business, the ingredients with which to make pizza sauce, and Italian bread baking business, tomato paste business, the cheese and olive oil distribution, the distribution of imported fruits from Sicily. All of these are fields which these persons have gone into.

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

Mr. PERA. I think that they are going into these fields in some instances and it maintains a certain pattern, namely, by pouring the funds they get from illicit channels into these businesses, they can undersell their competitors and knock their competitors out of business, and then eventually gain control of a monopoly in a particular business, and this serves as well to hide their illicit income from the scrutiny of the income-tax people.

Mr. KENNEDY. Did you find any tie-in with the same kind of situations, for instance, in Sicily, as far as the fruit market was concerned?

Mr. PERA. Yes. Since 1955, there have been some 14 Mafia killings. The CHAIRMAN. Since 1955?

Mr. PERA. Yes; since 1955 there have been 14 Mafia killings in Sicily, and these were with shotgun blasts with triangular pellets which were rubbed in garlic, most of these shotgun blasts.

Mr. KENNEDY. What would be the effect of that?

Mr. PERA. Well, the effect of the garlic, it is an old trick devised by the people that were using guns during prohibition days, and the rubbing of garlic on the bullet caused blood poisoning and insured the death of whoever was shot.

Mr. KENNEDY. These are deaths that have occurred in Sicily; is that right?

Mr. PERA. Yes; and there the characteristic pattern was that these were people involved in the distribution of fruit, and the fruit-market business throughout Sicily and Italy.

Since 1955 that has happened and because of that there has been a tremendous amount of work on the part of the Italian enforcement agencies against the people who perpetrated this, and they recognize that the Mafia is behind this.

Mr. KENNEDY. Do you have any examples of some of the individuals who were active in the United States in some of these businesses who were members of the Mafia?

Mr. PERA. Well, I think one of the outstanding examples of some who encroached into the business field was Frank Scalise, who was long known as the Mafia leader in the Bronx. He was murdered in the Bronx on June 17, 1958.

Mr. KENNEDY. I think it was 1957.

Mr. PERA. Pardon me. It was 1957. He was on the Bureau of Narcotics international list long known as one of the most important recipients and distributors of heroin in the United States. Now, part of his operation in the Bronx was to take a percentage out of the many legitimate and illicit operations operated by the Mafia and other Italians in the Bronx.

Our information in the case is that he declared himself to be a partner in the Maria DiBono Plastering Co., of 4030 National Street, Corona, Queens, N. Y.

Mr. KENNEDY. That is Maria & DiBono Plastering Co., of 4030 National Street, Corona, Queens, N. Y.?

Mr. PERA. Yes; that is correct. This developed when the particular plastering company had a contract for the construction of a large TB hospital in the Bronx. This particular plaster company had many other low-cost-housing projects, contracts with low-cost-housing projects in New York City as well. After Scalise's murder it turned out he had been for some time the vice president and major stockholder in this company.

Mr. KENNEDY. Did you ever learn how he was able to get into that company?

Mr. PERA. Well, according to a report we have going back to 1954, June of 1954, one of the sources we had stated that he suddenly appeared on the project, the construction project, and prior to that time the Maria & DiBono Plastering Co. had been known by that name. After he appeared, the checks were made out as a corporation, Maria-DiBono, Inc., and he would appear from time to time at the project and would hand large amounts of money to one of the people

working in the project, and this also occurred coincidentally with the appearance of numerous hoodlums, obvious hoodlums, driving up in large Cadillacs at the project and having conferences with him there.

SENATOR GOLDWATER. Who would he hand these large sums of money to?

MR. PERA. The particular individual? This you appreciate was obtained from a source of information on the particular project and he wasn't prepared to identify the individual for us. But he related this story to us, with the information that Scalise had suddenly declared himself to be a partner of this outfit.

MR. KENNEDY. Now, you found at this same time when he had some of these so-called businesses, and legitimate businesses, he was also active in narcotics?

MR. PERA. Yes.

MR. KENNEDY. Did he have any specific or particular contacts in Italy that he worked through?

MR. PERA. Yes. He was a very close associate of Salvatore Luciano, also known as Lucky Luciano.

MR. KENNEDY. Have you found that many of the individuals active in the Mafia in the United States have been in contact with Lucky Luciano in Italy?

MR. PERA. Well, we have secret reports from the Italian Government, and we have observations conducted over there, and on numerous occasions, when important Mafia characters from the United States travel to Italy, we have known them to meet Luciano.

MR. KENNEDY. And you find this happens quite frequently, that there are contacts made between these people here in the United States with Lucky Luciano?

MR. PERA. Yes; and in recent years because of the tremendous publicity attached to Luciano's activities, many of these meetings have occurred through intermediaries. In other words, Luciano might not meet these people personally, but information is passed along through very close associates of Luciano.

MR. KENNEDY. Were there any meetings with Luciano, or with any of his "lieutenants," just prior to the meeting in Apalachin that you know of?

MR. PERA. We know this, that immediately prior to the Apalachin meeting, that is in late October 1957, Carmine Galente and Joe Bonnano met with a very close associate of Salvatore Luciano in a hotel in Palermo. This close associate was a man by the name of Santos Sorge, and immediately following that meeting the Apalachin meeting occurred, and the sequence of events to us is very significant. The sole purpose of Galente and Bonnano travel from what we know of their travel was simply to attend this meeting in Palermo, and then return to the United States for the purpose of the Apalachin meeting.

MR. KENNEDY. And they both attended the Apalachin meeting?

MR. PERA. Our information is that Galente attended the meeting in 1956, and initially the information indicated that Galente's name was not mentioned among those attending the Apalachin meeting, and since that time we learned from reliable sources that Galente was also present at the Apalachin meeting, even though he didn't appear on the list.

MR. KENNEDY. How about Joe Bonanno?

MR. PERA. He attended the Apalachin meeting.

Mr. KENNEDY. Now, we are talking about the contact of Scalise with Luciano. Do you have any evidence or proof that they actually got together?

Mr. PERA. Yes, we noted that Scalise traveled to Italy in 1948, and in 1949. After his murder, the police, New York City police, discovered some documents in his house, and among those were several photographs. I have one here of Frank Scalise with Luciano, taken at the Hotel Excelsior in Naples, and we don't know whether it was taken in 1948 or 1949. The woman in the picture is the mistress of Luciano.

Mr. KENNEDY. Could you show it to the chairman?

Mr. PERA. Yes.

(A document was handed to the chairman.)

Mr. PERA. I might add that that picture is an enlargement of the original.

The CHAIRMAN. Who are the two men in the picture?

Mr. PERA. Saltavore Luciano, known as Charles Luciano, and Frank Scalise.

The CHAIRMAN. Is he the one on your right, as you face the picture?

Mr. PERA. As I face the picture, the man on the right is Luciano.

The CHAIRMAN. Known as Lucky Luciano?

Mr. PERA. Yes.

The CHAIRMAN. Who is the other man?

Mr. PERA. The other man is Frank Scalise, the man on the left.

The CHAIRMAN. And the name of the woman is unimportant, and the picture will be made exhibit 1 for reference.

(Document referred to was marked "Exhibit No. 1," for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Do you have another picture?

Mr. PERA. We have another picture, and actually it is composed of 8 individuals, 7 people and 3 of them women. It is a group picture. In that appears Salvatore Luciano again, Frank Scalise, one man known as Vito Dubello, who had been exporting food to the United States. He was known to us then as an associate of Thomas Lucchese, known as Three-Finger Brown also. The other people in the picture are one Sorche, and we don't know anything more about him, and Salvatore Luciano, and again his mistress, and Mrs. Frank Scalise, and Frank Scalise, and Mrs. Dubello, and Vito Dubello.

I think it is significant that this individual was one of the people involved in the food importation business.

The CHAIRMAN. Is that picture available for our files?

Mr. PERA. Yes.

The CHAIRMAN. The picture may be made exhibit No. 1 (A).

(Document referred to was marked "Exhibit No. 1 (A)," for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Would it be correct then to say, in order to understand the illegal activities of these individuals, you have to also understand and study their so-called front or legal activities; is that right?

Mr. PERA. That is absolutely correct. These people do not necessarily separate their illegal activities from their legitimate fronts, or from their union activities.

You have to consider their operation as an entity—as a whole. If you don't, there is a tremendous amount of confusion and misunderstanding, and simply because they haven't been investigated from that point of view I think they have been able to exist.

Mr. KENNEDY. If they are just investigated from the fact that they are in the narcotics trade, a correct understanding of their operations and the apprehending them in their illegal activities is that much more difficult; is that right.

Mr. PERA. Well, you lose out on so many other possibilities if you look at these people solely from the point of view of their narcotics activities. The Bureau of Narcotics has maintained lengthy files for many years on various individuals and developed them, from an intelligence point of view, not only with regard to their activities in the field of narcotics but from their activities as an organized entity. Since they have branched out into various other fields, many of them have violated the law, and the investigation of their other activities would prove beneficial in apprehending them.

Mr. KENNEDY. You talked about Frank Scalise being in the business, having fronts as businesses, while he was active in the narcotics trade. Can you give us examples of individuals who were active in labor, in unions, who were also involved in narcotics?

Mr. PERA. Yes. Incidentally, there was also some correspondence—

Mr. KENNEDY. Yes. Can you give us some of the correspondence on Frank Scalise?

Mr. PERA. Well, I have the translation of the hearings, and if I could simply read them into the—

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

Mr. KENNEDY. Is there anything particularly we can listen for in these letters that you are going to read?

Mr. PERA. I think, in order to get the meaning of them, I will make a few comments in the course of reading them, if that is permissible.

The CHAIRMAN. You read them and those points in the letters that have significance you may point out and elaborate upon.

Mr. PERA. This is a letter signed by Frank Scalise. It is dated September 10, 1956. It is to one Nino in Italy. The Nino we believe to be Nino Torres.

Mr. KENNEDY. His first name?

Mr. PERA. Nino, which is a diminutive of Antonino.

Mr. KENNEDY. Who is he?

Mr. PERA. He is a notorious hoodlum in Italy.

I was very happy to receive your letter and I can assure you that I would like to know you. Perhaps in the near future I will have the pleasure of meeting you in person to express my fraternal respect which attracts me to you. I did not write you sooner because I did not have your address, and I had to get it. I am enclosing a copy of the letter, the original of which was sent to the friend, Signor Nicoletti, of the factory, in Pallavicino.

Interrupting here, I would draw attention to the reference to the fraternal respect, the fraternal respect within the organization.

"Signor Nicoletti of the factory of Pallavicino," that refers to the Mafia leader in the particular area.

The factory in Pallavicino is a code for reference to the organization in Pallavicino.

Mr. KENNEDY. The Mafia organization in that city?

Mr. PERA. Yes. (Reading) :

I don't know what the relationship is between you and the above mentioned, but I am obligated because of our friendship to inform you of anything that occurs here in order that you and my fraternal friend can form your opinions. Surely you know the differences that have come up between Grito and his god-father, and in case you will be called to trial you will know what to do.

Mr. KENNEDY. What does that mean?

Mr. PERA. Would you allow me to go on?

Mr. KENNEDY. Excuse me.

Mr. PERA (reading) :

All told it is not a matter of honor or irreparable things but matters which could have been straightened out easily. I hope that you will excuse me for troubling you. Give my regards to Orlando Finazzo. Assuring you of my availability for anything that you may need; regards and kisses from the friends and relatives here.

Signed, Frank Scalise.

The trial that he is talking about would not be a trial in the face of authorities. We feel that it is a trial within the organization, because he mentions that it is not a matter of honor or irreparable things but matters which could have easily been straightened out, a reference, we think, to an internal dispute within the organization. If it was a matter of honor, then someone would have to go.

We have another letter.

I mentioned that that letter was addressed to Nino. We do not know whether that is Nino Torres. I would like to correct that. We don't know the Nino that that particular letter is addressed to.

I have this one confused with another one. But this particular letter we do not know the Nino. Here we have a letter, the second one, dated Palermo, February 10, 1956. It reads:

Dear Don Ciccio—

the diminutive of Frank, and the letter is intended for Frank Scalise.

In replying to your kind letter, please excuse me for not having answered sooner. However, in regard to copy of letter which I received, I understand what it is all about, but since Signor Nicoletti for the present is being sought by Uncle Angelo—

and here I will interrupt; the Uncle Angelo they refer to as the police under the code of Uncle Angelo.

We have been unable to talk him personally.

I have now, however, sent him the letter so that he knows that I have been informed by you to take care of this matter. Since Nino Marsiglia—

that is, the chief of the factory in Palermo—

is at present in Ustica—

and I interrupt here to mention that Ustica is an island where many of the Mafia people have been exiled to, serving prison terms or in exile.

Mr. KENNEDY. Once again, the reference to the chief of the factory?

Mr. PERA. It refers to the chief of the organization at Palermo. I will repeat:

Since Nino Marsiglia, the chief of the factory at Palermo, is at present in Ustica, even I have been dispersed, as have been most of the rest of the chiefs of the factories.

Incidentally, I mentioned before that because of the murders involved with the food exchange, the Italian Government had done a tremendous crackdown, since 1955. This letter is dated February 1956, reflecting the activity of the Italian Government in dispersing this group.

Even I have been dispersed, as have almost the rest of the chiefs of the factories. Therefore, I beg you to wait a little while longer until we can get together to discuss what you have written me. For the present, Uncle Angelo is carrying on worse than in 1925.

I will interrupt here again to say that in 1925 there was a concerted effort by the police to round up the hoodlums in Sicily.

You can imagine how we have been disbanded. Hoping that this letter finds you in the best of health, as I assure you I am, I extend the affection and embraces to you, Nino, and all the other friends, and embraces to your brothers as well as from our friends. Your fraternal friend.

That is Nino Torres of Palermo, Italy.

Mr. KENNEDY. Could you summarize what those letters mean to you?

Mr. PERA. Well, to us they are particularly significant because for once these are letters seized from an individual we know to be of high stature within the organization, and for once we have documentary proof of their interrelationship and of the organizational structure. Much of the other information—

Mr. KENNEDY. You say their organizational structure.

Mr. PERA. The Mafia, specifically. Much of the other information we have to combine by word of mouth and by the activities of undercover agents. But this is a letter that was seized from a person that was in there.

Mr. KENNEDY. And it would indicate, would it, that the leaders of the Mafia here in the United States are closely in contact with the leaders of the Mafia there?

Mr. PERA. There is a definite strong interrelationship and even an exchange of activity on either side; yes, sir.

Senator GOLDWATER. How do they communicate?

Mr. PERA. By mail. Many times they send the letters to mail drops. For instance, they might not send it to the man's address, but they might send a letter for him in care of some relatively unknown person, let's say an immigrant that has come here in the last few years, or someone that is relatively unknown, or perhaps a business address.

They are relatively safe in communicating by mail.

Senator GOLDWATER. Do they use telephone at all?

Mr. PERA. Yes. I think this committee later on is prepared to show intercommunication to a great extent by means of toll calls between the various individuals attending the operation.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I would like to ask the witness: What is it that holds the Mafia together, and particularly to perpetuate itself?

It is hard to understand—I will not say it is hard to believe, but it is hard to understand—how a conspiracy for wrongdoing can go on apparently indefinitely. What is your explanation of that?

Mr. PERA. It is difficult to understand from the point of view of someone that has grown up outside of it and who has grown up with a respect for law and order and lived his whole life that way. It isn't

difficult to understand when you look into the fact that these people have grown up under a peculiar code of their own since infancy, that that is the only life that they know. Many of these hoodlums, were it not for the fact that they have a position in the Mafia, would have to work as laborers, or would have to start at menial jobs.

As it is, through their particular activities in the Mafia, they have wealth and in many instances power. Many of them are competent, but they have opportunities open to them within that group.

Senator CURTIS. Maybe you have already done so, and if you have I will look up the record, but are you at liberty to state how large the Mafia is in numbers? If you are not supposed to give that information, I will withdraw the question.

Mr. PERA. Well, I think that I would not at this point. However, I think that such information was prepared and given to the previous committees.

The CHAIRMAN. That information may be given to us privately.

Mr. PERA. Yes.

Senator CURTIS. Very well.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We were talking about the fact that they were in touch by mail, but also you brought out the fact that they made these personal contacts.

Mr. PERA. Yes.

Mr. KENNEDY. Just going back briefly to that meeting that occurred prior to the Apalachin meeting, do you know anything further about what happened? How do you connect the man, Sorge, who was there, with Lucky Luciano, for instance?

Has that been definitely established, Sorge as a lieutenant of Lucky Luciano?

Mr. PERA. Yes, sir. Investigation and surveillance by Italian authorities. We know him to be a very intimate associate of Luciano.

Mr. KENNEDY. And have you found him to be in touch, as a representative of Lucky Luciano, to be in touch with a number of other individuals in the United States?

Mr. PERA. Yes. At one time he was in the United States and he operated various businesses here. He was very close, among others, with Carlo Gambino.

Mr. KENNEDY. And Carlo Gambino attended the meeting at Apalachin, did he not?

Mr. PERA. Yes.

Mr. KENNEDY. And Carlo Gambino, Mr. Chairman, will be a very important figure in this inquiry. He runs a labor relations consulting service in New York City and has contacts with a number of the biggest gangsters throughout the United States.

Is that correct?

Mr. PERA. That is correct.

Mr. KENNEDY. You were going to give us some examples also as to the infiltration into labor unions.

Mr. PERA. Yes.

The two examples I will give are of individuals that were active in the narcotic traffic. I will start by one Pasquale Anthony Pagano.

Mr. KENNEDY. How do you spell Pasquale?

Mr. PERA. P-a-s-q-u-a-l-e.

Mr. KENNEDY. Pasquale Pagano?

Mr. PERA. Yes. During 1951 we had information that he was traveling to Italy to facilitate the importation of heroin.

Pagano, through Tony Bender, who is known as Anthony Strollo, was Bender's name, and he was supplying this Scalise mob in the Bronx.

Mr. KENNEDY. Tomorrow, Mr. Chairman, we will have a good deal more information and evidence on Tony Bender, who is also known as Anthony Strollo, in the course of the material that we expect to bring out.

So he is rather an important figure also in the course of this investigation.

Excuse me for interrupting. These names are difficult. Tony Bender was one of those supplying Scalise's mob in the Bronx?

Mr. PERA. Yes. Pagano was Tony Bender's man. He was working for Tony Bender, in supplying the Scalise mob in the Bronx, and he worked with or under another man by the name of Pasquale Moccio.

Mr. KENNEDY. Who was he?

Mr. PERA. Moccio is a very close associate of John Ormento and probably every other big narcotic violator in New York.

Mr. KENNEDY. Once we go into one name, we will have to identify him. Who is John Ormento?

Mr. PERA. Ormento is a twice-convicted narcotic violator.

He attended the Apalachin meeting. We know him to be one of the prime distributors of heroin brought in by the Mafia elements, one of the prime distributors of that heroin throughout the United States. Ormento, as I recall, has been convicted three times.

Mr. KENNEDY. He is also a fugitive from justice at the present time?

Mr. PERA. Yes. I might mention there is a case pending against him in the southern district of New York.

Pagano, after traveling to Europe, we had the information that large quantities of heroin were being imported into the United States through the connivance of seamen comriers who would, in turn, give it to longshoremen to take off the East River piers.

At that time, our information indicated that longshoremen were charging \$400 to take a kilo of heroin off the ship.

If the arrangements for the smuggling had been made prior through the Mafia groups, that is, as Pagano had done through his contacts in Europe, the individual seamen were not required to pay the \$400. However, if the individual seamen were in business for themselves, then they would have to pay \$400 to get the kilo off the ship by the longshoremen. This money would go to the longshore boss, the gang boss.

With regard to Pagano's activities in the union field, we received information that between 1951 and 1952 Pagano worked with one Joseph Gurney and a number of other New York hoodlums.

Mr. KENNEDY. Who is Joseph Gurney?

Mr. PERA. Joseph Gurney is a close associate of Elmer "Trigger" Burke who died in the electric chair not too long ago. He has a long history of being a longshore hoodlum. He is a very violent and dangerous individual.

Mr. KENNEDY. So Pagano was a close associate of his?

Mr. PERA. Yes. Both Gurney and Pagano were working for Tony Bender as enforcers of Bender, in Bender's attempt to gain control

of the longshore activities of the Claremont terminal at Hoboken, N. J.

Mr. KENNEDY. During this period of time, isn't it true that Tony Bender who was in charge of this operation had a real-estate office? That was his front, the business that he was operating?

Mr. PERA. Yes; as I understand it, that is correct.

Mr. KENNEDY. These individuals, Gurney and Pagano, were operating out of the Claremont terminals in Hoboken, N. J.?

Mr. PERA. Yes. That was Bender's attempt to gain control of all longshore activities at Hoboken. In the course of this, Gurney was the prime suspect in the beating of a man in either Jersey City or Hoboken with a baseball bat and breaking almost every bone in his body.

Pagano was a suspect in the bombing of a union hall, both Pagano and Gurney, of an opposing union hall in, as I recall it, Hoboken, N. J.

Mr. KENNEDY. Isn't it correct that at the same time that Bender's brother was the hiring boss on the docks?

Mr. PERA. Yes, that is correct.

Mr. KENNEDY. So they were operating from the side of the union and also on the side of management to handle this matter?

Mr. PERA. Yes. Pagano had employment, I believe, as assistant timekeeper at the Claremont terminal, and Gurney at the time was a longshoreman.

The New York State Crime Commission in their hearings during 1952 caused public attention to be focused on Strollo's activities and because of this Strollo was forced to withdraw his men from the Claremont terminal.

On September 18, 1956, Gurney was arrested for possession and sale of kilo quantities of pure heroin. I participated in his arrest. When we arrested him in New York City, we found in his wallet a letter, what appeared to be a letter of recommendation, a photostatic copy of which I have here. It is a letter dated September 13, 1952. Shall I read it?

Mr. KENNEDY. Yes, please.

Mr. PERA. The subject is Promotion to ILA Supervisor, and it is addressed to District Engineer, Atlantic District, Corps of Engineers, 346 Broadway, New York, N. Y.

The paragraphs of that are numbered.

1. This office has authorized Dade Bros. to reclassify Joseph Gurney to ILA field supervisor effective September 15, 1952.

2. During the closeout period at Claremont Terminal, a man with known intestinal fortitude and ability to direct longshore personnel to actually perform a day's work is a necessity.

3. The longshoremen are quick to obey the desires of Mr. Gurney. We believe this because he reports directly to Mr. Ryan himself. Observations for the past 3 months seem to indicate that even hiring boss takes orders from Mr. Gurney.

4. Request your office approve the reclassification of this manual laborer.

It is signed by Cyril A. Millicent, lieutenant colonel, T. C., which I would take to be Transportation Corps, officer in charge Claremont Terminal.

Mr. KENNEDY. This is Mr. Gurney who participated in the beating of this other individual with a baseball bat?

Mr. PERA. Yes. I might add here that after the beating there were a number of witnesses. However, for various reasons nobody testi-

fied against Gurney. There was nobody to testify against Gurney or Pagano in either the bombing incident or the beating of the man with the baseball bat.

Mr. KENNEDY. But in the letter, they did point out that the longshoremen seemed to do what Mr. Gurney wanted done?

Mr. PERA. Yes. And also that he seems to report directly to Mr. Ryan, who was the head of the international longshoremen's union.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. This Claremont Terminal at Hoboken, N. J., is that a privately run terminal?

Mr. PERA. No. Apparently this terminal—as a matter of fact, the New York State Crime Commission investigated Strollo's activities, Gurney's and Pagano's, as did the Senate Preparedness Committee, I think, during 1955.

This terminal was run by Dade Bros., and it involved the military. The Dade Bros. were the people who actually had to do with the Claremont Terminal, a subsidiary of that particular organization being the Atlas Corp., which was a prime contractor in the construction of an Air Force base in north Africa and bases in the Arctic.

Dade also processes and packs for export.

Senator GOLDWATER. Where did the Army get into this? I see this letter was signed by Lt. Col. Cyril A. Millson, officer in charge, Claremont Terminal.

Mr. PERA. Yes. That would be the United States Army dock.

Senator GOLDWATER. Claremont Terminal is an Army dock?

Mr. PERA. Yes, sir. And I don't know about the facilities still being used now by the Army, but at that time it was a United States Army dock.

Senator GOLDWATER. I am a little confused here. Was it exclusively an Army dock or were private companies allowed to use it?

Mr. PERA. I don't know whether it was exclusively an Army dock at the time or not, but this much is true, that at the time the Army ships were unloaded and processed at the Claremont Terminal.

Senator GOLDWATER. When you talk about longshoremen were charging \$400 to take a kilo of heroin off the ship, was that off Army ships or Army transports?

Mr. PERA. No. This happened in this particular instance on the ships docking at the East River in New York.

Senator GOLDWATER. Did you ever have any reason to suspect that Army or Navy transports docking at this facility were carrying opium or heroin?

Mr. PERA. I don't personally recall any information we had along the line at the time. I don't have any particular knowledge. We do know that at the time, and afterward, they were in the narcotic traffic.

Senator GOLDWATER. Were these gangsters—

Mr. PERA. Incidentally, I might add that they had an ideal opportunity in their capacity as a longshoreman to remove narcotic drugs from ships coming in.

Senator GOLDWATER. Is there any indication in your experience that these people we have been talking about, these members of the Mafia and other gangsters, put any undue pressure on the Army in connection with the operation of Claremont Terminal?

Mr. PERA. I do not know that. I know that the Dade Bros. was operated by two sons of General Dade.

Senator GOLDWATER. What is that company?

Mr. PERA. That is the company that operated the Claremont Terminal.

Senator GOLDWATER. Contractors?

Mr. PERA. Yes, sir.

Senator GOLDWATER. And they were the sons?

Mr. PERA. Sons of General Dade, who was a distinguished Air Force veteran.

Senator GOLDWATER. That is all I have.

Senator KENNEDY. Now, you also established, have you, that Gurney, who was working with Pagano, was a close associate of Trigger Burke? Is that right?

Mr. PERA. Well, Gurney was a close associate of Trigger Burke, and I don't know that Pagano was.

Senator KENNEDY. But Gurney was?

Mr. PERA. Yes, sir; very definitely.

The CHAIRMAN. While you have read the letters into the record, the Chair feels that if they can be made available, that the copies of the letters that you have read so far and referred to should be made an exhibit for reference.

Mr. PERA. Yes, sir.

The CHAIRMAN. They are available, and they may be made exhibits.

Mr. PERA. Excuse me. I only have one copy with me, and perhaps I could make them available later.

The CHAIRMAN. You may make them available at your convenience, and they may be made exhibits. The first two you read may be made exhibits 2 and 2-A, and the letter that he has just concluded reading may be made exhibit No. 3.

(The letters referred to were marked "Exhibits 2, 2-A, and 3," respectively and may be found in the files of the select committee.)

The CHAIRMAN. Proceed.

Senator KENNEDY. Did Pagano ever become an official or officer in any of these unions?

Mr. PERA. Yes. Pagano after Strallo ordered his men away from the Claremont Terminal, or out of it. Pagano naturally had to seek another front or another enterprise, and he became the business agent of local 59 of the Hod Carriers Union in East Harlem, N. Y. We know that Rosario Mancuso, who attended the Apalachin meeting, was an officer of local 186 of the Hod Carriers Union in Plattsburgh N. Y.

Now we note also that when a narcotic defendant by the name of Anthony Caniglia was arrested in New York we found on his person a post card from Patsy Pagano, secretary and treasurer of local 59, Bricklayers Helpers Union, which is the same as Hod Carriers Union. This post card notified him that his union membership card was ready for him.

Caniglia has a lengthy criminal record with convictions for narcotics and counterfeiting.

Mr. KENNEDY. What is Pagano doing now?

Mr. PERA. On April 23, 1956, Pagano was sentenced to 5 years after his conviction in the narcotic conspiracy trial at the southern district

of New York, and Gurney was sentenced to 10 years at the southern district of New York in a narcotics case that I mentioned previously.

Mr. KENNEDY. Both of these individuals were active in the union during this period, during a good deal of this period of time?

Mr. PERA. During the period around 1951 and 1952, and Pagano later in the Hod Carriers or Bricklayers Helpers Union.

Mr. KENNEDY. Now, you spoke about Rosario Mancuso also being in the Hod Carriers Union. Do you have any other information regarding Mancuso?

Mr. PERA. Yes. Rosario Mancuso attended the Apalachin meeting. During 1953 and prior to that time he was known to be more or less of an enforcer for the Joseph Falcone criminal empire in Utica. During 1953 he with one Anthony Falange, also of Utica, N. Y., purchased Gio's restaurant in Plattsburgh, N. Y., and they renamed that restaurant the Italian Village. This place afterward became a hangout for the more important Mafia hoodlums from New York City and Montreal, Canada, and Mancuso then became an officer in the Hod Carriers Local 186, and this particular local represented laborers working on the Strategic Air Command base at Plattsburgh, N. Y.

Now I might mention that in moving to Plattsburgh I am sure that these people had some thought of the ultimate expansion that might be caused in this area with the St. Lawrence seaway and the development of that area. They were getting in on the ground floor up there.

Now, during August of 1954 our bureau received information that James Foti, a fugitive on a narcotic charge emanating out of the District of Columbia, Federal narcotic charge, was hiding up at Plattsburgh, and up there he was an enforcer for Mancuso in the latter's union activities. He was apprehended up there shortly afterward by our agents; Foti was at Plattsburgh, N. Y.

May I return for 1 second, and I was asked a question regarding the Dade Bros.

I have the information here. George Clark is vice president and operating manager of the Dade Bros. firm. And Jim Garman, the general superintendent, was onetime president of the Staten Island Bus Drivers Union. John Fell, superintendent, was a former rodeo rider, and has two former rodeo hands as assistants.

The Dade Bros., as I mentioned before, subcontracted with the Atlas Corp., prime contract for the Air Force construction of Air Force bases in both north Africa and the Arctic.

Mr. KENNEDY. Now, during the course of your study and investigation we have found that there are many contacts from these groups or among these groups in New York, upstate New York, Detroit, and out through the Midwest and the Far West, but that it would appear that, in some way, Chicago was separated and segregated from some of these other areas.

Could you make any comment on the situation as far as Chicago was concerned, as to who runs the operation and what the status of it is?

Mr. PERA. Certainly the important figures in Chicago would be Tony Accardo and Paul Ricca.

In the past Racio Facetti was important, but since his death he has been eliminated.

Also another figure in the Chicago area was James Emory, and I understand since that time he has died.

Senator KENNEDY. Is the situation in Chicago different from the situation in some of these other large cities?

Mr. PERA. Well, I would say that the particular element as represented by Accardo has a very tight control of the illicit activities and many of the legitimate fronts operated there by him, and it is difficult to identify their operations as compared with other places.

Senator KENNEDY. But, from your own study and operation, they have a number of front organizations that operate in Chicago such as these other individuals have in these other areas?

Mr. PERA. Precisely.

Senator KENNEDY. And it is a very tight internal control in Chicago?

Mr. PERA. Yes. I would also add that about a year and a half ago there was considerable publicity attached to Tony Accardo's activities; perhaps it was 2 years ago. There was public attention focused on him, and he had to appear before various hearings, and, to that extent, there is a strong possibility that Frank Sigo from Springfield, Ill., might have represented Accardo's interests in Chicago because of the notoriety surrounding him.

Senator KENNEDY. That is what I wanted to ask you about.

At least, of those apprehended, there was no one directly from Chicago? That is, at the Apalachin meeting.

Was it necessary for all of these individuals to come in person? Or what would be the procedure that they would follow?

Mr. PERA. The procedure would be that they would have a man who might represent their interests and act as their spokesman at the meeting. I think that you will find that in Chicago Sigo was the man representing the Chicago people.

Senator KENNEDY. What about the situation in Detroit, Mich.? Who are some of the important individuals there?

Mr. PERA. Well, I can mention a couple.

Senator KENNEDY. Just a few.

Mr. PERA. Well, Raphael Quasarano.

Senator KENNEDY. How do you spell his name? He also will feature very prominently at a later time in this investigation. He has a very close relationship with some union officials from Detroit in whom we have a considerable interest.

Mr. PERA. Q-u-a-s-a-r-a-n-o, R-a-p-h-a-e-l.

Senator KENNEDY. Who is he?

Mr. PERA. Raphael Quasarano we have known for quite a few years as an important figure in the distribution of narcotics. We note that, I believe, it was during 1952 both Quasarano and Catalnotte—

Mr. KENNEDY. You will have to spell that one.

Mr. PERA. Catalnotte, Joseph, of Windsor, Ontario, had a part with bringing of one Dominic Albertini into the United States via Detroit, via Canada and Detroit. This Dominic Albertini was a Corsican who operates laboratories for the conversion of morphine base into heroin in France, and he is a French Corsican and an extremely important figure in the narcotics traffic.

Quasarano was very closely associated with Joe Lamento from New York.

Mr. KENNEDY. Do you have any information that he is also prominent in boxing circles in the United States?

Mr. PERA. Yes. He has a number of other more legitimate fronts and semilegitimate activities.

Mr. KENNEDY. Specifically, he operates the Motor City Fight Arena in Detroit.

Mr. PERA. Yes; and he is active in boxing.

Mr. KENNEDY. Do you find a number of these individuals, as well as being active in some of the industries that you mentioned, have interests in fighters and in boxing?

Mr. PERA. Yes.

I recall another is Andrew Alberti from New York City who has a hand in the fighter Johnny Busso. There are quite a few also active in boxing.

Mr. KENNEDY. What about in St. Louis? What is the situation there?

Mr. PERA. In St. Louis we have Anthony Giodardo and Anthony Lopiero. I don't know whether he is residing in St. Louis at this immediate time right now or not, but he is prominent in St. Louis' fraternity, and that is Ralph Caleca.

Mr. KENNEDY. How about John Battillo?

Mr. PERA. John Battillo was well known.

Mr. KENNEDY. And in Florida, in Miami?

Mr. PERA. Well, Miami is a point where many of the more important United States and Canadian and even the French traffickers congregate. We have had Galente traveling to Miami from time to time, and to Cuba. We have had Santo Travagani, who is now in Cuba, but is in Miami, also, and he is active in Miami also. We have Charles Forino active in the gambling in Cuba, and there are dozens active in Miami.

Mr. KENNEDY. Now, the chairman stated in the opening statement about the fact that this would appear to be a national problem rather than just a local problem. Would you make any comment on that?

Mr. PERA. Yes. I would say that you could never appreciate the total activity of this group if you dissect it from one area and focus your attention only on one particular area. I don't think that enforcement agencies that observe their activities in one particular city can appreciate the network involved in this criminal conspiracy. I don't think that they could appreciate the extent or the ramifications or what it costs the public, the loss of money to the public and the extent of their criminal activity unless attention was focused on them from a national or interstate point of view.

The CHAIRMAN. Would you say their activities, as you have observed and discovered them to be, actually become a burden upon interstate commerce?

Mr. PERA. Yes, because let us say when they gain a stranglehold on a particular labor union, or when they get a stranglehold on a particular business, naturally, once they have a monopoly created, they are going to benefit from it financially, and that results in a tremendous loss which may not be measured directly by the consumer and which may not be realized by the consumer immediately. But the loss still exists.

When they gain a foothold in labor, that means that they have a control in the prices that are charged for the work involved. I think one of the outstanding examples in that regard would be the inquiry made into the garbage removal union of Squillante's.

The CHAIRMAN. At least the interstate facilities are used to perpetuate and to support a monopoly wherever they get the stranglehold.

Mr. PERA. That is correct.

Senator GOLDWATER. Mr. Pera, in your experience and to your knowledge, is their source of revenue greater from their infiltration into business and unions, or greater from the operation of gambling and dope and other illegal processes?

Mr. PERA. Well, we have to separate the two, because let us say the income from illicit ventures might not be reported as such in income tax, and you have a tax-free dollar and it is quite a bit more than when you have a tax dollar.

It is difficult to estimate exactly which is the biggest revenue gatherer. Certainly, if there was a tremendously overwhelming amount of money gathered from their legitimate enterprises, it would be foolish for them to continue in the illicit ventures. But, at the same time, the rewards are so great in the narcotic traffic and in control of gambling that they have kept very active in it.

Senator GOLDWATER. In your judgment, what is this costing the United States annually? Is it 1 billion, 3, or 5, or 10 billion dollars, or what would you guess the cost to be?

Mr. PERA. I wouldn't be prepared to give an estimate to that extent because it would be a pure guess, and I would venture to say that unless you totaled up the total assets of the various firms, and their income, and made an investigation in that regard, it would be difficult.

Senator GOLDWATER. I have read figures on this. One book I read said \$20 billion. I have heard the figure of \$20 billion. Do you think that that is exorbitant?

Mr. PERA. I cannot even conceive of figures that large.

Senator GOLDWATER. If you sat on this side of the table it would be easy.

Would that seem to you to be a high figure, as a cost to the country?

Mr. PERA. It is difficult to estimate, and I would simply say that the costs would be outside of my comprehension, and I must leave it at that.

Senator GOLDWATER. It is a lot of money.

Mr. PERA. Yes, sir.

Senator GOLDWATER. I wanted to get back to this, and you did not get quite far enough west for me.

Are these people active to the west coast?

Mr. PERA. Yes.

I think, in anticipation of what the committee will prepare later on, I am sure that they will cover those areas.

Senator GOLDWATER. I would like a general statement as to the activities on the west coast.

Mr. PERA. Many of these people are particularly active in California. The Lamandi family.

Senator GOLDWATER. What are they doing out there?

Mr. PERA. I think one of them is active; I believe Joseph Lamandi. I believe he is active in some union activity there. It is, I think, a restaurant-supply union, or it has something to do with catering or union activity, catering to restaurant work.

There are quite a few, and they are strongly represented out there.

I don't have detailed lists of them prepared at the moment. I am sure I didn't anticipate it in view of the fact that I am sure the committee will go into that.

Senator KENNEDY. We have a witness from the west coast.

Senator GOLDWATER. To get back into the central part of the Far West, in your work in narcotics or in your connection with the Bureau, have you been led to believe that a lot of heroin and opium and dope comes across the Mexican border?

Mr. PERA. Yes, there is a quantity of smoking opium that does come across the Mexican border, and a few years back there were some laboratories that were converting this opium into a morphine base and then into heroin for transmittal up here.

We found generally—and there are exceptions to this, too—that the quality of this heroin does not compare with the heroin that is available from Europe, and, because of that, the greater influx is from the other source. However, there are instances of traffic across the Mexican border.

We also have in the past instances where the European traffickers congregated at Mexico City and smuggled in substantial quantities of drugs.

Senator GOLDWATER. Are these people members of the Mafia?

Mr. PERA. The particular people that I have reference to, yes, both in the cooperation between the Mafia and the Corsican element; they are sister organizations.

Senator GOLDWATER. Does much of this opium come out of the State of Sonora? In northern Mexico?

Mr. PERA. There is a certain quantity, as I say, of opium that is grown in Mexico. From the information at my disposal, most of that is converted into smoking opium and is used to smoke. However, a certain amount of it is put into heroin, but that traffic doesn't compare with the traffic from the eastern sources.

(At this point, the following members were present: Senators McClellan, Ives, Goldwater and Curtis.)

Senator GOLDWATER. Is there any connection to your knowledge with the fact that opium is grown in Sonora and the fact that I don't know how many but some members of the Mafia have moved, at least into temporary residences in Arizona and other Southwestern States?

Mr. PERA. Yes.

Senator GOLDWATER. Do you believe there is a connection with that?

Mr. PERA. I think that there is more a connection with the activities of Corsican and Mafia elements in Mexico City, which in the past has brought in heroin from European sources into Mexico City and via the Mexican border into the United States.

While there is a certain amount of opium grown in Sonora as you point out, that opium is used mostly for smoking and a substantial quantity of it passes into the hands of Chinese traffickers.

Senator GOLDWATER. Where on the Mexican border do you think most of this is coming across, Texas, New Mexico, Arizona or California?

Mr. PERA. Well, it can come across anywhere. I would be hard pressed to say that any particular location is favored over another. There is a great deal of marihuana traffic across that border, too.

Senator GOLDWATER. Then you think there is some connection between the fact that opium does come across the border and members of certain of these gangs have moved into some of the border states?

Mr. PERA. Yes, particularly the heroin traffic, European heroin traffic, coming into Mexico and into the United States, definitely.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Do the members of the Mafia have any established pattern for the employment of attorneys that you can comment on, or is that pretty much an individual and local decision that is made?

Mr. PERA. We know that certain attorneys over and over again represent these people. We know that certain attorneys over and over again represent people in the Mafia that get caught on narcotic violations.

The significance of this I would not be prepared to go into at this moment, but we know that they seek repeatedly the advice of certain attorneys that they know represent their interests, and perhaps that know a certain amount or are specialized along that line, let me put it that way.

Senator CURTIS. Do they have these attorneys leave their own area to represent certain members of other areas?

Mr. PERA. On certain occasions. However, I don't know in certain instances whether there could be an exchange, whether an attorney from one State could represent in another State.

Senator CURTIS. Then, of course, there are many instances where they purposely hire the most capable and reputable attorney they can because they need to have the best possible; is that correct, who may be totally unaware of the network that is back of the individual who is in trouble? Is that correct?

Mr. PERA. Let's say with the group that attended the Apalachin meeting, I would say any person would be hard pressed not to be aware of the background of the people that attended the meeting at this point.

Senator CURTIS. Were there any attorneys there?

Mr. PERA. At the Apalachin meeting? Frank DeSimone, from California, was.

Senator CURTIS. Whereabouts in California is he from?

Mr. PERA. As I recall, Los Angeles, I believe.

Incidentally, I might also add that the son of I believe it is either Joseph or Salvatore Falcone is an attorney up in Utica, if you are interested.

Senator CURTIS. What are the principal revenue-producing businesses, in a general way, that are important to the Mafia?

Mr. PERA. Well, I mentioned some of them previously. Well, the importation of olive oil and cheese, the tomato paste. At one time we heard a story that they had cornered all the tomato paste being imported into this country and that certain food markets had to import Hungarian tomato paste even though they were aware of the fact that, you know, public opinion might be affected in importing an article from Hungary.

But we have tomato paste, the ingredients to make pizza sauce, food imports. Other businesses that I described as services, such as the linen supply.

Senator CURTIS. Restaurants?

Mr. PERA. Restaurants. Bars in some areas, and restaurants. The garbage removal union.

Senator CURTIS. Any theaters or amusement concerns, or is that not so?

Mr. PERA. Well, I think it is mostly cafe, but I think you will find a strange variety of businesses that these people have gone into.

While the ones I numbered are the most representative, there are certain others; there are many others.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Just two more questions.

No. 1, do you have any suggestions as to how this operation can be combated?

Mr. PERA. Well, from the point of view of narcotic enforcement, in which many of these people have engaged, I can say this, that any organized conspiracy to violate the laws of this State cannot exist without frequent intercommunication. I think that subsequent testimony brought out into this committee will show toll calls, will show telephone communication, between various members of the Mafia fraternity, as represented by the Apalachin group.

No such criminal conspiracy and no such organization could exist without the use of the telephone specifically. They have to maintain lines of intelligence with one another.

The Senate Judiciary Subcommittee of the 84th Congress made certain recommendations after investigating for possible legislation along the lines that might aid narcotic enforcement.

They also gave us a tremendous weapon with the increased penalty. However, one of their recommendations was a provision for allowing the Bureau of Narcotics specifically to monitor telephone conversations, of course with the proper safeguards such as the obtaining of a court order, the same safeguards that would insure a citizen from illegal search of his house.

This was recommended, but, unfortunately, the Senate in that instance saw fit not to give us that weapon. It would be a weapon that we could use. It would be a fantastic weapon in our hands to combat this conspiracy, particularly if we could use it in a narcotic conspiracy case.

Mr. KENNEDY. That would be the right of monitoring telephone conversations under a court order, is that right?

Mr. PERA. Yes; precisely.

Mr. KENNEDY. Do you think that would give you the greatest amount of assistance in combating the Mafia?

Mr. PERA. Unquestionably. We have come to realize that time and time again, where in the course of our investigations we pick up toll calls which these people have made, and we show that they have communicated with one another in the course of a narcotic conspiracy or in the course of narcotic dealings.

However, had we been able to show their conversations, we would have been able to draw many more important people into the conspiracy that we were unable to touch because that was deficient.

Mr. KENNEDY. You stated yesterday about the fact that there is a certain line of intermarriage, a certain pattern of intermarriage, between many of these individuals. Is that right?

Mr. PERA. Yes.

Mr. KENNEDY. Have you found that in many instances they are connected between various cities by intermarriage?

Mr. PERA. Yes.

Mr. KENNEDY. And this is often arranged, would you say?

Mr. PERA. That is correct. It is thought out beforehand because you find that many of these marriages took place on equal terms, in other words, the daughter of a man on high standing in the organization would not likely—may, but would not be likely to—marry the son of a man that is in very low standing in the organization.

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

Mr. KENNEDY. And did you also find that they would set up some of these children after these marriages had been arranged in some of these legitimate front businesses?

Mr. PERA. Yes.

Mr. KENNEDY. And often use their own gangster connections in order to bring business into these businesses, is that right?

Mr. PERA. Yes.

Mr. KENNEDY. That is, to bring further profits?

Mr. PERA. Yes, sir.

Mr. KENNEDY. And that also has to be arranged often through labor-union connections?

Mr. PERA. That is correct. In investigating the labor-union connections of these people, one must always take into mind the total aspect of the activities of the individuals involved here. For instance, in many instances where they might control a labor union, they also might have a labor-consultant firm go in and consult between the union and the management, and it is rigged on both ends against management in such instances.

Mr. KENNEDY. But this is often done, rather than necessarily through themselves although it can be done that way, through their children in this intermarriage?

Mr. PERA. Often, yes.

Mr. KENNEDY. Mr. Chairman, we have a chart that perhaps Mr. Martin can make a comment on.

The CHAIRMAN. Mr. Martin, be sworn, please. 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. MARTIN. I do.

TESTIMONY OF GEORGE H. MARTIN

The CHAIRMAN. Mr. Martin, you are a member of this committee staff?

Mr. MARTIN. I am, sir.

The CHAIRMAN. How long have you been in Government service?

Mr. MARTIN. Since 1950.

The CHAIRMAN. In what capacity?

Mr. MARTIN. Investigator for several congressional committees, and also in the House as well as the Senate.

The CHAIRMAN. Have you prepared a chart designed to show the intermarriage connections between members of the Mafia?

Mr. MARTIN. I have.

The CHAIRMAN. Do you have that chart before you?

Mr. MARTIN. I have, sir.

The CHAIRMAN. That chart may be made exhibit No. 4.

(The document referred to was marked "Exhibit No. 4" for reference and will be found in the appendix facing page 12496.)

Mr. KENNEDY. On this chart, is this a complete study of all of the individuals in the United States who are alleged to have connections with the Mafia?

Mr. MARTIN. No, sir; it is not.

It does not purport to be a complete geneological review of the Mafia family interrelationship existing all over the United States.

Mr. KENNEDY. It actually is just a five-State area; is that right?

Mr. MARTIN. It covers the five-State area, and primarily our attention was centered upon the relationship of certain people, and as we progressed the situation developed other relationships to groups in other areas.

We finally determined that the five-State area here would best portray the degree of relationship that exists. Undoubtedly, if this was projected over the United States, it would develop or reflect what is portrayed in this particular chart.

We find, as we go along, isolated relationships extending to the west coast, and down into Kansas City, St. Louis, and New Orleans. It is a task that would require the expenditure of a great deal of time and money.

Perhaps it should be undertaken by some agency.

Mr. KENNEDY. Did we find that a large number of the individuals who attended the meeting at Apalachin are related to each other either by blood or by marriage?

Mr. MARTIN. Roughly half of the people who were in attendance at the Apalachin meeting appear on this chart. Their names are circled in red.

The extent to which the relationship exists between various groups and between various members within these groups is indicated by lines. For instance, the green line, extending across the chart, reflects the relationship between William Bufalino in Detroit, and his sister Emmanuela "Dolly" Bufalino, who is the wife of Salvatore Falcone, Jr.

I cite that merely as an example.

Mr. KENNEDY. Do you find as a second characteristic that many of the individuals who are related by blood or by marriage, many of the male individuals, have criminal records?

Mr. MARTIN. Yes. Each one of the stars that appears on this chart reflects a record of arrest of the person involved. I want to make the distinction that these are arrest records, because in a great many instances a man may have been arrested a number of times but the record will not reflect convictions.

Mr. KENNEDY. Did you find, for instance, in Detroit that many of the leading gangsters in Detroit are related by marriage or by blood?

Mr. MARTIN. Yes.

Mr. KENNEDY. Does that take in, probably, the leading hoodlums in the Detroit area, this chart?

Mr. MARTIN. I would say that it covers a pretty broad segment of the so-called rulers of the criminal syndicate that exists in the Detroit area.

In consideration of this part of the chart, it might be well to keep in mind that prior to 1920, the early 1920's, the Purple Gang, a notorious syndicate, pretty much ruled the Detroit underworld. With the coming of prohibition, and the movement of the Mafia element into bootlegging and rumrunning, their ascendancy to power seems to have been concentrated in the early 1920's so that they supplanted the Purple Gang as the rulers of the underworld in Detroit.

I refer, of course, to characters like Papa John Priziola, Pete Licavoli, Sam and Joe Zerilli, Black Bill Tocco, and Angelo Meli, all of whom appear here, and, as can be seen by an examination of the chart, are interrelated through various marriages they have between families.

Mr. KENNEDY. Can you give us two examples, possibly, in Detroit, where marriages in the families brought together a number of different leading hoodlum families?

Mr. MARTIN. Well, Papa John Priziola had five daughters. We find that one of the daughters is married to Michael Polizzi, who, in turn, is the son of Angelo Polizzi.

Mr. KENNEDY. The Polizzis have criminal records?

Mr. MARTIN. Yes. Angelo Polizzi is the one particularly noted for criminal activities in the Detroit area. There was testimony here yesterday that he was involved with Joseph Barbara down here as a suspect in murders in Scranton, Pa.

Mr. KENNEDY. Go ahead.

Mr. MARTIN. Priziola had another daughter who married Vincent Cammarata. From the Cammaratas, the line extends from—

Mr. KENNEDY. Trace that through, with your stick there. Trace it through.

Mr. MARTIN. Vincent Cammarata and Frank Cammarata are brothers. Both have records in the Detroit area. Frank Cammarata is the husband of Grace Licavoli, who is the sister of Pete Licavoli.

Mr. KENNEDY. Are the Licavolis an important family in the hoodlums?

Mr. MARTIN. The Licavolis had a wide range of influence extending down from Detroit into Ohio, across Ohio into Cleveland and as far east as Youngstown.

Mr. KENNEDY. Was there a Licavoli who went down into St. Louis?

Mr. MARTIN. One of the Licavolis, Dominick Licavoli, an uncle of Pete Licavoli, resided in St. Louis and had an arrest record both in Detroit and St. Louis.

Mr. KENNEDY. And there are 4 or 5 members of the Licavoli's themselves with police records, is that correct?

Mr. MARTIN. Yes.

Mr. KENNEDY. Including Detroit?

Mr. MARTIN. Including Detroit, Lake County, Ohio, Cleveland, Trumble County, Ohio, and Youngstown.

Mr. KENNEDY. And St. Louis?

Mr. MARTIN. And St. Louis.

Mr. KENNEDY. Going on down, what happens?

Mr. MARTIN. Going down the chart, we find that Licavoli's wife is Grace Bommarito, the sister of Scarface Joe Bommarito, and his

sister is married to Sam Zerilli who is in turn the brother of Joe Zerilli.

Rosalee Zerilli is married to Dominick Licavoli. You will note, too, that the Priziola connection juts down into the Toccas, and the Toccas into the Zerillis and the Toccas into the Melis.

Mr. KENNEDY. Then you have the marriages that arose out of the Zerillis, a great or large number of those individuals had police records?

Mr. MARTIN. Yes. There was a marriage connection with Pete Corrado. Corrado died in 1957, but he has two nephews.

Mr. KENNEDY. Then down into the Rendas and into the Perrones?

Mr. MARTIN. The Rendas are an offshoot of a connection with the Melis, and the connection runs from the Melis into the Perrones and the Perrones into the Rendas.

Coming this way, of course, is the relationship between Angelo Meli and Bufalino, which extends into the Pittston area to Charles Bufalino, Sr., Russell Bufalino, and Charles Bufalino, Jr.

I previously mentioned Dolly Bufalino, the daughter of Charles Bufalino, in the Pittston area.

Senator Curtis, I believe, inquired earlier this morning about attorneys.

It is interesting to point out that Charles Bufalino, Jr., is an attorney. So is William Bufalino, and so is Dolly Bufalino.

Ettore Agolino down here is married to the daughter of Samuel Volpe. Agolino has represented the Bufalinos in practically all of their litigation in recent years, and the Sciandras.

Mr. KENNEDY. Do you have a tieup with the Dios, Johnny and Tommy Dio, from the Detroit area?

Mr. MARTIN. Yes. Salvatore Angelo Meli was married to Livorsi, whose father is Frank Livorsi. He has a record and served time, I believe, for narcotics. Frank Livorsi is married, or his daughter is married, Rose Marie, to Tom Dio, a brother of John Dio, who, of course, needs no introduction to this committee.

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

Mr. KENNEDY. Tom and John Dio both had criminal records and Johnny Dio's uncle, James Plumeri, had a criminal record?

Mr. MARTIN. That is correct. Another daughter of Livorsi is married to Tom Ormento, the son of Big John Ormento, mentioned here earlier as a fugitive on a narcotics case that originated in the past month. The wife of Big John Ormento and the wife of Andino Papadio, another of the defendants in the same narcotic case within the past month, are cousins.

It is interesting to note, too, that some of the other defendants in the same case, along with Ormento and Papadio are Natale Joseph Evola, related to Barbara.

Mr. KENNEDY. He was at the meeting?

Mr. MARTIN. Yes. And Joseph Vento.

Mr. KENNEDY. And the contacts go up into the Buffalo-Niagara Falls area?

Mr. MARTIN. Yes. Bonisara in the New York area is a brother-in-law of Sam DiCarlo. He has a brother-in-law prominently identified with criminal activities in the Buffalo and Youngstown areas. There is a relationship of some kind which has not yet been established

between Steve Maggadino and Sam Pieri, whose sister married a DiCarlo. Steve Maggadino's brother Antonio, of course, was one of those at Apalachin, as was LaDuca, who was a son-in-law.

John Charles Montana was also at Apalachin. His niece is married to Peter Maggadino, the son of Steve.

Senator IVES. I would like to ask the witness if he knows how many of those who appeared at the Apalachin conference, or whatever you want to call it—it begins to sound like a family reunion—how many of them were related to one another.

Mr. MARTIN. Well, the Buffalo relationship I have already described.

Senator IVES. But how many of the total. There were 60, as I understand it, at Apalachin. How many of the 60 were related to anybody else there?

Mr. MARTIN. Well, there are 28 names appearing on this chart.

Senator IVES. About half of them were related to one another?

Mr. MARTIN. I would say, roughly, half of these that are shown on here are either related to other people who were at Apalachin—

Senator IVES. There was a family connection somewhere along the line among half of them; is that right?

Mr. MARTIN. Yes.

Senator IVES. Thank you.

Mr. MARTIN. I might say, Senator, that the Pittston area combination illustrates that.

Here are three people from the Pittston area—Bufalino, Sciandra, and Alaimo—all of whom were at Apalachin, and there is a cousinship relation among those three.

Mr. KENNEDY. That group that you just pointed out there, didn't they also come from the same place in Italy?

Mr. MARTIN. Yes. There is an interesting story as to the grouping of them in Pittston. The police authorities up there know a particular group of people associated with the Mafia as the men of Montedoro. They all originated in the town of Montedoro. One Joseph LaTore appears to have led the immigration from Italy to the United States back around 1900 and went to work in the coal mines in Pittston and soon sent for Santo Volpe, Sr., who is recognized in Pittston as the elder statesman of the Mafia group.

In Montedoro, the Sciandras, the Volpes, and the LaTores lived across the street or next door to each other. The identical situation exists in what is known as the Brandy Patch section, which is a community of, roughly, about 100 families, all of whom originated in Montedoro, and who came to the United States at various times.

The Sciandras, Volpes, and LaTores all live next door or very close to each other.

Mr. KENNEDY. Now, we have gone into these individuals who attended the meeting, and also the previous testimony of the Italian extraction of a lot of this organization and groups. Haven't we found in our own study and investigation that often the leaders of law enforcement throughout the United States are fighting this kind of an organization, and are also Italian extraction?

Mr. MARTIN. Yes; that is true. In fact, in New York particularly there were several New York detectives, and I believe one of them was slain in Italy trying to pursue the thing through to death what

further information he might be able to develop relative to the Mafia in Italy.

Mr. KENNEDY. I just wanted to get this in its correct perspective and to make sure that as we talk along about the Mafia, we understood the other side of it. Many people who have devoted their whole lives to fighting this kind of an organization have been individuals who also have been of Italian extraction and have fought as hard against this organization as the members of the Mafia have fought to break down law enforcement.

Senator IVES. We ought to point out here with some force that this Mafia is an extreme exception insofar as those of Italian extraction are concerned. The very vast majority of our citizens of Italian extraction are very loyal Americans and have no connection with any organization of this kind.

This is an exception.

Mr. MARTIN. I agree wholeheartedly with what the Senator has said. Senator IVES. And I think Mr. Pera would also agree.

TESTIMONY OF MARTIN F. PERA—Resumed

Mr. PERA. Yes, sir; and probably some of the most proficient and some of the most rewarding work done along the line of exposing the Mafia has been done by people of Sicilian extraction who are narcotic agents and one who is district supervisor of our bureau.

Senator CURTIS. Mr. Pera, why has an organization such as the Mafia moved into the union business? That is the primary assignment of this committee to investigate labor and management. Now, why have they moved into union activities?

Mr. PERA. Well, I think the answer could be very concise and very simple, that their activities and their background and the activities that they engaged in years ago indicated they were experts in extortion, and they are using the union as a front simply as another means of extorting. It amounts to that.

Senator CURTIS. The fact that they are dealing oftentimes with a group that has compulsory membership; is that a factor?

Mr. PERA. Oh, yes.

Senator CURTIS. Is it a fact that some labor leaders, even though they are not part of a criminal underworld, are using the element of fear on their membership—is that something that fits in with the Mafia characteristics?

Mr. PERA. It is the pattern of extortion again.

Senator CURTIS. Now, the fact that unions enjoy certain immunities that other groups in the country do not have gives a group an opportunity for a base of operations; isn't that correct?

Mr. PERA. Yes; I am certain that that was one of their considerations when they entered that field.

Senator CURTIS. This committee has found several instances where courts just wouldn't grant anybody any protection who had suffered at the hands of the union. One Philadelphia judge referred to it as a union brawl, and they didn't go into those things. Well, that gives a criminal group a very good place to hide; doesn't it?

Mr. PERA. Yes; an excellent advantage for them.

Senator CURTIS. And I think it is also true that our Internal Revenue Service has very consistently and historically failed in checking up on the tax returns of unions where they have unrelated income.

Mr. PERA. I can't give any answer to that statement; I don't know.

Senator CURTIS. I think it is also true and it is a rather standing principle or policy of the Department of Justice not only in this administration but for some time that United States attorneys over the country cannot start prosecutions that involve unions or so-called labor problems with clear answers from their superiors in Washington. All of that gives a cloak of protection for people who shouldn't have this power.

Now, do groups like the Mafia go into union business because it is revenue producing, too?

Mr. PERA. Yes. Their primary consideration is the revenue-producing thing.

Senator CURTIS. The revenue from the workers, as well as the opportunity for illicit things, such as extortion?

Mr. PERA. As well as the opportunity to control programs and entire industry.

Senator CURTIS. But also the revenue that actually comes in through the treasury of the union.

Mr. PERA. I am sure that that must be part of the consideration.

Senator CURTIS. Perhaps I have been a little bit unfair with asking you these questions, because they are out of your field?

Mr. PERA. That is correct.

Senator CURTIS. But I do think that the Congress cannot expect a cleanup in labor-management relations until we do something that we haven't done to date at all, and that is to deal with these powers and immunities and compulsion in the field of unionism, that invites the wrong kind of people to go into union leadership.

We have proceeded so far on the basis that those things are all right if the union has honest books. That has been the essence of the legislative efforts so far.

I thank you, Mr. Chairman.

Senator MUNDT. Mr. Chairman, the discussion by Senator Curtis brings to mind the question I was going to ask our counsel yesterday. We were discussing the fact yesterday that some of these thugs were kept at the Parkway Motel under registrations paid for by Barbara and charged by Barbara to the Canada Dry Bottling Works, of which he was president.

I was wondering, Bob, whether we had obtained the income tax returns of the Canada Dry Bottling Works, because it would seem to me that if they were charged there they were probably charged as a business expense. This is a clear-cut case of fraudulent tax deduction, and maybe they can take care of Mr. Barbara as they took care of Al Capone, and get him on a tax-evasion charge if they can't catch him on any of these other illegal activities.

Mr. KENNEDY. We just know, Senator, that they were charged to the company itself.

Senator MUNDT. Now, can we find out from an examination of the income-tax returns whether or not they were deducted?

Mr. KENNEDY. I do not know.

Senator MUNDT. If so, it seems to me that we have Mr. Barbara violating the law, and I think that we should explore that, because it doesn't do much good to expose these fellows if nothing is done. It seems quite obvious if he charged these to a business expense account and deducted it from taxes, this obviously is such a clear-cut violation that there isn't any reason that the Internal Revenue Service cannot move against him through the Department of Justice precisely as they moved a couple of decades ago against Al Capone of the same outfit, who was also a law violator.

The CHAIRMAN. If the income-tax returns of the Canada Dry Bottling Co. have not been requested, they will be. We have a procedure to go through to obtain them. I do not recall whether I have signed a letter for this particular company.

Senator MUNDT. It just came into my mind when I heard them say they charged that motel charge to the company. I want to make sure we don't overlook any opportunity.

The CHAIRMAN. We follow up on these things as we go along. Such a request will be made.

All right, proceed.

TESTIMONY OF GEORGE H. MARTIN—Resumed

Mr. KENNEDY. I would like to ask, Mr. Martin, do you have a list of the offenses that have been charged to these individuals on this chart?

Mr. MARTIN. Yes, we have made a complete list of the particular offenses charged against the individuals shown on the chart.

Mr. KENNEDY. Would you just start to read some of those, please?

Senator MUNDT. I think it would be interesting to have the aggregate number if you have them added up. It is quite an astronomical figure.

Mr. MARTIN. The aggregate number I can't give you offhand, but I would roughly say 50 to 60 different crimes. I will read them off and you can draw your own conclusions.

Carrying concealed weapons would seem to be the principal offense charged all of the way along the line. Possession of dangerous weapon, violation of the National Firearms Act, armed robbery, suspicion of murder, attempted murder, murder, gambling, grand larceny, larceny, operation of unregistered stills, sale and possession of narcotics, violation of the Customs Act, violation of the State labor law, violation of the internal revenue law, violation of the alcohol tax laws, violation of the wage and hour law, violation of the food and drug law, prostitution, rape, burglary, breaking and entering, run running, kidnaping extortion, extortion by threat, assault and battery, assault with intent to kill, felonious wounding, illegal transportation of machineguns and rifles, counter fighting, conspiracy to violate gambling laws, conspiracy to commit murder, conspiracy to violate the internal revenue laws, conspiracy to violate the Selective Service Act, conspiracy to violate the narcotics laws, receiving stolen goods, coercion, dynamiting, blackmailing, forgery, black marketing, smuggling, and indecency.

The CHAIRMAN. Is there anything in the statutes that they have escaped or missed?

Mr. MARTIN. I would have to think a little hard on that one, Senator.

The CHAIRMAN. There are 45 different offenses. In other words, this group that you listed there on this chart, those where the stars are as I understand it, are the ones that you are speaking of, and they have been charged with 45 different felonies under the statutes?

Mr. MARTIN. That is correct, sir.

Senator MUNDT. Will you add up and supply for the record the total number of offenses involved in this strange family relationship, because I saw the chart and some of them have 8 or 10 or 12 offenses or more individually.

It would be interesting to have the aggregate number of offenses. Now, you have given us the types of offenses and the aggregate number committed by those people who appear on the chart.

Mr. MARTIN. Yes, sir.

The CHAIRMAN. All right, is there anything further?

Mr. KENNEDY. We have another chart.

The CHAIRMAN. Are you through with this witness?

Mr. KENNEDY. I believe so.

The CHAIRMAN. You may stand aside for the present. We will call the next witness.

Mr. KENNEDY. Do you have any comment to make regarding this chart?

Mr. PERA. No, I think the chart speaks for itself, and it is an admirable piece of work.

The CHAIRMAN. All right, thank you.

Who is the next witness.

Mr. KENNEDY. Mr. Sherman Willse.

The CHAIRMAN. Will you be sworn?

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

TESTIMONY OF SHERMAN WILLSE

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

Mr. WILLSE. Sherman Willse, and I live on Long Island and I am presently an investigator for this committee.

The CHAIRMAN. Are you otherwise employed by the Federal Government?

Mr. WILLSE. No, sir.

Mr. KENNEDY. How long have you been with us?

Mr. WILLSE. One year, since last June.

Mr. KENNEDY. What were you doing prior to that time?

Mr. WILLSE. I was a member of the New York City Police Department for 20 years.

Mr. KENNEDY. And what specifically were you working on with the New York Police Department?

Mr. WILLSE. The last 18 years I was assigned as a narcotics detective.

Mr. KENNEDY. I might say that Mr. Willse has been the one primarily responsible for the investigation of these activities, and in

fact the complete investigation of those who attended the meeting at Apalachin and the work that has been done in this area has been done under his direction.

Now, Mr. Willse, you made a study of the illegal and legal activities that these individuals who attended the meeting in Apalachin were engaged in?

Mr. WILLSE. I have.

Mr. KENNEDY. And was there a chart made up under your direction indicating the types of activities that these people have been involved in?

Mr. WILLSE. Yes; this chart.

The CHAIRMAN. This chart may be made exhibit No. 5.

(Document referred to was marked "Exhibit No. 5," for reference, and will be found in the appendix facing page 12496.)

Mr. KENNEDY. Now, over here to the left-hand side of the chart, Mr. Willse, with the red dots, that indicates the criminal or illegal activities, is that right?

Mr. WILLSE. Yes; that first column represents the arrests of individuals we are considering.

Mr. KENNEDY. And the blue dots indicate the legal activities?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. Now, would you give us some summaries of the illegal activities?

Mr. WILLSE. Well, first of all we are concerned here with 58 names which are the names on the original list received by us. Since that time there have been five names added which we are not dealing with here.

Mr. KENNEDY. Who are the five people that have been added so we can get that?

Mr. WILLSE. There is Charles A. Montana, of Buffalo; Nick Civella, from Kansas City, Mo.; Joe Filardo, also Kansas City; Neil Migliore, from New York City, and John LaRocca, Pittsburgh.

Mr. KENNEDY. Mr. LaRocca was one of those whom we subpoenaed here before the committee, or attempted to subpoena.

Mr. MARTIN. We did.

Mr. KENNEDY. And he has taken off for parts unknown.

Mr. MARTIN. There have been other attempts by other agencies, and they haven't been able to locate him either.

Mr. KENNEDY. Who is he in business with in Pittsburgh?

Mr. MARTIN. With Gabriel Mannarino, I believe.

Mr. KENNEDY. And also Mr. Genovese.

Mr. MARTIN. Michael James Genovese. He is the man.

Mr. KENNEDY. Michael James Genovese?

Mr. MARTIN. Yes, sir.

Mr. KENNEDY. And they have a jukebox business, or Mr. La Rocca has a jukebox business in Pittsburgh?

Mr. MARTIN. Yes, sir.

Mr. KENNEDY. Would you give us an explanation of the left part of the chart?

Mr. MARTIN. The first column of the red dots represents the individuals who have arrest records, and that composes a total of 50 out of the 58 with which we are concerned with on this chart.

Out of those arrests and those individuals, we have 35 of them who have been convicted; and, out of the total of 58 men, we have 23 who have served some time in prison as a result of those arrests.

Following across with the red dots, we have picked out what we consider the more important violations of law, starting with homicide, and there we find that 18 of these men have either been arrested or questioned as suspects or main suspects in homicide. It isn't indicated here but 1 of the 18 was convicted, just 1.

Mr. KENNEDY. From a study of the record of these individuals, can you give us any explanation as to why the percentage of those convicted of homicide was so small?

Mr. MARTIN. I would say because of lack of evidence.

Mr. KENNEDY. Is there any trend or thread running through this as far as pinning these crimes on some of these individuals?

Mr. MARTIN. I think particularly in homicide cases, witnesses are most necessary in order to establish the proper evidence.

Mr. KENNEDY. Did you find any thread running through these cases involving these witnesses, as to what happens to some of the witnesses?

Mr. MARTIN. Either the lack of witnesses, or where witnesses are found they are not able to talk or will not talk.

Mr. KENNEDY. Specifically, haven't we found a number of these cases where the witnesses have disappeared?

Mr. MARTIN. Oh, yes.

Mr. KENNEDY. That is what I wanted to find out, or where the witnesses have actually been killed.

Mr. MARTIN. Yes, there have been instances.

Mr. KENNEDY. And some of these individuals up here, where there would appear, at least initially, to be enough evidence based on witnesses' testimony to convict an individual, the witnesses either have disappeared or have refused to talk?

Mr. MARTIN. That is true.

Mr. KENNEDY. And in at least one instance we know where the witness was actually poisoned while in police custody, is that right?

Mr. MARTIN. Yes.

Senator MUNDT. Do you have any list of illegal activities on this fellow Montano, that strange man from Buffalo who said he just dropped in for a cup of tea and brought his revolver along to sort of sweeten the drink?

Mr. MARTIN. We do not.

Senator MUNDT. You have no illegal activities?

Mr. MARTIN. No, sir.

Mr. KENNEDY. None that we know of?

Mr. MARTIN. No. Following along we have the narcotics violators, and totaling 15. In gambling which seems to be 1 of the major sources of their revenue and their activities there are 30.

Firearms, which means not only firearms but concealed weapons, and in most cases it is firearms, and that may mean pistols, and revolvers, and rifles, and shotguns, and machineguns, there are 23.

Senator MUNDT. What is wrong with having a shotgun? Is that against the law in New York?

Mr. MARTIN. Under the circumstances under which these men were arrested for possession of them.

Senator MUNDT. They were sawed-off shotguns?

Mr. MARTIN. In some cases, yes. And the last is liquor. These represent mainly violations, and in 1 or 2 instances we have incorporated in here the fact that the man is engaged in some legitimate liquor activity now, but I say those are the exceptions. Most of those represent violations and not just one, but there are several for quite a few of the individuals.

This also is illegal, the black market, and in those cases it represents mainly the acquisition of sugar probably during the war, which was then channeled into black-market paths or it was used for the distilling of spirits. In one case, I believe it is Vito Genovese, and his activities although he might have been in black market in this country or had an interest in some way, his main activity in that field was in Italy where he was a fugitive from a murder case.

Over there the story is that he was able to steal Army trucks, or at least his mob was, and they would then go to various depots and load up the trucks with supplies and drive them away and dispose of the supplies in some way, and in some cases destroy the trucks, usually.

Mr. KENNEDY. We will have some direct testimony on that activity.

Senator MUNDT. Have you made a check of those names to determine how many of them are native born or how many would be subject to deportation?

Mr. MARTIN. I have not made a check myself, but there are certain agencies which have produced records, which this committee has, which indicate that.

Senator MUNDT. Do you recall how many of them are subject to deportation?

Mr. MARTIN. No, sir; I do not.

Senator MUNDT. Provided you really try to deport them?

Mr. MARTIN. I know that there are several, but they have been subject to deportation according to the records over a good number of years. What has happened with the other moves made, I don't know.

Senator MUNDT. I wish you would supply that for the record, because one of the great weaknesses in this country in law enforcement is the complete lethargy demonstrated by Government in deporting people who come here and violate their immigration rights by committing crime.

They get tangled up in all kinds of legal technicalities and they hire a lot of smart, although unscrupulous, lawyers to protect them, and they continue to live the life of crime over here when they are subject to deportation. I am one of those who feel that public pressure should be exerted against the law-enforcement officials and the officials in Government whose job it is to clean out of this country people who should be deported.

I would like to have a list, if you supply it, of those who are subject to deportation. You haven't got the names yourself, but you said some one had made an examination of the list, and so will you supply for the record the names of those 58 who are subject to deportation, provided somebody in Government gets on a white horse and digs his spurs in the steed?

Mr. MARTIN. I might say, Senator, that that has been discussed several times since this meeting, and I have heard your views expressed.

Senator MUNDT. I know those views are shared by a lot of Americans, but action is disgustingly slow, and I think perhaps this committee can call attention of the public to the fact that there are people in Government responsible for deporting people who violate the terms under which they become naturalized citizens.

Mr. KENNEDY. Would you go through some of the legal activities of some of these people?

Mr. WILLSE. Well, the chart explains most of those, I believe. In automotive agencies the total is 4, in boxing, you will find 3. Some of these represent their interest in these activities through fronts, possibly not directly.

Cab companies are 3, and chemicals are 2. Of interest here is the fact that John Ormento, who I believe was one of the major narcotic violators in this country and one of those in this group, then shows up under the chemical category.

This is based mainly on his close association with a man named Rocco Pellegrino. Pellegrino has been recognized for some period of time as a power in the traffic of narcotics, particularly smuggling, through his influence and association with men on the waterfront, particularly what they call the horn, which extends from the lower West Side piers around the southern tip of Manhattan to the lower East Side piers.

In addition to being connected with him, Pellegrino has other contacts on the waterfront, such as Mike Clementi, an official of one of the ILA locals on the east side piers, and "Socks" Lanza, who was convicted and served time for extortion of the Fulton Fish Market, and who is indicated as still having some power down there. Ormento, through his close contact, showed by previous investigation over the years, close contact with Pellegrino, in the past has had contact with three different chemical companies.

Those contacts have never been fully investigated, and I think they are worth looking into, because of the fact that acetic anhydride, and the most used chemical in the textile field, is used by these companies with which Pellegrino had contact.

Acetic anhydride is used in conversion of the raw opium into a morphine base after which it is made into heroin.

Mr. KENNEDY. Could the textile companies use that?

Mr. WILLSE. They do. It is used mainly in the manufacture and treatment of rayon.

Mr. KENNEDY. Would that be an explanation why a number of these individuals, gangsters, are also in the textile field?

Mr. WILLSE. It could be. With this group that we are concerned with, we don't show any in textiles, but it is known that they have contacts and associates in that field.

The coal companies consist of Alaimo, one of the "Brandy Patch" boys as described by George Martin.

Most of those fellows from Pittston are the descendants of families going over there and settling there, going into the coal mines originally. Some of their activities in the coal mines have been handed down from father to son as in the case of Alaimo.

The coin-machine operation, of course, looms large, because this is a particularly good field for the investment of illicitly obtained revenue.

In construction we find quite a few, and there has been a conflict of interest where we find some of these men with a construction company and also either directly concerned or associated with somebody in a construction union.

The construction field offers another good field for the activities of these men through extortion. In entertainment we have Jerry Cateno, who is a known associate of Zwillman in New Jersey, and his contacts here come mainly through his close association with Las Vegas and Habana gambling.

It is known that in Habana the hotels giving a gambling casino concession to anyone allow them to also handle the entertainment. It seems to be the better way of handling it on the side of the hotels, and Cateno has a close contact with a man who is also a well-known gambler in both Las Vegas and Habana, and who also has a theatrical agency.

Senator MUNDT. Do you know the name of the hotel or casino in Las Vegas with which he has his contact?

Mr. WILLSE. I don't know, sir. But the man I am referring to is Jack Davis.

Funeral homes show a total of four. There are certain conclusions that may be arrived at there as to how gangsters have funeral homes that may be used in their conspiracies.

The garment industry shows 16, and this is something that the committee will go into in greater detail in the future.

Groceries and markets have 10. Groceries and markets may be combined with import and export activities due to the grocery and market receiving many products from overseas.

Mr. KENNEDY. Does that also include florists?

Mr. WILLSE. It does not.

Mr. KENNEDY. The groceries and markets?

Mr. WILLSE. Not that I know of. In connection with florists, I might say that an uncle of Joseph Bonnano, I believe the name is Pietro Bonventre has a florist shop.

Mr. KENNEDY. Haven't we found that a number of gangsters have been florists throughout the United States?

Mr. WILLSE. As far as this group goes, I can't say.

Mr. KENNEDY. Mickey Cohen on the west coast?

Mr. WILLSE. Yes.

Mr. KENNEDY. And Johnny Dio on the east coast?

Mr. WILLSE. Yes.

Mr. KENNEDY. So we have the funeral homes and the florists.

Mr. WILLSE. Right.

Mr. KENNEDY. Go ahead.

Mr. WILLSE. Horses and tracks total three. Import and export total 11. Of course, this has an especially important significance for the smuggling of narcotics, particularly when we consider the individuals who come under this category. I would like to explain that later, if I might refer to certain records.

The CHAIRMAN. Will the witness suspend?

Senator Mundt has to be on the Senate floor for a little while, and we cannot conclude your explanation of the chart before recessing.

We will recess now until 2 o'clock.

(Whereupon, at 12:17, a recess was taken until 2 p. m. of the same day.)

(At this point, the following members were present: Senators McClellan and Mundt.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee at the reconvening of the session were Senators McClellan and Ives.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. I am trying to get some more copies of that chart, and we will know in a little while whether we can get them within the next hour or so. But in the meantime, if Mr. Willse could return to the stand, perhaps he could continue his discussion of the chart.

TESTIMONY OF SHERMAN WILLSE—Resumed

The CHAIRMAN. Will you proceed with your testimony?

Mr. KENNEDY. I think you were finished with the garment industry, and we had also done the grocery stores, and I think we are at the horse races.

Mr. WILLSE. I think that I passed that. I am on jewelry and furs. The significance in that category is the fact that there has been strong information regarding the handling of stolen property, mainly in that line. Labor-management relations, that goes into great detail, and in some cases a man is representing both a union and he is connected with management in conflict with his union position. Women's laundry, although it doesn't show up here.

Mr. KENNEDY. That is the biggest category that we have, the one we spent the most time on, obviously, in labor-management relations and we get 22 individuals.

Mr. WILLSE. Yes, sir. Linens and laundry, although only two show on the chart, it is rather an extensive operation, particularly in the large cities such as New York. I believe the committee has further details on that in other cities throughout the country.

Olive oil and cheese is very important, and they are tied in with export-import, because this involves the importing of those commodities, olive oil and cheese, giving good opportunity to conceal any contraband, particularly the narcotics.

Paper and wastepaper show up four. Realty I suppose comes about through the illegally obtained money of these people. In addition to other legitimate enterprises in which the money is invested, there is a good deal of real estate in which there is a continual return from rents. Service stations and garages, and 1 car wash is involved; that is a total of 4. Taverns, restaurants, hotels, and motels. Throughout the country it is demonstrated that Mafia generally invest in such enterprises.

Trucking is another important business, as is the waterfront. Now, in dealing with those two categories, I would like to include import-export. The purpose of the chart in addition to showing the activities of these men as individuals, it is also designed to show how these activities may be related, particularly to the illegitimate field. Since narcotics belongs with gambling as one of the main sources of revenue for the gangsters, narcotics should be considered in these three classifications. For years they have had their source of supply of narcotics from the other side and there has never been any difficulty

with that. After finding their source of supply, the next thing is to get the narcotics on a ship. On the other side there seems to be no difficulty there. Then the next object is to get aboard the ship when it docks in this country. Aside from employing Italian seamen which is the case of Carl Vanginio, we have these men allied with other businesses that accomplish that.

First of all, we have 7 in trucking. It can be either general trucking or garment trucking, and in this category, it includes both, but mainly general. Some of them combine this operation. The way the trucking works on the docks is that a truck may have a job to go to 1 pier and take a complete load in 1 day, or it may visit 5 or 10 piers in 1 day. In connection with that would be the hiring bosses or anyone else employed on the docks concerned in the unloading of a ship. Through union affiliations of the gangsters, they are able to obtain these men that help them get the stuff off the ship, and of course, the trucks carry it off the dock.

The export-import naturally gives them the commodity which is the means of concealment of the contraband. As I say, we combine olive oil and cheese and just take that commodity alone, the size of the cheese that is imported, perhaps as tall as I am or in barrels of olive oil, over any means of concealment. When we realize that sometimes a ship docks and stays in port for 5 days, and for about 8 hours of the day there is a continual line of trucks going on and off the pier, and in conjunction with the longshoremen a couple of hundred are working on the piers, all connected with some association of that sort, it is practically impossible to stop this stuff from coming in. To stop every seaman can't be done, and every longshoremen, that can't be done.

To stop every truck and search it or open every crate or barrel of cheese or whatever the commodity may be, and a crate of machinery, and whatever they are bringing into the country, that is an impossible task and it can't be done. It is very easy to get the narcotics in the country.

In relation to that, out of the men involved in narcotics as shown over here, 2 of them are also in the trucking industry, and 2 of them are also concerned with waterfront activities, and 7 of them are engaged in import-export of some type.

Now, that is taking into consideration only these men on this chart. If we consider their associates, and their contacts, it becomes overwhelming.

MR. KENNEDY. Now, you were talking about the contacts that these individuals might have with the ships. We also find some of these people in the ship-cleaning business, for instance.

MR. WILLSE. There is ship cleaning and scrapping. I think Carmine Lombardozzi with his marine corporation is able to operate that way, and he also has a mobile marine company which consists of a machine which is leased, I believe, to the Grace Line, and he seems to have a monopoly in that field, particularly with that one line. I might say that through that line which has roots to the east coast of South America, and then another route in which they use other ships to the west coast of South America, that line in the past has been the main if not the only line bringing cocaine into the country.

Cocaine at this point having been out of existence for perhaps 7 or 8 years has started to come back in, but since it has only started the

price is pretty high, and it amounts to \$18,000 a kilo, so the profit involved there is tremendous.

Senator IVES. May I interrupt there? You say the Grace Line is responsible for this, or the Grace Line shippers?

Mr. WILLSE. Neither one is responsible. It is the people traveling on them.

Senator IVES. I understand, but what is the Grace Line doing about it to help combat it?

Mr. WILLSE. I don't know, Senator. I would like to tell you an interesting story in connection with the Grace Line and the cocaine smuggling. We didn't have any cocaine around the city, New York City, and that goes for the country, and I think the Federal Narcotics Bureau will bear me out, until shortly after the end of World War II. Then gradually, we started to pick it up in very small amounts. These increased from time to time until in about a year's time after its first appearance we were getting it in very large amounts, which means kilos. At that time, the price, of course, went continually down as the amount of stuff coming in rose, and I think it went to about \$5,000 a kilo.

It was found that it was all coming in on the Grace Line,¹ but it was being brought in by the seamen. Investigation showed there was a concerted conspiracy to do this.

This is rather lengthy but I think it is interesting. The man at the head of the conspiracy was known as Eduardo Balareyo, a native Peruvian, and his close associate was a man named De La Torre, a head of the Aprista Party in Peru. That was the headquarters, but it took in most of the Latin American countries around the Mediterranean and in South America.

Now, as to De La Torre, some would class him as a rabble rouser, but he represented the poorer element in the South American countries. His brother, Edmondo De La Torre was a member of the Peruvian Senate, and I assume that this conspiracy arose shortly after the end of World War II because that is when we started getting the cocaine.

The Peruvian Government licensed people to grow, process, and export the cocaine. However, they had about 10 or 12 clandestine laboratories operating throughout the mountains down there.

Now, the conspiracy actually got underway to a large extent, when De La Torre and his party arrived in New York on a Peruvian warship, and while it was in New York I think for perhaps 1 or 2 weeks the officers were entertained by this fellow Balareyo who was in New York, and a native Peruvian. It was during these sessions that it was planned to start a revolution in Peru through the Aprista Party.

When the warship returned to Peru, it took De La Torre and Balareyo and some members of Balareyo's family. Balareyo was supposed to have contributed \$60,000 to this proposed revolution. In addition to taking down certain material which would have been heavily taxed in customs in Peru such as washing machines and cars and so on, they felt that they could get this into Peru without any diffi-

¹ After these hearings had been completed, Senator McClellan received a letter from Lewis A. Lapham, president of Grace Line, Inc., regarding Mr. Willse's testimony. The text of this letter appears in the appendix on pp. 12491-12496, together with other documents which Mr. Lapham submitted.

culty through De La Torre's brother, Edmondo, who was in the Peruvian Senate.

However, they got down there and my understanding was that somebody passed along a tip and all of this stuff was seized. But after being there a few days, the revolution started, and it started with the navy in the port of Callo. Of course, that lends corroboration to the fact that the navy was up here conspiring with De La Torre and Balareyo. It went on for about 2 or 3 days, and many people were killed, and the revolt was put down but in the meantime, Balareyo, seeing that he was losing out, took a plane back to New York. De La Torre sought refuge in the Colombian Embassy, and some of the other people just disappeared from the country.

The Government then rescinded all licenses, and all permits for the growing and processing or export of cocaine. The conspiracy tied in perhaps 50 people here in this country, and about 88 in Peru.

Now, the cooperation of the Peruvian Government in rescinding those licenses and making those arrests knocked out the cocaine traffic until just recently.

It has started to come back in, but all of that cocaine that came in during this time as far as we can find, came by the Grace Line.

Senator IVES. May I ask you another question in that connection?

Is the Mafia active in South America, Latin America?

Mr. WILLSE. I don't know that.

Senator IVES. Well, the reason I was raising that point is that I am just wondering what connection the Mafia may have had with the attack on the Vice President of the United States in Peru when he recently visited there. Can you connect that at all?

Mr. WILLSE. I didn't think of the Mafia in that relation. I thought of the renaissance of the Aprista Party. De La Torre, who was head of it, had had sanctuary in the Colombian Embassy, I think for the 3 years, and they dug a trench around it and they manned it with the army and the tanks, and the machineguns, and in the meantime there were a lot of maneuverings to try to get him safe transport out. Finally he was allowed to go out and he went to Mexico.

Now, just in recent months I have read he has been allowed back into Peru.

Now consistent with his rearrival in Peru, and what took place down there, we also have cocaine coming back into this country. I wonder if there is any relation.

Senator IVES. You don't know that?

Mr. WILLSE. No.

Senator IVES. It is very odd, and kind of a coincidence, isn't it?

Mr. WILLSE. I think so.

Senator IVES. Thank you.

Mr. WILLSE. I might say that a kilo of narcotics, other than opium, in its crude form, the weight is about 33 ounces, or 2 pounds, and in the powder form in which it comes they generally have it wrapped in a soft plastic container, I would say 6 by 6, and 3 inches thick. That would be a kilo.

Mr. KENNEDY. You found from a review of these individual activities that a number of them were officials of labor unions and a number of them in labor-management relations.

Mr. WILLSE. That is right.

Mr. KENNEDY. And a number of them using these businesses as fronts for their other organizations, and other illegal activities?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. And then as another operation to funnel their illegal funds into these businesses; is that right?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. I think that that is about all.

Is there anything else on the chart that you wanted to cover?

Mr. WILLSE. No, sir.

Mr. KENNEDY. Now, Mr. Willse, have you made a study in some of the instances of whether these individuals are in touch with one another and keep in close contact?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. Do you have some examples there?

The CHAIRMAN. Will you identify the chart that you now are exhibiting.

Mr. WILLSE. Yes, sir. This represents the contacts and associates of John Ormento. This comes about from the examination of telephone company records, and through official investigations involving observations and tail work on John Ormento.

Mr. KENNEDY. He is a leading trafficker in narcotics; is that right?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. And a fugitive from justice at the present time?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. And we see that he has these various connections throughout the United States with other leading important gangsters, is that right?

Mr. WILLSE. That is correct.

Mr. KENNEDY. Out into Texas, and into Oklahoma, and up into Michigan?

Mr. WILLSE. That is right.

Mr. KENNEDY. And Kansas City?

Mr. WILLSE. That is right, Kansas City, Mo.

Mr. KENNEDY. And then also with a number of the leading gangsters in New York City, is that right?

Mr. WILLSE. That is true.

The CHAIRMAN. This map may be made exhibit No. 6.

(Document referred to was marked "Exhibit No. 6," for reference and may be found in the files of the select committee.)

(At this point, the following members are present: Senators McClellan and Ives.)

Mr. KENNEDY. Once again in order to understand his activities, looking into his operations, one has to understand those individuals with whom he is in contact.

Mr. WILLSE. Yes. There is evidence of contact with Joe Salardino, from Cañon City, Colo.

Joe Salardino and his brother, Gus, have operated a night club out there for several years. During the Kefauver hearings, there was evidence that that club had been used for gambling for some time.

Joe Civello in Dallas has a narcotic record. I believe it was concerned with the smuggling of narcotics across the Mexican border into Dallas for further distribution. I think last year Joe Civello was seen in contact with John Ormento at Idlewild International Airport

at the same time Carmine Pellegrino was there. Carmine is the son of Rocco Pellegrino who is regarded as a don, and who has great influence on the New York waterfront, as I described before. In Kansas City is Joseph G. Gurera. He is known as Little Joe. He gets that name from the term given to the point of 4 on dice and he also is given that name because he has been suspected strongly in several gangland murders where the victims were dispatched with 4 shots in the head.

Gurera went to Kansas City some years ago and took over about 60 percent of the policy operation there. I know that Ormento has been in contact with him for at least 7 years.

Michael Polizzi, in Detroit, son of Angelo, has been connected with Papa John Priziola, in the operation of the J. C. Music Co., a jukebox operation. Papa John has a bad record of armed robbery, murder, and several other things.

MR. KENNEDY. We will not go through each name. The chart does speak for itself, Mr. Chairman. The names are there of some of the contacts.

THE CHAIRMAN. Have you made the same examination as to contacts of others?

MR. WILLSE. Yes, sir.

THE CHAIRMAN. Do you have other charts?

MR. WILLSE. Yes, sir.

MR. KENNEDY. You might put a couple more in.

THE CHAIRMAN. Just briefly identify it and state what the chart represents.

MR. WILLSE. This also represents the contacts and associates of Joseph Profaci and his company, the Carmela Mia Packing Co., engaged in the importing of olive oil and cheese, and distribution. These contacts also go into Detroit. They go to the Van Dyke Taxi Co. in Buffalo, which is the company of John Charles Montana, also into Utica, Joseph Falcone being the operator; to Boston, with Frank Cucchiara, who was at Apalachin. In New York, to several of the Apalachin men, to Philip Mangano, found murdered in a Brooklyn swamp about 1951, a brother of Vincent who disappeared shortly thereafter. They had influence on the Brooklyn waterfront.

Lucky Luciano, Frank Costello, John Oddo, known as Crazy John or Johnnie Bathbeach. That is a section of Brooklyn that he hangs out in.

Vito Genovese from Apalachin; Sebastiano Nani, Gus Frasca, and Joseph Smurra, and Pete DeFeo, all three indicted with Vito Genovese in a murder that happened in 1934.

Nicholo Impastato, on the Federal narcotics national list. And Salvatore Falcone, the brother of Joe, from Utica. Sal operates a produce business. I think it is Italian foodstuffs in Miami.

THE CHAIRMAN. That chart may be made exhibit 6A.

(The document referred to was marked "Exhibit 6A" for reference and may be found in the files of the select committee.)

THE CHAIRMAN. You have several other charts, do you?

MR. WILLSE. Yes, sir.

THE CHAIRMAN. I don't think it is necessary to put any more into the record. The others, if you will identify them, may be made exhibits. They are similar charts.

They speak for themselves, do they?

MR. WILLSE. Sir?

The CHAIRMAN. The charts speak for themselves?

Mr. WILLSE. They do, sir.

The CHAIRMAN. Each chart may be added as exhibit 6B, C, and D, the charts of the witness.

(The documents referred to were marked "Exhibits Nos. 6B, C, and D" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Chairman, this is a chart of the individuals that attended the meeting at Apalachin and where they came from.

The CHAIRMAN. All right.

We will make this chart exhibit 7, since it has some special significance.

(The document referred to was marked "Exhibit No. 7" for reference and may be found in the files of the select committee.)

The CHAIRMAN. You may testify regarding it.

Mr. WILLSE. This shows the points of origin at the time of the visit to Apalachin by the men. Los Angeles, Frank DeSimone, and Simone Scozzari, Dallas; Joseph Civello, Pueblo; James Poletti, Kansas City; Springfield, Ill.; Cleveland, Ohio; Buffalo, Niagara Falls, Rochester, Auburn, Utica, N. Y.

From Pittston and Pittsburgh, Pa., Camden, Newark, and Jersey City in New Jersey, and from Boston, Frank Cucchiara.

The CHAIRMAN. And from Florida?

Mr. WILLSE. From Florida is Salvatore Falcone, who runs a company down there. Also may be included Sam DeCavalconte, Jr., who comes from Habana, but he went to Apalachin under the alias of Louis Santos. His father, Sam DeCavalconte, Sr., for years has been the racketeering overlord of Miami.

Mr. KENNEDY. In Tampa.

Mr. WILLSE. And it takes in the Miami area.

Senator IVES. I would like to ask the witness if there was anybody from New England there.

Mr. WILLSE. Boston?

Senator IVES. That is New England, part of it. Was there anybody from New England there?

Somebody from Boston?

Mr. WILLSE. Yes, sir.

Senator IVES. Anybody else from New England?

Mr. WILLSE. Not that I know of.

Senator IVES. In other words, New England is fairly free of the Mafia: is that right?

Mr. WILLSE. Except for that one.

Senator IVES. Except the Boston one.

The CHAIRMAN. All right.

Is there any further?

If not, thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. James La Duca.

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

Mr. LA DUCA. I do.

**TESTIMONY OF JAMES V. LA DUCA, ACCOMPANIED BY COUNSEL,
VENEARD D. NERI AND JOSEPH P. RUNFOLA**

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

(The witness conferred with his counsel.)

Mr. LA DUCA. James V. La Duca.

The CHAIRMAN. Your residence, please?

Mr. LA DUCA. Dana Drive, Lewiston, N. Y.

The CHAIRMAN. What is your business or occupation?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. It might. You may be correct. You have counsel present?

Mr. LA DUCA. Yes; I do.

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

Mr. NERI. Yes, sir.

Veneard D. Neri; mailing address 1006 Morgan Building, Buffalo, N. Y.

The CHAIRMAN. Thank you, sir.

Do you have other counsel?

Mr. RUNFOLA. Joseph P. Runfola, offices at 1006 Morgan Building, Buffalo, N. Y.

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

Mr. KENNEDY. Mr. La Duca, you have been connected with Local 66 of the Hotel and Restaurant Workers Union?

(Witness conferred with his counsel.)

Mr. LA DUCA. I refuse to answer that question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Let the Chair ask him one question.

Do you honestly believe that if you told the truth about what your occupation or business is that a truthful answer under oath might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. LA DUCA. I am sorry, but I certainly do.

The CHAIRMAN. All right.

Mr. KENNEDY. We have the information that you were an organizer for Local 66 of the Hotel and Restaurant Workers Union, and at the time of the meeting at Apalachin we have information that you were secretary-treasurer of that local.

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You did attend the meeting at Apalachin, N. Y., in November of 1957; did you not, Mr. La Duca?

Mr. LA DUCA. I decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why—

The CHAIRMAN. Was that such a meeting up there that those who attended might be incriminated if the truth was known about it?

Mr. LA DUCA. I decline to answer that question on the grounds that it might tend to incriminate me.

Senator IVES. May I interrupt there?

Isn't it a fact, isn't it a matter of record, that you were there?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, I would like to develop the information with this witness that we have and the records that we have obtained based on our investigation, and ask the witness to make any comment on it that he wishes to.

The CHAIRMAN. Bring around the witness.

Mr. KENNEDY. No; I just wanted to develop the basis.

The CHAIRMAN. You state what information we have and we will ask the witness if he wants to comment on it.

Mr. KENNEDY. The first information is we understand you know Mr. John Charles Montana, of Buffalo, who also attended the meeting at Apalachin; is that correct?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That you worked for Mr. John Charles Montana's taxicab company called the Van Dyke Taxi Co., during the 1940's?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That you worked in 1945 and 1948 as a dispatcher for that company?

Mr. LA DUCA. I decline to answer that question on the same grounds.

Mr. KENNEDY. That following working for Mr. John Charles Montana, that you then——

Senator IVES. Just 1 minute. May I interrupt there? Do you mean to tell me that your admission of any association with Mr. Montana would tend to incriminate you?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Senator IVES. I wonder what Mr. Montana would have to say about that.

Mr. KENNEDY. That following your employment as a dispatcher for Mr. John Charles Montana, the Van Dyke Taxi Co., that you then went to work for the Maggadino Funeral Home, is that correct?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And the Maggadino Funeral Home is operated and run by Mr. Antonio Maggadino, who also attended the meeting at Apalachin?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why you happened to then go to work for the Maggadino Funeral Home?

Mr. LA DUCA. I didn't get that question.

Mr. KENNEDY. Would you tell the committee why you happened to go to work for the Maggadino Funeral Home?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. We have information that in 1947 you, Mr. La Duca, Mr. Montana, John Charles Montana, Mr. Charles A. Montana, and Mr. Peter J. Maggadino, who was the brother of Antonio Maggadino, and who also attended the meeting in Apalachin, bought the Buffalo Beverage Corp. Is that correct?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That from our information we understand that you purchased 125 shares at that time, in 1947.

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. To make that purchase, you borrowed \$5,000 from Douglas Bissell, and Douglas Bissell was the treasurer of Mr. Montana's taxicab company, is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. That the 125 shares cost \$12,500; you borrowed \$5,000 from Douglas Bissell, and you had the balance of \$7,500 in cash at home. Is that right?

Mr. LA DUCA. I decline to answer that on the ground that it may tend to incriminate me.

Mr. KENNEDY. Didn't you tell our investigator during an interview in Buffalo that you had this \$7,500 at home?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. That company was sold in 1949, is that right?

Mr. LA DUCA. I decline to answer that question on the same grounds.

Mr. KENNEDY. And you went back to work for the Maggadino Funeral Home?

Is that right?

Mr. LA DUCA. I decline to answer that question. It may tend to incriminate me.

Mr. KENNEDY. So you have been in business with Mr. Montana and Mr. Maggadino, who both went to the meeting in Apalachin. Some of the money that you invested in that company you procured from an employee of Mr. Montana.

After you went back to work at the Maggadino Funeral Home, you then went to work, did you not, for local 66 of the hotel and restaurant employees?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You first went to work as an organizer and then later became secretary-treasurer; is that right?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. During the period of the 1950's, there was a cleanup campaign, was there not, amongst the Teamsters Local 375 up in Buffalo, and the cleanup campaign was being run by Mr. Stanley Clayton, who was running against Mr. Ernest Belles? Were you aware of that campaign?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that a piece of dynamite was found in Mr. Clayton's automobile during the course of this campaign?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that your brother, Mr. Charles La Duca, circulated handbills for Mr. Belles, who was running against Mr. Clayton?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that all these handbills were purchased out of the union funds of local 66 of the Hotel and Restaurant Employees' Union?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. While you were working for the union as a secretary-treasurer, didn't you also receive money from a hotel chain in Buffalo, N. Y.?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you know the Richford Hotel chain in Buffalo?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that you received money each month from the Richford Operating Corp., which runs the Richford Hotels in Buffalo?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that you actually received \$433.33 each month while you were secretary-treasurer of the Hotel and Restaurant Employees' Union?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that during this period of time the Richford Operating Corp. had a contract with local 66, of which you were secretary-treasurer?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Senator IVES. Mr. Chairman?

Mr. KENNEDY. Mr. Chairman, we have information along those lines.

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to interrupt here and ask a question.

Mr. La Duca, are you under indictment?

Mr. LA DUCA. I decline to answer that question on the ground that it may tend to incriminate me.

Senator IVES. Then I take it you are.

Counsel, have you anything to say about that?

Mr. NERI. May I have permission to address the Chair, Senator?

The CHAIRMAN. You may.

Mr. NERI. He was subpoenaed before the Federal grand jury in the southern district of New York. The subpoena read investigation for conspiracy. He has appeared before that particular grand jury 2 or 3 times. He has also appeared before the Federal grand jury for the western district of New York, Buffalo, N. Y., and the scope of the investigation at that particular place was general.

It was never narrowed down. He has also appeared before the watchdog committee in Albany, N. Y.

Senator IVES. I was just curious to know the reason why he was taking the fifth amendment. I can't see for the life of me what his association with Mr. John Charles Montana would have to do with it. You can't explain that, Mr. Counsel?

Just why is his association with Mr. John Charles Montana preventing him from admitting it?

Is Mr. John Charles Montana so evil that an association with him would cause one to be forced to take the fifth amendment?

Mr. NERI. Senator, I am sorry I can't answer that. First, probably, I don't know. Secondly, I—

Senator IVES. You don't know anything about Mr. Montana?

Mr. NERI. Yes, sir. But secondly it is also a privileged communication between my client and myself.

Senator IVES. I respect that, of course, but I can't understand it. All right.

The CHAIRMAN. Proceed.

Mr. KENNEDY. I would like to ask you about some of the individuals. Do you know Mr. William Bufalino, from Detroit? We have information, Mr. Chairman, that he does know Mr. William Bufalino, head of local 985 of the Teamsters in Detroit.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We have information that you know well Mr. Barney Baker, who was working in Buffalo for the Teamsters for a period of time.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Barney Baker?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We have information that you know Mr. Vito Domiano.

Do you know Mr. Vito Domiano?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you know him under his alias, Buck Jones?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Do you know he was involved with Mr. Maggadino in the gambling in the Buffalo area during the 1950's?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We have information you know Mr. Fred Randaccio.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that he was closely connected with Mr. Domiano and Mr. Steve Maggadino in this gambling in the Buffalo area.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We have information that you know Mr. Sam Pieri, also known as Salvatore Pieri.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have information that this witness knows Mr. Pieri, and Mr. Pieri appears on the Federal narcotics list, No. 24.

Do you know Mr. Mike and Frank Ervolino?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Mr. Mike Ervolino is the business agent and Mr. Frank Ervolino is the president of the Cleaning and Dyehouse Workers, local 123?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. The information we have is that Mike Ervolino is also the business agent and president of the combination Launderers and Cleaning and Service Store Employees, local 163-10, and got 7 to 15 years for attempted extortion with a teamster local shortly before he went to that local. This judgment was subsequently reversed.

Is that right?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. According to the information we have, you also know Mr. Joseph Stracci, who is also known as Joe Stretch, from New York City?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. According to the information from the investigation we have conducted, we find that you registered at the Hotel Lexington in New York City from November 7 to November 12, 1957; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that you were at that hotel with Mr. Joe Falcone?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And while at that hotel, on the 9th of November, you called the residence of Mr. Joseph Bonanno, known as Joe Bananas; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us why you, a union official, was calling the notorious Joe Bananas?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. We have information that on the 11th of November you called Mr. Anthony Falange, of Utica, N. Y., who was formerly in the Hod Carriers and Common Laborers local, and associated in northern New York in a gambling operation using that local union as a front with Mancuso. Is that right?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. That you called on November 11 the grill that is owned by Andrew Sciandra, who is the uncle of Angelo Sciandra.

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that on November 11 you called, just prior to the meeting at Apalachin, you called the home of Mr. Joseph Barbara. Is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you also called his Canada Dry Bottling Co. of Endicott, N. Y., Mr. Barbara's home?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you called on that day Mr. Joseph Padura, who has been arrested for operating a floating crap game, in Pennsylvania. Is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you called the L. G. Carriers, the trucking firm of James Plumeri, while you were staying at the Hotel Lexington; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. We have information that you were called by Mr. Peter J. Calieri, who is well known in the narcotic field; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Why would you, a union official, be associating with these people, Mr. LaDuca?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. We have information that Mr. William Moretti, who was a notorious hoodlum slain in New Jersey in 1953 attended your wedding. Is that correct, Mr. La Duca?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Going back to Mr. Joe Bananas, when he was apprehended after the meeting in Apalachin, he had in his possession your business card.

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. We have information that in addition to the people that you called, that you were called by Joseph Barbara, Sr., you have been called by Roy Carlisi, a well-known gangster and hoodlum, Joe Falcone, and both the Galente brothers; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. That you were stopped after leaving the meeting at Apalachin, and that in your car was Mr. John DeMarco and Mr. John Scalish, of Cleveland, Ohio.

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. How did you know Mr. John DeMarco and Mr. John Scalish?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. John Scalish is in the jukebox business. Can you tell us what your association has been with him?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And in the cigarette-vending business. It is the cigarette-vending business rather than the jukebox.

Can you tell us what your relationship has been with him, with John Scalish?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. All right, Mr. Chairman.

Mr. LA DUCA, isn't it true also that auditing the books and records of your local as well as of the pension and welfare funds of your local is Mr. Harold Mark?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't Mr. Harold Mark the individual who appeared before this committee last year—he is, Mr. Chairman, the individual who appeared before this committee last year—in connection with an attempted fix-up in New York City, and he is the individual that has received in loans some \$150,000 from Mr. James Hoffa, of Detroit?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And after he received the loans from Mr. Hoffa's local, he turned around and loaned Mr. Hoffa \$25,000; is that correct?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. This is the man that handles the books and records of your local and the pension and welfare funds of your local; is that right?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. How is it you happened to retain Mr. Harold Mark, Mr. La Duca?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are you married?

(The witness conferred with his counsel.)

Mr. LA DUCA. Yes, sir, I am.

The CHAIRMAN. What was your wife's maiden name?

(The witness conferred with his counsel.)

Mr. LA DUCA. Her maiden name was Angeline Maggadino.

The CHAIRMAN. Thank you very much.

Mr. LA DUCA. You are welcome.

The CHAIRMAN. Were you born in this country?

Mr. LA DUCA. Yes, sir.

The CHAIRMAN. You are an American citizen?

Mr. LA DUCA. Yes, sir.

The CHAIRMAN. Are you a union official?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Have you ever been a union official?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Do you regard yourself as a common hoodlum?

Mr. LA DUCA. I—

(The witness conferred with his counsel.)

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

The CHAIRMAN. Are you a member of the Mafia?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. You know what the Mafia is, don't you?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. You have heard of it before, haven't you?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there one single thing, one single activity, in which you are now engaged, or in which you have ever been engaged, about which you can tell the truth under oath without running the risk of possible self-incrimination?

Mr. LA DUCA. I decline to answer that question on the grounds that it may tend to incriminate me.

The CHAIRMAN. I wanted to give you an opportunity if there is one single thing in your activities now or in the past that you can talk about under oath without incriminating yourself or risking possible self-incrimination.

I wanted to give you the opportunity to testify to it. Will you take advantage of the opportunity?

Mr. LA DUCA. I decline to answer that question on the grounds it may tend to incriminate me.

The CHAIRMAN. Well, it possibly would.

Are there any further questions?

All right. You may stand aside for the present. Call the next witness.

Mr. KENNEDY. Mr. Rosario Mancuso.

The CHAIRMAN. Will you be 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. MANCUSO. I do.

TESTIMONY OF ROSARIO MANCUSO, ACCOMPANIED BY HIS COUNSEL, ANTHONY FERNICOLA

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

Mr. MANCUSO. Rosario Mancuso, 926 Archer Street, Utica, N. Y., unemployed.

The CHAIRMAN. I did not understand your business or occupation.

Mr. MANCUSO. Unemployed.

The CHAIRMAN. How long have you been unemployed?

Mr. MANCUSO. About 4 months.

The CHAIRMAN. What did you do previous to the period when you were unemployed?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Have you quit it since, whatever you were doing? You said now you are unemployed, and I assume that you were employed up until 4 months ago.

Mr. MANCUSO. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Whatever you were doing then, that might have tended to incriminate you, I take it from your answer that you have quit it about 4 months ago; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Well, we do not get very far in finding out what your business is.

Do you have a lawyer?

Mr. MANCUSO. I didn't hear the question.

The CHAIRMAN. Do you have a lawyer to represent you?

Mr. MANCUSO. I have.

The CHAIRMAN. Could you tell us his name?

Mr. MANCUSO. Anthony Fernicola.

The CHAIRMAN. Will you please identify yourself for the record, Mr. Fernicola?

Mr. FERNICOLA. My name is Anthony Fernicola, and I am an attorney, and my office is in the First Bank Building in Utica, N. Y.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Mancuso, are you also known as Joe Greco?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Al Greco?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Where were you born?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. You are not proud of your country, where you were born?

Mr. MANCUSO. I am proud of my country.

The CHAIRMAN. Are you ashamed of it? How would it incriminate you then to say where you were born?

Mr. MANCUSO. I was born in the United States.

The CHAIRMAN. In the United States?

Mr. MANCUSO. Yes, sir.

The CHAIRMAN. That is fine.

Proceed, Mr. Kennedy.

Mr. KENNEDY. You were born actually in Buffalo, N. Y., were you not?

Mr. MANCUSO. I was.

Mr. KENNEDY. On January 29, 1907?

Mr. MANCUSO. I was.

Mr. KENNEDY. Now, have you been president of the New Form Concrete Co., of Utica, N. Y.?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Have you ever been arrested?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You spent 2 to 5 years in the penitentiary at Connecticut for assault with intent to commit murder, in 1951?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Actually you only spent 2 years there, didn't you, Mr. Mancuso?

Mr. MANCUSO. What is the question?

Mr. KENNEDY. You only spent 2 years?

Mr. MANCUSO. I never spent a minute in Connecticut in my life.

Mr. KENNEDY. Have you ever been arrested?

Mr. MANCUSO. I never was arrested in Connecticut.

Mr. KENNEDY. Were you arrested anywhere?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Have you spent any time in any penitentiary?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Have you spent any time in any penitentiary in New York?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. How many different penitentiaries have you been in, and maybe we can get at it that way?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. All right.

Mr. KENNEDY. Now, Mr. Mancuso, you became a union official in November of 1953?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You became president of Local 186 of the International Hod Carriers and Common Laborers' Union of America?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. What union experience did you have to become the president of local 186?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And secretary-treasurer of that local was Mr. Anthony Falange; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Mr. Carl Dardino was elected the business agent?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Where did that union operate?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you operate up in Plattsburgh, N. Y.?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Now, the information that we have is that you operated up in Plattsburgh, N. Y., and that you and these other two so-called union officials established a gambling operation in one of the local hotels; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And you tried to set up a very active gambling ring in that area; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And there were some attempted shakedowns and finally the union officials in that area themselves moved against you, and had you removed; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. That the gambling establishment was in the Cumberland Hotel on the second floor; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Senator IVES. May I interrupt here?

Has the witness ever been in Plattsburgh?

Mr. FERNICOLA. Are you asking me?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Senator IVES. Have you ever been in Plattsburgh?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Senator IVES. Is that what your visit up there was up to?

Mr. MANCUSO. I didn't get the question?

Senator IVES. I was just commenting on your answer. It does not make much sense.

Mr. KENNEDY. Isn't it correct that also while up there as supposedly a union official, you attempted to obtain a liquor license for a restaurant?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And then, Mr. Mancuso, isn't it a fact that you operate a number of the enterprises of the Falcone brothers in Utica, N. Y.?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And we have information that in Utica, N. Y., there was a wide-open gambling game, with very large stakes, operating in 1957, and that you acted as the doorman; is that right?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And that this was in fact run by the Falcone brothers.

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Wasn't it a fact that this gambling operation was broken into and the money all picked up by another group of gangsters and hoodlums?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Would you mind saying you decline to answer?

Mr. MANCUSO. I decline to answer on those grounds.

The CHAIRMAN. All right.

Mr. KENNEDY. And the individual came in and robbed this gambling game that was going on; isn't that a fact, that he walked in and made everybody take their pants off and then took all of their money?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Now, wasn't one of the individuals that was supposed to be responsible for raiding that gambling game and crap game, a man by the name of Hap Longo?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Hap Longo?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know that Mr. Hap Longo has disappeared within the last few months?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know what happened to Mr. Longo?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. According to the information we have, the last time Mr. Longo was seen was by Mrs. Longa when she saw him in your company?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know what happened to her husband?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Did you kill him?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Senator IVES. I do not blame you.

The CHAIRMAN. It would.

Proceed.

Mr. KENNEDY. Now, we understand, Mr. Mancuso, that the Falcone brothers who operate out of Utica, N. Y., are very close, or were very close to Albert Anastasia; is that correct?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that it was from Utica, N. Y., that Mr. Albert Anastasia registered and was inducted into the United States Army?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And it is a matter of record and isn't it a fact that he gave as his address at that time, a vacant lot in Utica, N. Y.?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. And do you know how he was able to make that arrangement in Utica, N. Y., to be taken into the Army like he was?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that his son and daughter were married in Utica, N. Y.? That is, his son was married in Utica, N. Y.?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. Were you at the wedding of young Anastasia?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. And wasn't Anastasia's daughter-in-law buried up in Utica, N. Y.?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Senator IVES. May I ask a question there, Mr. Counsel?

Knowing something about the Utica situation, I would like to ask this witness if he himself is in any way associated with the city administration in Utica?

Mr. MANCUSO. I decline to answer that on the grounds it may tend to incriminate me.

Senator IVES. It is that bad, is it? I was just curious; that is all.

You did not have to give that answer unless you wanted to.

Mr. KENNEDY. Now, just a little background.

You came to Utica from Buffalo, N. Y., in the 1930's, did you not?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. And in 1944 you were supposedly backing fights, boxing matches, in that area.

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that the money used in that operation came from the Falcone brothers?

Mr. MANCUSO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why it is that just 1 or 2 companies in Utica, N. Y., are able to get all of the contracts in that area, building contracts?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know Darling Ice Cream Co. of Syracuse, N. Y.?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. According to our information you have been calling it Darling Ice Cream Co. of Syracuse, N. Y.

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. What is incriminating about ice cream? Can you tell us?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't this ice cream company operated by Vincent Scro?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. I am sorry, it is Mr. Sam Cero. Do you know Mr. Sam Scro?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. And do you know why other people with criminal records such as Manuel Sicari, Salvatore Falcone, and Barbara, and Monachino would all be calling this ice cream company?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And you have had telephone calls to Carl Giodino, and Dominick D'Agostino?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. We have information based on some testimony this morning that you used Joe Foti in union business while he was a narcotics fugitive; is that correct?

Mr. MANCUSO. I decline to answer that on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know Joe Foti?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Could you tell us why, or how, you were able to become a union official in the Hod Carriers Union?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. That is all for now.

The CHAIRMAN. How long have you been a member of the Mafia?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Were you born into membership, or did you marry into membership?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You are married, are you not?

Mr. MANCUSO. Yes.

Mr. KENNEDY. What was your wife's maiden name?

Mr. MANCUSO. Cora Mantemaro.

Mr. KENNEDY. Thank you.

Did you go to the meeting at Apalachin?

Mr. MANCUSO. I decline to answer it on the ground it may tend to incriminate me.

Mr. KENNEDY. The information that we have is you attended the meeting at Apalachin; is that correct?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You went up with Joe and Salvatore Falcone; isn't that right?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And you were apprehended while leaving the meeting at Apalachin with Joe and Salvatore Falcone, Dominick D'Agostino, and Samuel Lagattuta; is that right?

Mr. MANCUSO. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Now, you told our investigators when they first talked to you that all you did when you went to Apalachin was sit in the car and read a book; is that right?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. What were you discussing at the meeting at Apalachin?

Mr. MANCUSO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Would it be proper to say that that was a hoodlum convention up at Apalachin?

Mr. MANCUSO. I decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. I would not want to, myself, describe it if you could help me get it in proper perspective.

Senator IVES. I think it is a little different from that. I think it was a glorified family reunion.

The CHAIRMAN. It may have been.

Call the next witness.

Mr. KENNEDY. He is on his way over, and perhaps we could put another witness on.

The CHAIRMAN. The committee will stand in recess for 2 or 3 minutes.

(A short recess was taken.)

The CHAIRMAN. Let us come to order.

Mr. KENNEDY. Is Mr. Montana here?

If not, I will call Mr. Larasso.

The CHAIRMAN. Will you be sworn?

Do you solemnly swear that the evidence you shall give before this Select Senate Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LARASSO. I do.

TESTIMONY OF LOUIS ANTHONY LARASSO

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

Mr. LARASSO. Louis Anthony Larasso, 2711 Bradbury Avenue, Linden, N. J.

The CHAIRMAN. Your occupation or business?

Mr. LARASSO. I refuse to answer on the ground it may incriminate me.

The CHAIRMAN. I believe if I were you, I would say "I decline to answer," and show a little more respect for your Government.

You decline to answer?

Mr. LARASSO. On the ground it may incriminate me.

The CHAIRMAN. All right. You do not have an attorney?

Mr. LARASSO. No, sir.

The CHAIRMAN. All right, Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Larasso, you are also known as Lucky Luciano Larasso.

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. Even on your other name you don't want to answer that, either?

Mr. LARASSO. My name is Louis Anthony Larasso.

Mr. KENNEDY. Do you have any other name that you go by, do you use any other name?

Mr. LARASSO. You mean an alias?

I decline to answer on the ground it might incriminate me.

The CHAIRMAN. What information do we have as to the name?

Mr. KENNEDY. Luciano Larasso, and Larasso, isn't that correct? You also use the name Luciano?

Mr. LARASSO. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Weren't you a trustee of Local 394 of the Hod Carriers and Common Laborers Union?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

The CHAIRMAN. Did you do something as trustee that you think might incriminate you if you told the truth about it?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

The CHAIRMAN. If you said "yes," it might incriminate you?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

The CHAIRMAN. And if you said "no," it might incriminate you?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We have information that you were a member of the Hod Carriers Local for about 2 years, and that you resigned as the trustee of Local 394 of the Hod Carriers on December 15, 1957.

Mr. LARASSO. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. As far as your background is concerned, we have the information that you were born November 13, 1926, in Elizabeth, N. J.

The CHAIRMAN. Is that information correct?

Mr. LARASSO. Would you repeat that, please.

Mr. KENNEDY. November 13, 1926?

Mr. LARASSO. That is right.

Mr. KENNEDY. In Elizabeth, N. J.?

Mr. LARASSO. Yes, sir.

Mr. KENNEDY. That, according to the information that we have, you attended the meeting at Apalachin, in November 1957?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. That you registered at Carleton Hotel in Binghamton, N. Y., with Frank Majuri.

Mr. LARASSO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Why do you think it might tend to incriminate you, registering in the hotel, or being there with him?

Mr. LARASSO. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. There is nothing about the hotel that would incriminate you; is there?

Mr. LARASSO. I decline to answer.

The CHAIRMAN. I mean in fairness to the hotel. The hotel has some rights here that ought to be respected, and it is a nice hotel, is it not? Did you say it was not?

Mr. LARASSO. I decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. All right, proceed.

Senator IVES. Were you ever in Binghamton?

Mr. LARASSO. I decline to answer on the ground it might tend to incriminate me.

Senator IVES. Are you an attorney?

Mr. LARASSO. I decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. You ought not to reflect upon the profession.

Senator IVES. What is wrong with the legal profession?

The CHAIRMAN. Are you a lawyer?

Mr. LARASSO. No, sir.

The CHAIRMAN. Thank you.

Mr. KENNEDY. That you went to meetings with Frank Majuri, who also was an official of the union, the same one, and he was vice president of local 394; is that right?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. Now, Frank Majuri has been convicted some five times; isn't that right, on different offenses?

Mr. LARASSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. He was arrested in 1933 and convicted in 1935 for possession of liquor, and fined \$150, and in 1936 Alcoholic Beverage Act, I guess, and he was convicted then and received a 3 years' probation, and then in 1937 illicit manufacture of alcohol, 8 months in jail, and in 1950 disorderly conduct, and \$50, and 1954, bookmaking, 1 to 2 years' probation.

What was in the background that made him available or made him be the one to be selected to be vice president of this local union?

Mr. LARASSO. I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. Isn't it correct that while a union official he was active in setting up and operating gambling games on the various projects?

Mr. LARASSO. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And wasn't that set up for the men who were employed on those various projects, who were members of his local union?

Mr. LARASSO. Would you repeat that question?

Mr. KENNEDY. Wasn't there gambling games set up for the men who were employed on these various jobs and who were men who were members of the local union.

Mr. LARASSO. I decline to answer on the ground it might tend to incriminate me.

(At this point, the following members were present: Senators McClellan and Ives.)

Mr. KENNEDY. Did you take some action in November of 1952 to set up a social club in Linden, N. J.?

Mr. LARASSO. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And wasn't that set up by you with a Mr. Emanuel Riggi?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. This is according to the information we have, and that Emanuel Riggi was with you in setting up this social club, and he was a business agent of local 394.

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And that the purpose of the club was to establish gambling, the information that we have.

Mr. LARASSO. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that in November of 1957, Mr. Emanuel Riggi was sentenced to 2 years by the Federal court in Newark for attempted extortion and conspiracy involving building contractors?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. These are some of the contacts, Mr. Larasso, that we find that you have. We understand that you are an associate of Anthony Riela.

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. He attended the meeting in Apalachin. And that you were also an associate of Vito Genovese, is that correct?

Mr. LARASSO. Repeat that, please.

Mr. KENNEDY. You are an associate of Vito Genovese?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Dominick Olivetto, who is from New Jersey?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Joseph Ida?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Albert Doyle?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. You were associated with about five of the individuals that attended the meeting at Apalachin, prior to the meeting.

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us why you have been calling the Anchor Bar on Second Avenue in New York City so frequently?

Mr. LARASSO. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. We have seven telephone calls to the Anchor Bar at Second Avenue. Can you tell us a little bit about the Anchor Bar?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Can you tell the committee why it has been a hang-out for those who peddle narcotics?

Mr. LARASSO. I decline to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. Do you use narcotics?

You can answer "no."

Mr. LARASSO. No, sir.

The CHAIRMAN. Thank you. I just wanted to get one answer about something. All right, proceed.

Mr. KENNEDY. Have you ever been involved in jukeboxes at all, had anything to do with them?

Mr. LARASSO. I decline to answer on the ground that it might tend to incriminate me.

Mr. KENNEDY. We have you also telephoned by Sam DeCavalconte.

Mr. LARASSO. I didn't hear the question.

Mr. KENNEDY. I would like to have you pronounce the name of Sam DeCavalconte D-e-C-a-v-a-l-c-o-n-t-e.

Mr. LARASSO. You have more of an education than I have. Do you want me to spell it for you?

Mr. KENNEDY. Pronounce it.

Mr. LARASSO. I refuse to answer on the grounds that it might tend to incriminate me.

Mr. KENNEDY. Do you know him?

Mr. LARASSO. I decline to answer on the grounds that it might tend to incriminate me.

Mr. KENNEDY. The information we have is that he telephoned you, and I thought perhaps you could help us with the correct pronunciation of his name.

Mr. LARASSO. I decline to answer on the grounds that it might tend to incriminate me.

The CHAIRMAN. Would you kindly give that to us privately?

We may come across that name again. You would be kind enough to do that, wouldn't you?

Mr. KENNEDY. DeCavalconte, is that right?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. Could you tell me what you did when you worked as a labor foreman for the United Engineer & Construction Co. in Linden, N. J.?

Mr. LARASSO. I decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us why you telephoned the All State Registered Cars, Inc.? What is the All State Registered Cars, Inc.?
Do you know anybody there?

Mr. LARASSO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know Joe Profaci?

Mr. LARASSO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know who Joe Profaci would be calling in that company?

Mr. LARASSO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Why would you as a union official have this close association with all these individuals of long police and criminal records?

Mr. LARASSO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Why did you go to the meeting at Apalachin?

Mr. LARASSO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Did you discuss labor matters at the meeting at Apalachin?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. What other matters did you discuss while you were there?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. Did you discuss the death of Albert Anastasia?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. How long have you known Vito Genovese?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to inquire of the witness: Are you under indictment?

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Senator IVES. That is a simple matter of record, whether you are or are not. Can you say that you are? I am trying to find out why you are taking the fifth amendment all the time.

Mr. LARASSO. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. I don't believe he is.

The CHAIRMAN. Are you married?

Mr. LARASSO. Yes, sir.

The CHAIRMAN. What is your wife's maiden name?

Mr. LARASSO. Idec.

The CHAIRMAN. I thought she had another name.

Mr. LARASSO. Pardon me?

The CHAIRMAN. What was her maiden name?

Mr. LARASSO. Stephanie Idec, I-d-e-c.

Mr. KENNEDY. That is all.

The CHAIRMAN. All right. You may stand aside for the present. Call the next witness.

Mr. KENNEDY. Mr. Montana.

The CHAIRMAN. Be sworn, please.

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. MONTANA. I do.

TESTIMONY OF JOHN C. MONTANA, ACCOMPANIED BY COUNSEL,
FRANK G. RAICHLE

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

Mr. MONTANA. My name is John C. Montana. I reside at 340 Starin Avenue, Buffalo, N. Y.

The CHAIRMAN. Yes, sir. Your business or occupation, please?

Mr. MONTANA. I am president of the Van Dyke Taxicab Co., Buffalo, N. Y.

The CHAIRMAN. You have counsel present.

Mr. MONTANA. Mr. Frank Raichle.

The CHAIRMAN. Will you identify yourself for the record?

Mr. RAICHLE. Frank G. Raichle, Buffalo, N. Y.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Montana, could you tell us the date and place of your birth?

Mr. MONTANA. I was born on June 30, 1893, in Montedoro, Italy.

Mr. KENNEDY. And you came to this country in what year?

Mr. MONTANA. In 1907.

Mr. KENNEDY. And where did you go then, what part of the United States?

Mr. MONTANA. Buffalo, N. Y.

Mr. KENNEDY. Have you always lived in Buffalo?

Mr. MONTANA. Yes, I have.

Mr. KENNEDY. No other section of the United States?

Mr. MONTANA. No, sir.

Mr. KENNEDY. Do you have any other interests other than the taxicab company at the present time?

Mr. MONTANA. Yes, I have.

Mr. KENNEDY. Could you tell the committee what they are?

Mr. MONTANA. Well, the Van Dyke Cab Co. is the parent company for Van Dyke properties, and it is the wholly owned subsidiary, and also there is the Van Dyke Transportation Corp., owned by Van Dyke Taxi & Transfer Co., wholly owned by that company.

Mr. KENNEDY. And then——

Mr. MONTANA. And then Van Dyke Properties, Van Dyke Transportation Corp. I am also president of Van Dyke Baggage Corp., which is a separate corporation than the others.

Mr. KENNEDY. You were president of the Frontier Liquor Corp.?

Mr. MONTANA. I was for about 6 months.

Mr. KENNEDY. When was that?

Mr. MONTANA. Well, Mr. Fred Weiss was the president. He passed away in February, and then the directors——

Mr. KENNEDY. February of what year?

Mr. MONTANA. February of 1957. He was president for 7 years, and I was asked by the directors after he passed away if I would take over, and I did, at no pay.

I was president until about in January or February of this year.

Mr. KENNEDY. Do you have a financial interest in that company also?

Mr. MONTANA. I have about 6½ percent of the corporation.

Mr. KENNEDY. What about the Buffalo Beverage Corp.? That was a corporation that existed some time ago.

Mr. MONTANA. Well, that company has been out of business for 10 years.

Mr. KENNEDY. Did you have an interest in that company?

Mr. MONTANA. Yes, I did; about 5 percent.

Mr. KENNEDY. Did Mr. La Duca have an interest in that company also?

Mr. MONTANA. Yes, he did.

Mr. KENNEDY. What percentage did he have?

Mr. MONTANA. Well, I couldn't really tell you right now. I do not recall.

Mr. KENNEDY. What about the Maggadinis, then, did they have an interest in that company?

Mr. MONTANA. Peter Maggadino had an interest also.

Mr. KENNEDY. What did they do? What did the Buffalo Beverage Corp. do?

Mr. MONTANA. They were distributors for Budweiser beer.

Mr. KENNEDY. In that connection, did they have any relationship with Mr. Barbara?

Mr. MONTANA. No; they did not.

Mr. KENNEDY. You also had an interest in the Empire State Brewery Corp.?

Mr. MONTANA. Yes, I did.

Mr. KENNEDY. That was closed up in 1940, is that right?

Mr. MONTANA. That was closed up in 1940.

Mr. KENNEDY. What were you, a director of that?

Mr. MONTANA. I was a director; yes.

Mr. KENNEDY. Did they have any business dealings with Mr. Joseph Barbara?

Mr. MONTANA. Yes; we did.

Mr. KENNEDY. What relationship did you have?

Mr. MONTANA. He was a distributor.

Mr. KENNEDY. Was he made a distributor by the Empire State Brewery Corp.?

Mr. MONTANA. Well, it came about that he got a license from the State, and he approached the company to get supplies from the Empire State Brewery Corp., and we supplied him beer, but the business was his.

Mr. KENNEDY. What kind?

Mr. MONTANA. That was Empire State Brewery beer.

Mr. KENNEDY. Had you known Mr. Barbara?

When did he receive this distributorship from you?

Mr. MONTANA. I would say maybe 1934.

Mr. KENNEDY. Had you known Mr. Barbara prior to that?

Mr. MONTANA. I didn't know him until then.

Mr. KENNEDY. Did you know at that time that when he received the distributorship that he had been——

Mr. MONTANA. No; I did not.

Mr. KENNEDY. Wait until I finish the question.

Mr. MONTANA. All right.

Mr. KENNEDY. That he had been arrested some 2 or 3 times in connection with murders?

Mr. MONTANA. No; I did not.

Mr. KENNEDY. Did you make inquiry into that at all?

Mr. MONTANA. No. I felt that if he had a license from the State of New York, and he went through that, I felt everything was all right.

Mr. KENNEDY. How did you happen to select him, Mr. Montana?

Mr. MONTANA. Well, in 1934 you didn't select, they were after you if you could supply them.

Mr. KENNEDY. If there were a number of people after you, why did you happen to pick him?

Mr. MONTANA. He came over, he qualified, and he had the money to pay for it, and we could sell to him as well as we could anybody else.

Mr. KENNEDY. You didn't look into his background at all?

Mr. MONTANA. I did not, because if he received a license I felt that the State of New York had done it.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Mr. Montana, I would like to get a few things straight.

Mr. MONTANA. Yes, Senator.

Senator IVES. I want to ask you this: Did you have anybody else who acted in the capacity that Mr. Barbara acted in who was affiliated with you at that time and living as far away as Endicott?

Mr. MONTANA. We sold even up in the Adirondacks.

Senator IVES. Where?

Mr. MONTANA. We sold up to the Adirondacks.

Senator IVES. You had a large area for distribution; is that it?

Mr. MONTANA. Yes; we did.

Senator IVES. That is what I wanted to get established—how large your area of distribution was.

Mr. MONTANA. We went as far as Old Forge, Utica, Auburn, and Lake Placid.

Senator IVES. How far east of Endicott in the southern tier? Anything? Did you get down into the Catskills at all?

Mr. MONTANA. I don't believe so.

Senator IVES. Then Barbara was about as far east as you went in the southern tier; is that about right?

Mr. MONTANA. That is about right.

Senator IVES. Thank you.

Mr. MONTANA. You are welcome, sir.

Senator IVES. How long had you run this company, the Empire State Brewery Corp.? When did you start it?

Mr. MONTANA. Well, I didn't run it. I was one of them. Mr. Heisman, Fred Heisman, was the president. Mr. Bill Schwartz was the treasurer, William Schwartz.

Senator IVES. When did you start it?

Mr. MONTANA. Just after prohibition was repealed.

Senator IVES. You say Mr. Barbara was one of the distributors. Was Mr. Falcone?

Mr. MONTANA. He was a distributor also.

Senator IVES. What area was he in?

Mr. MONTANA. Utica.

Senator IVES. Joseph Falcone distributed in Utica?

Mr. MONTANA. That is right.

Senator IVES. And Mr. Maggadino?

Mr. MONTANA. He was a distributor also in Niagara Falls.

Senator IVES. Was anybody distributing for you in Norwich?

Mr. MONTANA. No.

Mr. KENNEDY. You have been a member of the Buffalo City Council, have you?

Mr. MONTANA. Yes; I have.

Mr. KENNEDY. You were a member of the Buffalo City Council in 1927?

Mr. MONTANA. 1927 to 1931.

Mr. KENNEDY. And you were a delegate to the New York State Constitutional Convention?

Mr. MONTANA. I was, sir.

Mr. KENNEDY. And that was in 1937?

Mr. MONTANA. 1937.

Mr. KENNEDY. In Albany, N. Y., is that right?

Mr. MONTANA. Yes; I was.

Mr. KENNEDY. There you were chairman of the house and slum clearance?

Mr. MONTANA. I was chairman of house and slum clearance. I was also chairman on labor relations and compensation, and I was a member of several of the committees.

Mr. KENNEDY. You were chairman of the labor relations committees.

Mr. MONTANA. And compensation; yes, both.

Mr. KENNEDY. How many employees do you have in your various companies?

Mr. MONTANA. Well, I say at Van Dyke we have about 300 or a little more. Some of them are part-timers and some are regulars.

Mr. KENNEDY. Are any of those employees members of labor unions?

Mr. MONTANA. Well, we had a union in 1937, and then they had an unlawful strike, not sanctioned by the international, and after that strike the boys don't seem to have been inclined to have another one.

Mr. KENNEDY. You haven't had a union then since 1937 amongst any of your employees?

Mr. MONTANA. No.

Mr. KENNEDY. What was your experience particularly that you were made head of the labor relations committee in 1937?

Mr. MONTANA. Good experience, very good.

Mr. KENNEDY. Had you had experience with unions, labor unions?

Mr. MONTANA. No.

Mr. KENNEDY. No experience with labor unions?

Mr. MONTANA. I don't know how even a union is run.

Mr. KENNEDY. And in 1956 you received the award from the city of Buffalo as man of the year?

Mr. MONTANA. Yes, I did.

Mr. KENNEDY. Who was that award given by?

Mr. MONTANA. Well, it is sponsored by the Buffalo Courier, and is the Fun-arama, which is the Erie Club of the city of Buffalo, which is the police department.

Mr. KENNEDY. The police department?

Mr. MONTANA. Yes.

Senator IVES. Who actually makes that selection there? You say it is sponsored by the Courier, but who makes the selection? You said the police department, but who individually makes it?

Mr. MONTANA. There was a committee.

Senator IVES. Who was on the committee at the particular time?

Mr. MONTANA. The committee was Jim Kennedy with the Courier is one, and Wade Stevenson, who is the chairman of the committee.

Senator IVES. What is his profession?

Mr. MONTANA. Mr. Wade Stevenson has been president of the Chamber of Commerce of Buffalo for 5 years at least.

Senator IVES. He has nothing else to do except be president of the chamber of commerce?

Mr. MONTANA. No; he runs a very large business.

Senator IVES. I am trying to find out who the ones are who made the award. They are the ones who must have known you.

Mr. MONTANA. Senator, there are quite a few prominent people that does it.

Senator IVES. You gave two names. Who are the others? I know a few folks in Buffalo, you know.

Mr. MONTANA. Yes; I know you do. On that committee there is Ray Wild. On that committee there is even the district attorney on that committee.

Senator IVES. Of Erie County?

Mr. MONTANA. Yes, he is one of them.

Senator IVES. What was his name at the time?

Mr. MONTANA. Dwyer.

Senator IVES. That is four you have named.

Mr. MONTANA. And there is Anthony J. Naples on that committee, Joe Basil is on that committee.

Senator IVES. How large a committee was it? You have named six.

Mr. MONTANA. About 20, I guess.

Senator IVES. Don't try to name them all. The ones you have named are rather outstanding citizens of Buffalo, I would say.

Mr. MONTANA. Yes; they are, very prominent people.

Senator IVES. Thank you very much.

Mr. MONTANA. You are welcome, Senator.

Mr. KENNEDY. Mr. Montana, there was a large congregation of individuals at Apalachin, N. Y., in November of 1957, and I believe that you were one of those who were present at the time the police apprehended a group of these people. How did you happen to go to Apalachin in November of 1957?

Mr. MONTANA. Well, Mr. Kennedy, I was going to New York. I had a meeting with Frank Sawyer from Boston in New York at 11 o'clock on Friday morning, and a fellow by the name of Dannemann and a fellow by the name of Horace Gwilym. This appointment was at 11 o'clock on Friday to discuss a meeting of cab research bureau. I also had an appointment in Pittston, Pa. I had shipped a compressor in 1956, the first part of December, on consignment, after liquidation of Montana Motors, which was a distributor for DeSoto

and Plymouth for a few years. I didn't get the money for this compressor, and I thought I would go to Pittston on Thursday and see Medico Industries, to whom I had shipped this compressor, and when I got through with them I was going to New York to this meeting the following morning at 12 o'clock in Mr. Dennemann's office.

Mr. KENNEDY. What is the Medico Industries?

Mr. MONTANA. They are in the heavy equipment business.

Mr. KENNEDY. Is that Bill Medico?

Mr. MONTANA. That is right.

Mr. KENNEDY. Wasn't Mr. Russell Bufalino connected at one time with that?

Mr. MONTANA. I do not know, sir.

Mr. KENNEDY. So you decided you would take a trip down to Pittston to see what had happened to your generator? What was it?

Mr. MONTANA. A compressor. It was a working ton compressor.

Mr. KENNEDY. You decided to go down to Pittston?

Mr. MONTANA. About a year had gone by and the compressor was not disposed of. Therefore, I was going there to find out whether I would get paid for it or ship it back. But I never got to Pittston.

Mr. KENNEDY. Weren't the phones working at that time?

Mr. MONTANA. Couldn't you just telephone down to Pittston?

Mr. MONTANA. Well, telephones didn't do any good. As long as I was going to New York, I thought I may as well get it over with, stop there and find out and ship it back if I couldn't get the money.

Mr. KENNEDY. Just go down there and find out about the compressor yourself?

Mr. MONTANA. That is right.

Mr. KENNEDY. You left on what day?

Mr. MONTANA. I left Buffalo on Thursday morning, I would say about a quarter to 9.

Mr. KENNEDY. That is November 14?

Mr. MONTANA. That is right.

Mr. KENNEDY. On your way to Pittston?

Mr. MONTANA. That is correct.

Mr. KENNEDY. About 8:45 in the morning?

Mr. MONTANA. That is correct. I left Buffalo, went down the throughway to Waterloo, Route 98, from 98-B, I think the other route was 17, and I was going to 11 after that.

Senator IVES. Why were you on 17 in New York instead of 6 in Pennsylvania?

Mr. MONTANA. 17 to 11 is better, Senator.

Senator IVES. 6 is pretty good. I know them both.

Mr. MONTANA. I have never been through on 6, so I don't know.

Senator IVES. You have missed something.

Mr. KENNEDY. Could you tell us about the trip?

Mr. MONTANA. Well, the first thing that happened to me that morning was the left front windshield wiper flew off of the car to start with. It started off with bad hick from the morning. And, of course, it was pouring, and I couldn't drive without it.

Mr. KENNEDY. What kind of a car were you driving?

Mr. MONTANA. A Cadillac.

Mr. KENNEDY. How long had you had this car?

Mr. MONTANA. Three or four months.

Mr. KENNEDY. Were you all by yourself in the car?

Mr. MONTANA. No; I had another man with me.

Mr. KENNEDY. What was his name?

Mr. MONTANA. Anthony Maggadino was his name.

Mr. KENNEDY. Do you know anything about his background?

Mr. MONTANA. No, I don't.

Mr. KENNEDY. Do you know of his criminal record?

Mr. MONTANA. I don't think he has any criminal record.

Mr. KENNEDY. Do you know—

Mr. MONTANA. If he has, it is unbeknown to me.

Mr. KENNEDY. You didn't know of his career in Italy?

Mr. MONTANA. I wouldn't. I came here in 1907.

Mr. KENNEDY. Well, he was—

Mr. MONTANA. I understand he came here in 1923 or 1924.

Mr. KENNEDY. Would you like to hear it?

Mr. MONTANA. He doesn't come from the same town, either.

Mr. KENNEDY. Falsifying passports in Italy, in 1916; clandestine activities in 1916; arrested for homicide in 1917; extortion, robbery, and rape in 1924, it has here.

Did you know about that?

Mr. MONTANA. I do not, sir.

Mr. KENNEDY. Was he a friend of yours?

Mr. MONTANA. Well, he is an uncle through marriage to my nephew.

Mr. KENNEDY. Did you know he was questioned in connection with gambling in Buffalo, N. Y., by a Federal grand jury in 1952?

Mr. MONTANA. I do not know, sir.

Mr. KENNEDY. And that he was arrested in 1935 for violation of the United States immigration laws?

Did you know that?

Mr. MONTANA. I do not know, sir.

Mr. KENNEDY. Anyway, the two of you were on the way. He was going to Pittston, too?

Mr. MONTANA. No.

Mr. KENNEDY. Where was he going?

Mr. MONTANA. He was going to New York.

Mr. KENNEDY. To New York City?

Mr. MONTANA. I can tell you how that happened, too, if you would like to know it. I may just as well tell you how it happened.

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

Mr. MONTANA. On Wednesday I was down to Niagara Falls. He lives in Niagara Falls. He does not live in Buffalo. I was there to see one of my older brothers. He is about 81 years old. He is the father of a girl that married Maggadino's nephew. He happened to be there. I told him I was going to New York. That is, I didn't tell it to him, I told it to my brother, that I was leaving for New York the next morning, and he asked me if he could ride with me. I told him I had no objection, that he could.

That is the way it happened. He was going down to see his sister in New York, in Brooklyn. I don't know where she lives. And some nieces or nephews.

Mr. KENNEDY. Did you expect to get to New York City that night?

Mr. MONTANA. Well, if I got through I would have gone on to New York, because it is only about 130 miles from Wilkes-Barre, or

I would have stayed in Wilkes-Barre and left early the next morning.

Mr. KENNEDY. So the two of you were driving down.

Senator IVES. May I raise a question there?

How were you attired at that time?

Mr. MONTANA. Pardon?

Senator IVES. I say how were you attired? What kind of clothing did you have on?

Mr. MONTANA. I didn't get the question, Senator. Will you please repeat it?

Senator IVES. I say how were you attired?

Mr. MONTANA. I had one of these coats with fur on top of it, and it is a canvas coat. That is what I had.

Senator IVES. What kind of a hat did you have?

Mr. MONTANA. Well, I generally wear a Dobbs hat.

Senator IVES. You wear a what?

Mr. MONTANA. A Dobbs hat.

Senator IVES. Well, I know, but there are Dobbs hats and Dobbs hats and they have all kinds of shapes. What kind of a shape did you have?

Mr. MONTANA. Well, Senator, I wouldn't know how to explain it to you. It was just a regular hat.

Senator IVES. How big a brim?

Mr. MONTANA. It is a small brim.

Senator IVES. A small brim?

Mr. MONTANA. That is right.

Senator IVES. What kind of shoes did you have on?

Mr. MONTANA. The same kind of shoes I have on now.

Senator IVES. Where are they? Let me see them.

Mr. MONTANA. Certainly.

Senator IVES. The sergeant is here. I would like to ask if that description that Mr. Montana gives of his attire corresponds to the description which the sergeant gave us.

Mr. MONTANA. I wish you would.

Senator IVES. He is right behind you.

Mr. MONTANA. Ask him.

Senator IVES. I am.

Mr. CROSSWELL. I don't recall his shoes, Senator.

Senator IVES. You said they were pointed. I asked you how he was attired. Do you remember? You started telling me how they were all attired in peculiar garb.

Mr. CROSSWELL. Yes. I don't think I singled one out.

Senator IVES. How about his hat? Did he describe his hat accurately?

Mr. CROSSWELL. I don't recall his hat either.

Senator IVES. I thought you said he had a large brim hat.

Mr. CROSSWELL. I don't recall going into it specifically as far as Mr. Montana was concerned.

Senator IVES. I asked you about Mr. Montana in particular.

Mr. CROSSWELL. I don't recall that, sir. I recall saying most of them were. As far as Mr. Montana, I told you what he had on as far as I knew.

Senator IVES. Then he was not dressed conspicuously in any way, shape, or manner.

Mr. CROSSWELL. I don't recall specifically.

Senator IVES. What did the rest of them wear?

Mr. CROSSWELL. For the most part they all wore broad-brimmed hats, dark suits, and pointed shoes. As far as singling out an individual in the 62 as to what he had on way last November, I can't tell you.

Senator IVES. Apparently Mr. Montana is clear on that, then?

Mr. CROSSWELL. Possibly.

Mr. MONTANA. May I tell you something?

Senator IVES. I am trying to help you out. I don't understand how you got into this gang. I have known nothing but good of you until now. But now I find that you are tied in with a gang that is very dubious, very doubtful; did you know you were?

Mr. MONTANA. I didn't know I was, sir.

Senator IVES. You had better check into it, if you didn't know. I think Mr. Kennedy may have something to enlighten you.

I would like to help you if I can. There is now no way of getting around the truth about this business.

Mr. MONTANA. I am telling the truth.

Senator IVES. You have a very good lawyer with you. I will tell you that.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were in the car with Mr. Maggadino, and you started having trouble with your—what was it—windshield wiper?

Mr. MONTANA. To begin with, I had trouble with the windshield wiper.

Mr. KENNEDY. Where did you have trouble with the windshield wiper?

Mr. MONTANA. This was on the Thruway.

Mr. KENNEDY. How far out?

Mr. MONTANA. Probably 15 or 20 miles after I got out of Buffalo.

Mr. KENNEDY. What did you do then?

Mr. MONTANA. The only thing I could do; it was raining and pouring so much, I had to get out of the car and fix it the best way I could, and I did fix it. I did fix it. I am not a mechanic, but mechanically inclined, so I fixed it in the rain. Then I proceeded.

Mr. KENNEDY. All right.

Mr. MONTANA. When I got about 10 miles this side of—you people call it Apalachin; I call it Endicott.

The first time I knew that was Apalachin was when I read it in the paper. Senator.

Senator IVES. I will tell you how that name got there as I understand, so you won't forget how to pronounce it. Years ago in the early days, when the area was just being settled, there was some kind of a little store there, and somebody was traveling through, and he saw an Indian sitting on something in front of the store rubbing his belly, and he asked him what the trouble was, and the Indian said, "Apple achin'." That is what they tell me the name came from.

Mr. KENNEDY. You had your windshiled wiper fixed?

Mr. MONTANA. When I got 10 miles this side of Apalachin—

Mr. KENNEDY. Did you have to go through Apalachin?

Mr. MONTANA. I would have to go through that to—first I would leave 98-B and then get into 17. That is Apalachin, the road. That is where that is. That goes to Endicott.

Mr. KENNEDY. Yes.

Mr. MONTANA. I had trouble with my brakes, because the brakes got wet, and they just wouldn't stop. On that road there is no service stations of any kind, and I could not drive the car more than 15 or 20 miles an hour.

Of course, to my own sorrow, I know that Joe Barbara lived there.

Mr. KENNEDY. Lived where?

Mr. MONTANA. At this Apalachin, which is only about maybe a half or three-quarters of a mile from this road, from 17. So, then, knowing that he has about 30 trucks and mechanics, I thought I would drive up, in spite of a steep hill, and ask for help, if he could get a mechanic to help me out.

Senator IVES. May I raise a question? How did you know all of that?

Mr. MONTANA. Of course, I have known the man, as I told you. He was a distributor, and he was a Canada Dry distributor. I sold him some station wagons from Montana Motors. I know his wife. And I know his children. I know the whole family.

Mr. KENNEDY. How did you know he lived at Apalachin?

Mr. MONTANA. I had been there once before.

Mr. KENNEDY. You had been there?

Mr. MONTANA. Yes, I did, sir.

Mr. KENNEDY. All alone at the time you went there?

Mr. MONTANA. I will explain that at the time I am asked by the counsel, or if he does not ask me, I will tell him.

Mr. KENNEDY. I am sure he will.

Mr. MONTANA. So when I got up to this home——

Mr. KENNEDY. Wait a minute. Why didn't you stop at the garage with the bad brakes?

Mr. MONTANA. There weren't any garages.

Mr. KENNEDY. No garages of any sort?

Mr. MONTANA. No.

Mr. KENNEDY. No garages in Apalachin?

Mr. MONTANA. No. That is my bad luck.

Mr. KENNEDY. You didn't pass a Cadillac distributorship?

Mr. MONTANA. There isn't any.

Mr. KENNEDY. Or a Cadillac garage?

Mr. MONTANA. There isn't any.

Senator IVES. When did your windshield start bothering you?

Mr. MONTANA. That isn't the reason I stopped. I did fix that. This is my brakes.

Senator IVES. When did the brakes start bothering you?

Mr. MONTANA. About 10 miles on Route 98-B.

Senator IVES. Just about Owego?

Mr. MONTANA. Just about Owego.

Senator IVES. Why didn't you stop there?

Mr. MONTANA. There is nothing in Owego but a gasoline station.

Senator IVES. I have been in Owego time and time again. That is a fairly good sized place, about 5,000. There are several garages there.

Mr. MONTANA. I have been over there twice since, and I don't see very much over there, Senator.

Senator IVES. You must have gone the wrong way. I live near there now, you know.

Mr. MONTANA. You maybe do. Of course, I don't.

Senator IVES. Go ahead.

Mr. KENNEDY. You didn't stop at the gasoline station in Owego?

Mr. MONTANA. No.

Mr. KENNEDY. Why didn't you do that?

Mr. MONTANA. Because they don't know how to take care of a set of brakes.

Mr. KENNEDY. How do you know?

Mr. MONTANA. You know, I have been in the automobile business for years.

Mr. KENNEDY. What makes you think that Joseph Barbara, who is in the—

Mr. MONTANA. He has about 10 or 15 mechanics to take care of his trucks. I thought he would get a mechanic and help me out.

Mr. KENNEDY. You were going to his home, were you not?

Mr. MONTANA. Yes.

Mr. KENNEDY. He would not have the 10 or 15 mechanics there.

Mr. MONTANA. No, but he would get one. It is only a little ways from there.

Mr. KENNEDY. Don't you think the gasoline station would have mechanics?

Mr. MONTANA. No, they don't.

Mr. KENNEDY. No gasoline stations have mechanics?

Mr. MONTANA. No, sir.

Mr. KENNEDY. May I ask another thing? How come you got such a lemon in a 1957 Cadillac?

Mr. MONTANA. I couldn't answer that, Senator, but it is a lemon.

Mr. KENNEDY. I have heard a lot of complaint about the 1957 Cadillacs, but your experience beats anything I have ever heard of yet. Here you have had a car 3 or 4 months, you say, and you are having all of this trouble with the brakes, the windshield wiper, and—is there anything else?

Mr. MONTANA. That is right.

Mr. KENNEDY. I never heard of anything like that yet.

Mr. MONTANA. That is right.

Mr. KENNEDY. So you went up to his home?

Mr. MONTANA. That is right.

Mr. KENNEDY. You decided not to go to his place of business, where he had all the 15 mechanics?

Mr. MONTANA. This was closer. It is about 10 miles from there to his place of business.

Mr. KENNEDY. Why didn't you go there and then you could get the mechanics to fix it there?

Mr. MONTANA. Well, that wasn't my thought.

I though I would ask Joe if he would get a mechanic and take care of the car.

Mr. KENNEDY. Why didn't you go to the place of business where the 15 mechanics are?

Mr. MONTANA. Well, it is 10 miles farther anyway Mr. Kennedy.

Mr. KENNEDY. I think they would have to bring the mechanics.

Mr. MONTANA. This is just what I did. I can't tell you what I didn't do. I am telling you what you want to know.

Senator IVES. In Binghamton there is a Cadillac service station.

Mr. MONTANA. Well, there may be.

Senator IVES. Well, there is. Binghamton is a city of 80,000 population, and I know. You know in that Cadillac of yours, creeping along at 15 miles an hour, you would have gotten to Binghamton all right.

Mr. MONTANA. Maybe that is what I should have done, sir.

Mr. KENNEDY. All right. So you went on to his home?

Mr. MONTANA. That is correct.

Mr. KENNEDY. What did you do?

Mr. MONTANA. I went right in the house.

Mr. KENNEDY. We have a map here. Could we have the chart up, please, again?

You drove right up. Were there automobiles there at the time?

Mr. MONTANA. That is right.

Mr. KENNEDY. Where did you park your car then?

Mr. MONTANA. Just in front of the garage.

The CHAIRMAN. Can you see this?

Mr. MONTANA. Yes, I do.

Mr. KENNEDY. You parked your car in front—will you come up and show where you parked the car?

The CHAIRMAN. Do you recognize this as the picture of the place where you visited? It may not be polished up, but do you recognize it as the Barbara home and area that you were visiting at that time?

Mr. KENNEDY. Do you remember coming up there at all? This would be the road [indicating].

Sergeant, would you point out the various things, as far as the road?

Mr. CROSSWELL. That is the road [indicating].

Mr. KENNEDY. Is that the road you were coming down?

Mr. MONTANA. That is right.

Mr. KENNEDY. What road did you follow in?

Mr. MONTANA. I wouldn't know which one it would be. Is this the road—

Mr. CROSSWELL. This is 17 [indicating].

Mr. KENNEDY. What I would like to find out is would you show the sergeant where your car was?

Mr. MONTANA. Is this his home here [indicating]?

Mr. KENNEDY. Where would you park ordinarily?

Mr. MONTANA. Where is the entrance?

Mr. CROSSWELL. Right here [indicating].

Mr. MONTANA. This is where I parked, here [indicating].

Mr. KENNEDY. Right at the entrance?

Mr. MONTANA. Right at the entrance.

Mr. KENNEDY. You parked right there?

Mr. MONTANA. Yes.

Mr. KENNEDY. Would you say that so that the reporter can hear it? Here is a better one, a better picture. Where did you park?

Mr. MONTANA. Right here [indicating].

Mr. KENNEDY. You parked right there?

Mr. MONTANA. Yes.

The CHAIRMAN. Put an X right where you parked.

Mr. MONTANA. Yes.

Senator IVES. I would like to ask Mr. Montana if he recognizes the sergeant.

Mr. MONTANA. Yes, I do.

Senator IVES. And you recognize Mr. Montana?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. You parked right here in front, is that right?

Mr. MONTANA. Yes, sir.

Mr. KENNEDY. What did you do?

Mr. MONTANA. I went right in the house.

Mr. KENNEDY. Looking for whom?

Mr. MONTANA. Well, of course, looking for Joe.

Mr. KENNEDY. What about Mr.—

Mr. MONTANA. When I got in there, his missus was there.

Mr. KENNEDY. Excuse me?

Mr. MONTANA. Mrs. Barbara was there.

Mr. KENNEDY. What happened to Mr. Maggadino?

Mr. MONTANA. He sat right in the car.

Mr. KENNEDY. He never even got out of the car?

Mr. MONTANA. No, he did not.

Mr. KENNEDY. You went in and what did you do there?

Mr. MONTANA. Well, by that time, as I said, by fixing this windshield wiper and everything, I got wet, and I had a little chill, and I asked Mrs. Barbara if she would not be kind enough to give me a cup of tea.

Mr. KENNEDY. What time did you start drinking your tea?

Mr. MONTANA. Well, I couldn't give you the exact time. This is a few minutes, maybe 10 minutes, after I got there.

Mr. KENNEDY. What time did you get there?

Mr. MONTANA. Well, it is a question that has been debatable right along. I would say that in my best judgment, I didn't look at a watch, it could have been around 2 o'clock.

Mr. KENNEDY. About 2 o'clock you got there?

Mr. MONTANA. About 2 o'clock. That is my best judgment. I would not say for sure it was 2 but it could have been 2 o'clock.

Mr. KENNEDY. Could it have been 12 o'clock or 11 o'clock?

Mr. MONTANA. No, it could not have been 12 because I left Buffalo at a quarter to 9 and I could not have gotten there in that time.

Mr. KENNEDY. Could it have been 1 o'clock?

Mr. MONTANA. Well, I don't see how it could have been.

Mr. KENNEDY. You say it was after 1 o'clock, then?

Mr. MONTANA. Well, I would say yes, it must have been after 1.

Mr. KENNEDY. Was it definitely after 1 o'clock?

Mr. MONTANA. I would not say definitely, because, as I say to you, I did not look at my watch.

Mr. KENNEDY. It is rather important, as you know, what time you arrived there.

Mr. MONTANA. It is important now, but it was not important then.

Mr. KENNEDY. You can't tell, you can't give us any better idea of the time you arrived there?

Mr. MONTANA. That is my best judgment and my best recollection.

Mr. KENNEDY. Had you had lunch by that time?

Mr. MONTANA. I did not, sir.

Mr. KENNEDY. You didn't have lunch?

Mr. MONTANA. No, sir.

Mr. KENNEDY. You must have been hungry, then.

Mr. MONTANA. I don't usually have lunch. I have a little breakfast and I have dinner at night.

Mr. KENNEDY. You were all wet, so you went in and talked to Mrs. Barbara?

Mr. MONTANA. I asked Mrs. Barbara if she would not be kind enough to give me a cup of tea. I don't drink coffee, never did.

She was kind enough to put the tea kettle on the stove and I sat there in a little kitchen waiting for that, and then her husband walked in from the rear of the house, and I told him I was not feeling good, and I told him I was having car trouble. He said "Don't worry about it, I will get a mechanic and get this fixed up for you."

Mr. KENNEDY. In the meantime, Mr. Maggadino was still sitting in the car?

Mr. MONTANA. Still sitting in the car.

Mr. KENNEDY. Wasn't he hungry?

Mr. MONTANA. I didn't ask him if he was hungry. I just went in to get this car business taken care of, and I told him to wait.

Mr. KENNEDY. But you were in there having tea.

Mr. MONTANA. That is right.

Mr. KENNEDY. You were eating.

Mr. MONTANA. That is right.

Mr. KENNEDY. It was after the lunch period. Wasn't he also anxious to eat?

Mr. MONTANA. Well, he didn't discuss anything about eating.

Mr. KENNEDY. So you had your tea, and then what happened?

Mr. MONTANA. Then, of course, somebody said that there was a roadblock.

Mr. KENNEDY. Who were you having tea with, by that time?

Mr. MONTANA. Mrs. Barbara was sitting on one side and Mr. Barbara on my left.

Mr. KENNEDY. You, and Mr. and Mrs. Barbara?

Mr. MONTANA. But they were not having any tea. I was the only one having the tea.

Mr. KENNEDY. Then somebody said they put up a roadblock.

Mr. MONTANA. Then Joe said there was a roadblock.

Senator IVES. He said that after you had your tea?

Mr. MONTANA. This is just about as I am drinking my tea, Senator.

Senator IVES. You say he didn't know anything about it before you had your tea?

Mr. MONTANA. No, he did not. He did not.

Senator IVES. Go ahead.

Mr. KENNEDY. Who said there was a roadblock?

Mr. MONTANA. Well, I don't know. Maybe Joe and somebody else, that came in the house.

Mr. KENNEDY. Joe who?

Mr. MONTANA. Joe Barbara.

Mr. KENNEDY. I thought he was already in the house.

Mr. MONTANA. Well, somebody come in the house and told him, and, of course, he told me.

Mr. KENNEDY. O. K.

Mr. MONTANA. Then, of course, I didn't have any alternative. I could not drive my car, Mr. Kennedy, so the next thing I could do was to walk.

Mr. KENNEDY. Why couldn't you drive your car?

Mr. MONTANA. Because there is a steep hill. The State trooper will tell you it is a very steep hill and with no brakes—going up it was all right but coming down I wouldn't have been safe.

Senator IVES. What did you want to get out of there for? What did you want to drive anything for at that stage of the game?

Mr. MONTANA. I didn't drive.

Senator IVES. I said why did you want to drive? I know you didn't drive. You walked. You took a peculiar trip when you walked. Why didn't you stay there?

Mr. MONTANA. Maybe I should have stayed there, Senator, but that was my best judgment.

Senator IVES. What caused you to have that judgment?

Mr. MONTANA. When I saw the commotion, I was no part of it, and I thought I would walk away from it.

Senator IVES. What sort of commotion did you see?

Mr. MONTANA. I saw these people get on the car and leave and so on.

Senator IVES. Saw them get on their car?

Mr. MONTANA. Saw them get on their car and leave, and somebody said there was a roadblock, and I thought I would leave, too.

Senator IVES. You did not know why they were there or anything but you decided to leave?

Mr. MONTANA. Senator, those people were at the fireplace. They were eating.

Senator IVES. You didn't know there was anybody at the fireplace?

Mr. MONTANA. I saw them. I saw them from the house. You can see them from the house.

Senator IVES. And nothing was said in your conversation with Mr. Barbara or with Mrs. Barbara to the effect that these people were out at the fireplace, having a picnic, as it were, in front of you, and nothing was said of it?

Mr. MONTANA. Not at all.

Senator IVES. And suddenly somebody said there was a roadblock, and you could not drive anything, there was nothing for you to drive, and you started running?

That doesn't make any sense at all.

Mr. MONTANA. Senator, I didn't run. I just walked.

Senator IVES. It amounts to the same thing.

Mr. MONTANA. I walked.

Senator IVES. Where did you go when you started walking?

Mr. MONTANA. I started walking to the road when I was stopped, and I was asked what my name was, and I gave my name.

Senator IVES. Who asked you what your name was?

Mr. MONTANA. Two officers with Mr. Crosswell asked me, and finally I got to Mr. Crosswell.

Senator IVES. Where did they run into you, or where did you run into them?

Mr. MONTANA. Right at the road.

Senator IVES. That was where the roadblock was?

Mr. MONTANA. That is right.

Senator IVES. As you entered the house, was that where the roadblock was?

Mr. MONTANA. No; down below.

Senator IVES. You walked down below, and kept to the road all the way; is that it?

Mr. MONTANA. That is right. I went to the road, I was stopped, and they asked me what was my name, and I gave it to them.

Then they took me to Sergeant Crosswell.

Mr. KENNEDY. Can I ask a question before you get to that?

Senator IVES. Go ahead.

Mr. KENNEDY. In the roadblock, did you understand it was law enforcement officials or a bunch of gangsters who had established a roadblock?

Mr. MONTANA. I wouldn't know.

Mr. KENNEDY. Somebody yelled roadblock?

Mr. MONTANA. I wouldn't know, Senator—I mean Mr. Kennedy—just what it could have been. I thought I would go.

Mr. KENNEDY. When somebody says there is a roadblock? I don't know why you would feel it would be necessary then to take to the woods.

Mr. MONTANA. Maybe you would have, too. I don't know.

Mr. KENNEDY. Would you explain to the committee why you thought it was necessary to go to the woods?

Mr. MONTANA. Well, I was no part of it.

Mr. KENNEDY. Did you feel it was gangsters who were establishing a roadblock and you would have to run from them, or what?

Mr. MONTANA. I wouldn't know, Mr. Kennedy. It could have been gangsters. I didn't think they were. Those people were eating when I was there. My best judgment was to leave, and I did.

Mr. KENNEDY. Did you walk down the road?

Mr. MONTANA. Yes, I did.

Mr. KENNEDY. Would you describe to the committee where you went?

Mr. MONTANA. Well, it is awfully hard. It was hard for me to describe the home as it is.

Mr. KENNEDY. Did you go into the woods?

Mr. MONTANA. I walked through the woods into the road.

Mr. KENNEDY. Then you walked through all of these woods; did you not [indicating]?

Mr. MONTANA. No.

That is the wrong direction.

Mr. KENNEDY. Would you explain to the committee where you walked, please?

Mr. MONTANA. Do you want me to walk over there?

Mr. KENNEDY. Yes.

Mr. MONTANA. Well—

The CHAIRMAN. First I will ask you to compare the large picture and the small one which you identified and showed where your car was parked. Do you now recognize the two pictures to be of the same scene?

Mr. MONTANA. Well, just about the same; yes. They don't look the same, but they must be—

Mr. KENNEDY. Talk into the microphone, please.

Mr. MONTANA. They don't look the same, but they must be. This is the parking space here [indicating].

The CHAIRMAN. Well, the larger picture shows the whole area. I am talking about the house and garages. Can you identify those as being the same structures?

Mr. MONTANA. They look a little different, but I think they are the same.

The CHAIRMAN. I see. You think they are the same. All right, where was the road? Is this the road out to the side of the house [indicating]?

Mr. MONTANA. That is right.

The CHAIRMAN. Where did you walk from? You were in the house. When you left the house, where did you go to when you left the house?

Mr. MONTANA. I went down that way [indicating].

The CHAIRMAN. There are no woods there. Did you ever get into the woods?

Mr. MONTANA. Well, this [indicating] would be the first time I was. Maybe it was this way. I don't know. I can't tell exactly where it is.

The CHAIRMAN. Did you get down into these heavy woods?

Mr. MONTANA. No; I don't think so.

The CHAIRMAN. Are you sure?

Mr. MONTANA. I am not positive.

The CHAIRMAN. Did you get over into these other woods [indicating]?

Mr. MONTANA. Is this the road here [indicating]? I don't know.

The CHAIRMAN. Here's the road right here, coming along here [indicating].

Mr. MONTANA. Which road is it, right here, or right here? [Indicating.]

The CHAIRMAN. Show him the road.

Mr. CROSSWELL. You went through these woods [indicating] and on to a road that does not show.

The CHAIRMAN. Where would we have walked to the road block?

Mr. CROSSWELL. He would have walked this way, to the road block over here [indicating].

The CHAIRMAN. And here is a road leading from the side of the house where he had come in, a road leading right down here [indicating].

Mr. MONTANA. This is the way I went down [indicating].

Mr. CROSSWELL. You were picked up over here on McFadden Road, after going through these woods [indicating].

The CHAIRMAN. Did you go through these woods? You know whether you went out this way or went out the road, you haven't forgotten that.

Mr. MONTANA. Well, I thought I went this way [indicating]. That is my best judgment.

The CHAIRMAN. Well, you went out through the woods, then, didn't you?

Mr. MONTANA. I said that.

The CHAIRMAN. I thought you walked right down the road.

Mr. MONTANA. Yes, sir, there is a road here, too.

The CHAIRMAN. Where?

Mr. MONTANA. Down here some place [indicating].

The CHAIRMAN. You came through the woods to the road over here, didn't you [indicating].

Mr. MONTANA. Right here [indicating].

The CHAIRMAN. If you were going through the woods, how could you go up the road? You knew that was not the way you came. If you wanted to get out, why didn't you go back the way you came?

Well, is there anything further?

Mr. KENNEDY. Yes.

The CHAIRMAN. Has that large picture been made an exhibit?

Neither one has been made an exhibit. Let the smaller one be made exhibit No. 8, and the large one be made exhibit No. 9.

(The documents referred to were marked "Exhibits Nos. 8 and 9" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. Mr. Montana, did you see any of your friends or associates around at that time?

Mr. MONTANA. I did not.

Mr. KENNEDY. You didn't see anybody?

Mr. MONTANA. No.

Mr. KENNEDY. When Mr. Barbara came in and had this conversation with you, did he explain what all of these other people were doing there?

Mr. MONTANA. He did not say.

Mr. KENNEDY. Did you see Mr. Falcone?

Mr. MONTANA. I did not.

Mr. KENNEDY. Do you know Mr. Falcone?

Mr. MONTANA. Yes, I do. I didn't know who was there until the next morning when I picked up the paper.

Mr. KENNEDY. Do you know Mr. Salvatore Falcone?

Mr. MONTANA. Yes, I do.

Mr. KENNEDY. He was present at that time. You did not see him?

Mr. MONTANA. I did not see him.

Mr. KENNEDY. Mr. Joseph Falcone, do you know him?

Mr. MONTANA. Yes.

Mr. KENNEDY. He was present at the Apalachin meeting.

Mr. MONTANA. According to the paper he must have been.

Mr. KENNEDY. You did not see him?

Mr. MONTANA. No, sir.

Mr. KENNEDY. Russell Bufalino, do you know him?

Mr. MONTANA. Yes, he worked for me in 1920.

Mr. KENNEDY. He worked for you?

Mr. MONTANA. Yes, as a mechanic.

Mr. KENNEDY. You did not see him?

Mr. MONTANA. I did not see him.

Mr. KENNEDY. James La Duca, do you know him?

Mr. MONTANA. Yes.

Mr. KENNEDY. You were in business together, were you not?

Mr. MONTANA. He worked for me also as a dispatcher years back.

Senator IVES. Do you know that earlier this afternoon when Mr. La Duca appeared before us he would not admit knowing you in any way, shape, or manner because he said it would incriminate him if he did?

Mr. MONTANA. Senator, I am not responsible for what Mr. La Duca says.

Senator IVES. Why would he make that statement regarding you? You are not taking the fifth amendment.

Mr. MONTANA. I never will, either.

Senator IVES. I know that.

Mr. MONTANA. That is one thing I would never do. I would as soon die than take the fifth amendment, because I have not done anything in my life that I am ashamed of.

Senator IVES. You certainly got into bad company. I will put it that way.

Mr. MONTANA. Senator, what happened to me, I think, could happen to anybody.

Senator IVES. Well, that is a little hard to believe. The story doesn't make too much sense, Mr. Montana, I am sorry to tell you.

Mr. MONTANA. I am sorry you feel that way about it, Senator.

Senator IVES. You are a highly intelligent person, a person who has been highly respected in Buffalo.

Mr. MONTANA. Thank you.

Senator IVES. You have had a very high position to occupy in that city, and probably righteously so. But here you have gotten tied up in Apalachin, on top of a hill in this house, and suddenly somebody says there is a roadblock and you go jumping through the woods for no apparent reason.

It just doesn't make any sense. You are a highly intelligent person. You will have to admit it doesn't make any sense.

Maybe you can tell that to some people and get away with it, but, after all, I think this committee has more sense than to believe that kind of a yarn.

The CHAIRMAN. Proceed, Mr. Kennedy.

(The witness conferred with his counsel.)

Senator IVES. Are you trying to have him take the fifth?

Mr. MONTANA. I beg your pardon?

Senator IVES. I was asking your counsel if he was trying to have you take the fifth.

Mr. RAICHLE. I was trying to persuade him to stop debating with you and wait until the question was asked and then answer it.

Mr. MONTANA. He didn't ask me to take the fifth and I never would.

Senator IVES. Just see if you can't make more sense out of your story.

Mr. MONTANA. I am telling the story as it happened.

Mr. KENNEDY. James La Duca, you did see him there?

Mr. MONTANA. I did not.

Mr. KENNEDY. Do you know Anthony Maggadino?

Mr. MONTANA. Of course. He was driving with me, so I would know him.

Mr. KENNEDY. What happened to him?

Mr. MONTANA. He sat in the car until I got back and he walked down with me.

Mr. KENNEDY. He walked into the woods with you?

Mr. MONTANA. He walked down with me; yes, sir.

Mr. KENNEDY. You went to the front and told him you both better run to the woods?

Mr. MONTANA. We didn't run, Mr. Kennedy. I wish you would stop saying that we ran, because we didn't. We were just walking.

Mr. KENNEDY. You walked into the woods?

Mr. MONTANA. We walked into the road.

Mr. KENNEDY. You had to walk through the woods before you got to the road?

Mr. MONTANA. We walked from the woods into the road.

Mr. KENNEDY. If he was sitting in the car, why didn't you let him sit there?

Mr. MONTANA. If you were with me, I wouldn't leave you any more than I would him. I thought it was my duty to tell him I was leaving. So he followed me.

Senator IVES. Through the woods?

Mr. MONTANA. The way I went, he went.

Senator IVES. Did you get a little damp doing that?

Mr. MONTANA. Well, we did a little bit.

Senator IVES. I thought so.

Mr. MONTANA. Yes, we did.

Mr. KENNEDY. What about Steve Maggadino?

Mr. MONTANA. His name was not in the paper, so he couldn't have been there.

Mr. KENNEDY. Is he related to Anthony Maggadino?

Mr. MONTANA. Brothers.

Mr. KENNEDY. Did Anthony know his brother was there?

Mr. MONTANA. I don't know. Don't ask me. His name was not in the paper, so he couldn't have been there.

Mr. KENNEDY. Just a question again on your brakes, just exactly where did your brakes go bad?

Mr. MONTANA. Front and rear both.

Mr. KENNEDY. Front and rear both?

Mr. MONTANA. That is right.

Mr. KENNEDY. You had trouble with the windshield wiper, the front end and the rear end?

Mr. MONTANA. Just a second. The windshield wiper has nothing to do with the brakes, Mr. Kennedy. That flew right off of the car. That is something different than the other.

Senator IVES. What was the trouble with your brakes?

Mr. MONTANA. Well, brakes, when they get wet—

Senator IVES. They got wet?

Mr. MONTANA. Yes, they got wet. It was raining all morning.

Senator IVES. Where did you go to get them wet?

Mr. MONTANA. It rained.

Senator IVES. I understand. I have driven in the rain, too. But I never had trouble with brakes getting wet like that, except when I happen to go through water. If I run through water with my car, my brakes get wet. You say you know something about cars.

Mr. MONTANA. Yes, I do.

Senator IVES. Do you know how to stop a car when the brakes get wet?

Mr. MONTANA. Not if they get wet.

Senator IVES. Do you know how to dry them off in a hurry when they get wet?

Mr. MONTANA. No.

Senator IVES. Then you don't know much about a car. All you have to do is put on your brakes, put the car in gear, give the motor

full power and that dries them off in a hurry. You know that, if you know anything about driving a car.

You must know that.

Mr. MONTANA. You can't get brakes dry that way, Senator.

Senator IVES. I know you can, because I drive a Cadillac myself and have been through water 2 feet deep and have gotten my brakes dried that way when I had to.

Mr. MONTANA. Yes, sir.

The CHAIRMAN. Is that all that was wrong with your brakes, that they were wet?

Mr. MONTANA. No, there was a little more wrong with that, because I had to send two mechanics later from Buffalo to pick up the car on Sunday. They worked on them, repaired them, and brought the car back.

Mr. KENNEDY. Where is it, briefly, that your brakes got bad?

Mr. MONTANA. About 8 or 10 miles from this place.

Mr. KENNEDY. From Apalachin?

Mr. MONTANA. That is right.

Mr. KENNEDY. That was before Owego, then?

Mr. MONTANA. That is right.

Mr. KENNEDY. So you drove all the way through Owego and then on the road to Apalachin?

Mr. MONTANA. Which is not too far.

Mr. KENNEDY. There is a Cadillac agency in Owego, and there are two gasoline filling stations on the road from Owego to Apalachin, did you know that?

Did you think of stopping there?

Mr. MONTANA. I don't know of gasoline stations that can work on brakes. Believe me, I don't know of one that can do a good job or fairly good job.

Senator IVES. How about a Cadillac agency?

Mr. MONTANA. That is in Binghamton.

Senator IVES. There is one in Owego?

Mr. MONTANA. I didn't know there was one.

Senator IVES. You didn't stop to inquire about it?

Mr. MONTANA. No, I did not.

Mr. KENNEDY. After you came out of the woods onto the road, you were picked up?

Mr. MONTANA. I wasn't picked up. I stopped and there was two men there. They asked me who I was, and I told them, very politely, and then they said to me I have to see Sergeant Crosswell, we drove over and I sat right in the car, and I called Sergeant Crosswell. I didn't even get out of the car.

Mr. KENNEDY. Did you tell the sergeant that if he let you go, you thought you could do something for him?

Mr. MONTANA. Well, he is over here now, and I will say right in front of him that I didn't tell him anything of the kind, and he didn't see my shoes either, because I never got off of the car, and he didn't see my clothes because I never got off of the car.

Mr. KENNEDY. How long were you held then?

Mr. MONTANA. Maybe 10 or 15 minutes. Then I said to him all right, I haven't done anything, and I said "If you want to know who

I am, I say call Captain Roan in Batavia and he will tell you the kind of gentleman that I am."

He said "Well, you will have to go to Vestal, then" which would be the station.

I didn't know there was a station there. So one of the boys drove me up. I went inside, and there was two gentlemen in there. They asked me for my credentials. I showed them to them. I was never searched. They told me to go. I took a cab. I went down to the railroad station. I took a train and went home.

Senator IVES. May I raise a question there?

You said the sergeant never saw you outside the car?

Mr. MONTANA. No, he didn't.

Senator IVES. Whom did you run into after you walked through the woods?

Mr. MONTANA. Some of his men, 1 or 2, I guess, 2 men of his.

Senator IVES. They took you where?

Mr. MONTANA. Right to him, a little ways from where he was.

Senator IVES. In their car?

Mr. MONTANA. In their car.

Senator IVES. You didn't get out of the car at all?

Mr. MONTANA. I did not. He did not question me. He is here, you can ask him.

Senator IVES. I am not doubting you. I am just trying to find out.

Mr. MONTANA. Thank you, Senator.

Senator IVES. I am trying to find out the truth here.

Mr. MONTANA. Thank you.

Senator IVES. The story you are telling does not make any sense, is all. I am trying to get 2 and 2 together and have 4 out of it. All you are getting is about 10 or 12.

Mr. KENNEDY. Mr. Montana, you did not realize until the following day that you had five other friends that were present at the meeting?

Mr. MONTANA. I did not.

Mr. KENNEDY. Do you know Mr. Joe DiCarlo from Buffalo?

Mr. MONTANA. Everybody in Buffalo knows him.

Mr. KENNEDY. He was labeled as public enemy No. 1 in Buffalo some time ago.

Mr. MONTANA. According to the papers he was.

Mr. KENNEDY. How long have you known him?

Mr. MONTANA. Well, he went to No. 2 school and so did I, only I had to leave school. I had to go to work at the age of 14½, and he stayed in school. Then I went to night school so I did not see him after that.

Mr. KENNEDY. You haven't seen him at all lately?

Mr. MONTANA. I haven't seen him in 15 years.

Mr. KENNEDY. What about Paul Palmeri, of Buffalo?

Mr. MONTANA. I know who he is, because he had a brother in Buffalo, but I haven't seen him in 20 years.

Mr. KENNEDY. Do you know of his criminal record?

Mr. MONTANA. I do not.

Mr. KENNEDY. Here is a picture. Have you seen this picture of you and Mr. Palmeri, in 1939?

Mr. MONTANA. A picture of me?

Mr. KENNEDY. Is this you?

The CHAIRMAN. I hand you a picture and ask you to examine it and state if you identify the persons on it.

(Photograph handed to the witness.)

Mr. MONTANA. I think this picture was taken at the Rex Club in Niagara Falls and I was the speaker of the evening.

Mr. KENNEDY. Who are the people?

Mr. MONTANA. Well, this is Palmeri here. The other man I don't remember. I don't know who he is.

Mr. KENNEDY. Is that you and Paul Palmeri?

Mr. MONTANA. Well, that is one of them. There was other people at the speaker's table besides him. But he was the president of the Rex Club, which is the Republican Club in Niagara Falls. I think that is when that picture was taken. I was the speaker of the evening.

Mr. KENNEDY. Do you know of his criminal record?

Mr. MONTANA. I do not.

Mr. KENNEDY. Do you know he has been arrested some dozen times?

Mr. MONTANA. I do not, sir.

Mr. KENNEDY. And that some 15 years prior to this time he had been arrested about a dozen times?

Mr. MONTANA. I did not know about that.

Mr. KENNEDY. From assault in the second degree to kidnaping? You did not know that at all?

Mr. MONTANA. I did not know it.

Mr. KENNEDY. I don't believe this was the Republican Club. I believe it was a society meeting.

Mr. MONTANA. Well, I attend so many dinners, Mr. Kennedy, I would not be able to tell you.

Mr. KENNEDY. I believe it was a club meeting that had nothing to do with any political party. I have the name here.

Mr. MONTANA. Is it the Rex Club?

Mr. KENNEDY. It is the Del Golfo Society.

Mr. MONTANA. That is their hometown society.

Mr. KENNEDY. He had been arrested in Niagara Falls, Brooklyn, Chicago, New York, Springfield, Mass., Buffalo, and Lockport, N. Y.

Mr. MONTANA. I don't know anything about it.

Mr. KENNEDY. Did you know that?

Mr. MONTANA. I do not, sir.

Mr. KENNEDY. Did you know that he was held as a material witness in the Willie Moretti slaying?

Mr. MONTANA. I wouldn't know, sir.

Mr. KENNEDY. Do you know Mr. Charles Bufalino from Pittston?

Mr. MONTANA. Do you mean the uncle of Russell?

Mr. KENNEDY. Yes.

Mr. MONTANA. Yes, I do.

Mr. KENNEDY. How long have you known Charles Bufalino?

Mr. MONTANA. He was born in the same town I was born in, and I knew him since then.

Mr. KENNEDY. Do you know the Sciandras?

Mr. MONTANA. Well, I don't know the son, but I knew the father.

His father was born in the same town I was born.

Mr. KENNEDY. How long have you known him?

Mr. MONTANA. Well, he is dead now, but I knew him since we were kids.

Mr. KENNEDY. Did you know the children?

Mr. MONTANA. No, I don't.

Mr. KENNEDY. You never met them?

Mr. MONTANA. I have met the wife, but I don't believe I met the boys.

Mr. KENNEDY. Could you tell the committee why the Van Dyke Taxicab Co. would be calling the Carmela Mia Packing Co., owned by Joe Profaci?

Mr. MONTANA. I have explained that to the legislative committee and I will be glad to explain it here. I have a brother, 75 years old. His daughter is my secretary, Rose Montana, and he sells olive oil on commission for them. He went in and used the telephone. I wish that telephone was tapped. If it was, that would prove to this committee and any other committee that I never had a contact with that man or any other man.

Mr. KENNEDY. Who would be calling them?

Mr. MONTANA. My brother did.

Mr. KENNEDY. You didn't use it yourself?

Mr. MONTANA. No, I didn't.

Mr. KENNEDY. What about Rosario Mancuso?

Mr. MONTANA. I don't know anything about him.

Mr. KENNEDY. Did he do any work for your cab company in 1952?

Mr. MONTANA. He did not.

Mr. KENNEDY. Do you deny the fact that he was engaged to drive surplus cabs of your cab company in 1952?

Mr. MONTANA. He didn't drive them for me. I sold a lot of cabs to a man in Utica.

Mr. KENNEDY. Who did you sell them to?

Mr. MONTANA. I am sorry, I have not got the name here, but some second-hand dealer, and he drove some cars for them, maybe, but not for me.

Mr. KENNEDY. Do you know that he in fact drove them for that company?

Mr. MONTANA. I couldn't tell you that.

Mr. KENNEDY. You say that you visited Barbara in 1956?

Mr. MONTANA. Yes, I did.

Mr. KENNEDY. For what reason did you visit him in 1956?

Mr. MONTANA. 1956? I drove back from New York and I stopped in there and had lunch in his home.

His wife was there, his daughter was there, and he was there.

Mr. KENNEDY. You have been friends with him for a long time?

Mr. MONTANA. Well, friends, a business acquaintance. He has a boy that goes to Buffalo University. He is on the dean's list, and he comes over to see the boy from time to time, at least he did.

Mr. KENNEDY. See what boy?

Mr. MONTANA. His boy. And his boy comes into my office and sees me.

Mr. KENNEDY. So does Barbara visit you in your office?

Mr. MONTANA. Every time he comes or to see his boy, he would come over to my office and say hello.

Mr. KENNEDY. When you came up from New York you stopped in?

Mr. MONTANA. He stopped in and asked me if I would stop in and see him at his home, and I was coming back from New York, and I stopped in.

Mr. KENNEDY. You have been friends for a number of years?

Mr. MONTANA. Well, a business acquaintance, that is the way it started.

I know the man very well. I didn't know his background. His background has been published in the paper lately. It was never published before, there it is.

Mr. KENNEDY. It is just a coincidence that all of these individuals that you know were attending this meeting in Apalachin?

Mr. MONTANA. Well, Mr. Kennedy, you know as much about it as I do, believe me.

Mr. KENNEDY. Maybe I do.

Mr. MONTANA. Well, I would say yes.

Mr. KENNEDY. I would say yes.

Mr. MONTANA. Thank you for saying yes.

Senator IVES. Wait a minute on that.

Mr. KENNEDY. Just as far as your attendance at the meeting is concerned.

Mr. MONTANA. That is right.

Mr. KENNEDY. Your attendance.

Mr. MONTANA. That is right, it is.

Senator IVES. One thing that I don't think has been reconciled here at all is Mr. Montana's dash through the woods. I just don't understand it.

Mr. KENNEDY. All I am saying, Senator, is that I feel as much about his dash through the woods as he knows. I think it is obvious.

Mr. MONTANA. Senator, if I had to do it over again, I probably would not. I will put it that way. It was just a moment, that is the way my mind went, and I did it, and that is what I did.

Senator IVES. But you are a well-balanced individual. After all is said and done, just because somebody yells "roadblock," every time that happens you don't go dashing through the woods, do you?

After all, you are a rational person, rather than any other type.

Mr. MONTANA. Well, there is always the first time, Senator. That is what happened.

Senator IVES. Do you mean to tell me you are losing your equilibrium as you are getting older?

Mr. MONTANA. I hope not.

Senator IVES. Well, all right. That is the only way to explain such an irrational thing as you did.

Mr. RAICHE. Could I ask for something?

Here are two letters or documents we would like to offer as part of the record. They pertain to the setup of this meeting in New York.

Senator IVES. May I ask a question on that, Mr. Counsel?

Have you the envelopes that these were sent in, with the dates on them as well as the typewritten dates on the letters?

Mr. RAICHE. They were given to me by Mr. Montana. I cannot vouch for them any more than that. But I think that the legislative committee of the State, which had them in its possession, made some investigation. That is my belief. I procured their return from them.

Those are reputable people who sponsored that organization from which the letters come. The fact can be very readily ascertained as to whether or not the dates are true and accurate.

Mr. MONTANA. I think Mr. Kennedy can prove that with Mr. Sawyer.

You probably know Mr. Frank Sawyer, don't you, Mr. Kennedy; don't you?

Mr. KENNEDY. I don't believe I do.

Mr. MONTANA. The Checker Cab Co., of Boston?

Mr. KENNEDY. I don't think I do.

Mr. MONTANA. I thought you would.

Mr. RAICHLÉ. I would be very glad to undertake to procure an affidavit or satisfactory proof of the authenticity of the dates or signatures of the letter.

Senator IVES. Mr. Raichle, are you satisfied that those are accurate in what they seem to be, yourself? You have not taken any oath here, but I have known you a good many years.

If you are satisfied, so far as I go personally, I am. That is just a question of whether you are or are not.

Mr. RAICHLÉ. I am. I will state for the committee the source of my information is Mr. Montana, and I have confidence in Mr. Montana.

The CHAIRMAN. Mr. Montana, you have presented to the Chair 2 letters, 1 dated November 1, 1957, written on Cab Research Bureau, Inc. stationery, addressed to you and signed Horace.

Mr. MONTANA. Horace Gwilym, sir.

The CHAIRMAN. The other is dated November 11, 1957, addressed to you and signed Horace over the typewritten name of H. I. Gwilym.

Mr. MONTANA. Gwilym.

The CHAIRMAN. Did you receive these letters?

Mr. MONTANA. Yes, I did, sir.

The CHAIRMAN. Did you receive both of them through the mail prior to November 14, 1957?

Mr. MONTANA. Yes; I did.

The CHAIRMAN. You didn't receive them some time after?

Mr. MONTANA. I did not. I received them just before that date.

The CHAIRMAN. You testify that they were received in due course through the United States mails shortly after written and both of them on or before—

Mr. MONTANA. Within a day or two.

The CHAIRMAN. Both of them before November 14, 1957?

Mr. MONTANA. Yes, sir.

The CHAIRMAN. The letters may be attached as exhibits 10 A and B.

(The documents referred to were marked "Exhibits Nos. 10-A and B" for reference, and will be found in the appendix on pp. 12497-12498.)

Mr. KENNEDY. That is all for this witness.

The CHAIRMAN. All right, thank you, Mr. Montana.

Mr. KENNEDY. Mr. Chairman, I might say that we have these pictures through the cooperation and assistance of the New York Daily News.

The CHAIRMAN. All right. We are grateful to the New York Daily News for their assistance.

TESTIMONY OF EDGAR D. CROSSWELL—Resumed

Mr. KENNEDY. Sergeant, you testified yesterday that you came to this Barbara home some time around noon or shortly after noon on November 14; is that right?

Mr. CROSSWELL. At 12:40 p. m.

Mr. KENNEDY. You drove into the driveway; did you?

Mr. CROSSWELL. Yes, sir.

Mr. KENNEDY. Mr. Montana has marked with an X where he parked his car. Would you look at this photograph and tell the committee if Mr. Montana's automobile—

Mr. CROSSWELL. I looked at it at the time he marked it.

Mr. KENNEDY. Was his automobile there?

Mr. CROSSWELL. No, sir.

Mr. KENNEDY. How do you know his automobile was not there?

Mr. CROSSWELL. Because that is right where we drove this car, alongside this fence, and we could look clear down to the end of the garage where all of these men were coming from the direction of the barbecue pit.

Mr. KENNEDY. Were there in fact automobiles behind the house?

Mr. CROSSWELL. Yes, sir. Where these 3 cars are parked now there were 4 or 5 cars parked there.

Mr. KENNEDY. Where were the rest of the automobiles?

Mr. CROSSWELL. It doesn't show on this photograph. They were up behind the farthest barn, way up in the field.

Mr. KENNEDY. Hidden back there during the meeting?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. Only 4 or 5 automobiles in front of that?

Mr. CROSSWELL. That is right.

Mr. KENNEDY. And where Mr. Montana placed the X where he parked his automobile with Mr. Maggadino sitting there, that automobile was not there?

Mr. CROSSWELL. It was not there at 12:40; no, sir.

Mr. KENNEDY. Mr. Montana states he arrived some time after 1 o'clock and probably around 2 o'clock. Could he have come into Barbara's home at 2 o'clock?

Mr. CROSSWELL. No, sir.

Mr. KENNEDY. How can you tell he could not have come in?

Mr. CROSSWELL. At 12:40 when we visited this place, we met no cars en route back down to the roadblock.

Mr. KENNEDY. And you established the roadblock immediately?

Mr. CROSSWELL. We established a roadblock at 12:50. During the interval 10 minutes we were traveling that road, we saw no cars and no cars passed us from that time on that we don't know about or don't have a record of.

Mr. KENNEDY. Do you have your original notes, Sergeant, as to the time you established the roadblock below?

Mr. CROSSWELL. I have them in the hotel. I don't have them with me.

Mr. KENNEDY. It would have been impossible to come in after that period of time?

Mr. CROSSWELL. After 12:40 p. m.; yes, sir.

Mr. KENNEDY. You state after the roadblock was established, that Mr. Montana, from where you picked him up afterward, or the police officials picked him up afterward, came out through the woods? He went over the open field and through the woods?

Mr. CROSSWELL. In through the woods and out on to McFadden Road.

The CHAIRMAN. How far is McFadden Road from this house?

Mr. CROSSWELL. It is at least a mile, Senator, possibly between a mile and 2 miles.

The CHAIRMAN. It is almost in the opposite direction from where you had the roadblock?

Mr. CROSSWELL. It is in the opposite direction from where we had the roadblock.

The CHAIRMAN. How long was it after you were discovered and they began to try to get away before Mr. Montana came around to contact you?

Mr. CROSSWELL. He was brought around by one of our uniformed patrols that picked him up.

The CHAIRMAN. I understand the patrols picked him up and brought him to you. How long was that after they had been flushed?

Mr. CROSSWELL. I have no record of the times that each individual was picked up. Things were happening pretty fast that day. It was some time after the roadblock had been set up. But as to what time it was, I could not testify to that.

The CHAIRMAN. Assuming one wanted to leave the Barbara home and go down to the road, or get onto the highway, Highway 17, I believe you said, would there be any occasion to go through the woods, the back of the house?

Mr. CROSSWELL. It is a very roundabout way to go.

The CHAIRMAN. Was there a road leading directly from where you went in and parked your car there, on this same apron, was there a dirt road or a road upon which cars traveled leading from there to the highway where you had the roadblock?

Mr. CROSSWELL. Yes, it starts out from the Barbara residence as as a dirt road and leads into a macadam.

The CHAIRMAN. If he had come in that way a few minutes before or an hour before, there would be no reason for him not knowing the way to get back down to the village?

Mr. CROSSWELL. I would rather come down that way than start out through the woods.

The CHAIRMAN. So there is just no sense in going through the woods?

Mr. CROSSWELL. Not to me; no, sir.

Senator GOLDWATER. Mr. Chairman?

The CHAIRMAN. Senator Goldwater.

Senator GOLDWATER. After Mr. Montana came back to where you were, did you go down to the house to look for cars?

Mr. CROSSWELL. I did not, but we had patrols down there.

Senator GOLDWATER. Did you ever find Mr. Montana's car?

Mr. CROSSWELL. Late at night one of the patrols radioed in and gave me the license number of Mr. Montana's car and said it was parked in the Barbara garage.

Senator GOLDWATER. Did you go down and look for it?

Mr. CROSSWELL. No; I did not.

Senator GOLDWATER. Was it in the garage?

MR. CROSSWELL. I presume so. Our uniformed patrol had seen it in there.

SENATOR GOLDWATER. They radioed from the house?

MR. CROSSWELL. They radioed from the house and said the car was there and wanted to know what they were to do about it.

SENATOR GOLDWATER. After you established the block, did you go up to the house?

MR. CROSSWELL. No, sir.

SENATOR GOLDWATER. Did any of your men go up?

MR. CROSSWELL. Yes, sir. Periodically they went up to see how many cars were left.

SENATOR GOLDWATER. Did they ever find Mr. Montana's car?

MR. CROSSWELL. They never furnished me the license number of it. Every time they would see a car up there, they would radio the license number down, and I never got Mr. Montana's until late that night.

SENATOR GOLDWATER. All right.

THE CHAIRMAN. When you first drove up there, where you say you drove your car where Mr. Montana said his car was parked, and you said there were some 4 or 5 cars parked over at another place, were they in sight of you?

MR. CROSSWELL. Yes, they were right where those three cars are shown now.

THE CHAIRMAN. They were on the same parking apron?

MR. CROSSWELL. That is right.

THE CHAIRMAN. In daylight?

MR. CROSSWELL. Yes, sir.

THE CHAIRMAN. Could you see anyone in a car if someone had been sitting there in a car?

MR. CROSSWELL. Yes, sir.

THE CHAIRMAN. Was anyone sitting in those cars that were parked there?

MR. CROSSWELL. No, sir.

THE CHAIRMAN. If you were looking for people—

MR. CROSSWELL. We were looking for people, and we took the license numbers of the four cars that were there.

THE CHAIRMAN. You took the license number of the cars that were there.

MR. CROSSWELL. Yes, sir.

THE CHAIRMAN. So had there been someone in there, you would have observed them?

MR. CROSSWELL. Unless they were laying down in the seat.

THE CHAIRMAN. And none of them were in Mr. Montana's automobile?

MR. CROSSWELL. No, sir.

THE CHAIRMAN. What time did they start running toward the woods?

MR. CROSSWELL. About 12:50 to 12:55.

THE CHAIRMAN. We will have to suspend, and as late as it is, it would be too late to resume.

Therefore, the committee will stand in recess until 10 o'clock tomorrow.

(Whereupon, at 5 p. m. the hearing was recessed, to reconvene at 10 a. m. Wednesday, July 2, 1958, with the following members present: Senators McClellan, Ives, and Goldwater.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, JULY 2, 1958

UNITED STATES SENATE,
SELECT COMMITTEE ON IMPROPER ACTIVITIES
IN THE LABOR AND 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 Sam J. Ervin, Jr., Democrat, North Carolina; Senator Barry Goldwater, Republican, Arizona; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Paul J. Tierney, assistant counsel; John P. Constandy, assistant counsel; John J. McGovern, assistant counsel; Pierre E. G. Salinger, investigator; Walter R. May, investigator; George H. Martin, investigator; Sherman Willse, 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 were: Senators McClellan and Ives.)

The CHAIRMAN. Senator Curtis had a brief statement he wished to make this morning, before we proceed with testimony.

Senator Curtis.

Senator CURTIS. Mr. Chairman, I thank you.

Yesterday I made a statement concerning the immunities of labor unions, and certain practices of Government that in my opinion ought to be changed because it gave a refuge for the wrong type of labor leaders.

When this appeared in the newspapers, Mr. William Rogers, the Attorney General, felt that what I had said had caused a chain of reaction that the Department of Justice was unfairly criticized.

I want to say, Mr. Chairman, it was not my intention. I did not speak from notes. I certainly did not want to indict the present Attorney General, Mr. William Rogers, or any of his predecessors, and I intended to speak of general practices and immunities some of which are definitely the responsibility of the Congress.

Now, on page 163 of the transcript for yesterday, I said to Mr. Pera:

Now, the fact that unions enjoy certain immunities that other groups in the country do not have gives a group an opportunity for a base of operations: isn't that correct?

Those immunities are admitted to exist, with you again I say that the Congress has a responsibility in that regard.

I later referred to the case of a Mr. Ed McCarthy, a witness who appeared before this committee who had been the victim of a severe beating, and the magistrate before whom he was taken brushed it aside and said, "That is a union brawl, we do not have anything to do with it."

I should have pointed out that that was not a Federal court.

Now, the particular remarks that I made about the Department of Justice are as follows—and this is bottom of page 163:

I think it is also true that it is a rather standing principle or policy of the Department of Justice not only in this administration but for some time that United States attorneys over the country cannot start prosecutions that involve unions or so-called labor problems with clear answer from their superiors in Washington. All of that gives a cloak of protection for people who shouldn't have this power.

Mr. Chairman, I want to make it clear that I was not referring to prosecutions of individuals who happened to be labor leaders or labor members. I do not know of any laxness or favoritism to them. I did have in mind that in my opinion there was a question in such problems as prosecuting an entire union for violating the Corrupt Practices Act in reference to contributing to a candidate or something of that sort, and having it initiated in the field. I may be wrong about that. I have made no extensive investigation, and so I do not want my remarks to stand critical of any individual in or out of Government, and do him an injustice.

Now, Mr. Chairman, I am about through. Mr. William Rogers has written me a letter that sets up the facts and figures about the prosecutions carried on, and it is a brief, and I will insert that and then I will yield the floor.

I was surprised to read your statements before the McClellan committee today regarding the prosecution of extortion by labor officials.

From the time the Hobbs Act (which is the act under which labor extortion is prosecuted) was enacted in July 1946, until January 1953, only three indictments were returned. From January 1953 to date the departmental records show that 114 defendants were convicted for violation of the Hobbs Act.

These cases against labor racketeers are difficult to investigate and prosecute. All too often the public is not aware of our progress. Leaving cold statistics, let me recite three examples. Evan Raymond Dale, the best known and most powerful labor official in southern Illinois, attempted to extort the sum of \$1,030,000 for "labor peace" in the construction of the plant to furnish power to the Atomic Energy Commission. Upon a verdict of guilty, Dale was sentenced to 15 years' imprisonment.

Nicholas A. Stirone, the czar of common laborers in the Pittsburgh area, was tried and convicted of extorting \$32,000 for "labor peace." He was sentenced to 3 years' imprisonment.

Another high labor official we encountered was Orville B. Soucie, "the Duke of Indiana," who attempted to extort \$400,000 on one contract and \$600,000 on another. He was sentenced to 5 years' imprisonment upon his plea of guilty. Just within the past week Soucie was sentenced for an additional 18 months for income-tax evasion.

As for restraint upon United States attorneys, the reverse has been true. We have constantly urged United States attorneys to be vigorous in their investigation and prosecution in this area. Prior to indictment the matter is reviewed in the Criminal Division. This is true in all important and difficult cases. The reason is to obtain uniformity of application of the statute and to aid the United States attorney in any way possible.

If you believe it is appropriate, I would appreciate your making the record of accomplishment of the Department of Justice in this area a part of the record of your hearings.

With best regards.

(Signed) WILLIAM P. ROGERS.

Mr. Chairman, I am sorry to have taken the time of the committee and I appreciate the opportunity to insert the Attorney General's statement, and also to make clear my statement and prevent any wrong impression being made concerning what the real facts are.

I thank you.

The CHAIRMAN. Thank you, Senator Curtis. The Chair would make this brief observation: I think the work of this committee, the disclosures it has made, clearly indicate the urgent necessity for diligence on the part of law-enforcement officers, not only those of the Federal Government but also of States and political subdivisions thereof.

I think we should all bear in mind that the work of law-enforcement officers is not always easy and it is sometimes most difficult if not impossible, and if anyone has followed these hearings and has observed the lack of cooperation this committee receives from those who are in position to know what facts are and who are in position to give information that would enable the law-enforcement officers to perform their duties effectively and to punish those who are guilty of wrongdoing, they would readily see the problem that confronts us.

Certainly these hearings and the conditions that have been revealed to exist in some areas should alert and stimulate and compel law-enforcement officers to be as vigilant and as diligent and as persistent in the performance of their duties as it is possible to be. There are conditions in some areas that really strike at the liberty of our people. They should be dealt with, and I am not critical of any law-enforcement agencies or officers anywhere but I am hopeful and I am sure the American people desire that in some areas their vigilance be redoubled and that they pursue these matters and follow up on them to the end that justice may ultimately be administered and prevail.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, this morning we expect to have probably four witnesses and we expect to have Capt. James Hamilton from the Los Angeles Police Department. Mr. Sullivan who will testify later in the morning, and Mr. Daniel Sullivan from the Miami Crime Commission, and we also expect to have in between those two witnesses two individuals who attended the meeting at Apalachin. I would like to call as the first witness Capt. James Hamilton, from the Los Angeles Police Department.

The CHAIRMAN. Captain Hamilton, will you come around, please?

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

Mr. HAMILTON. I do.

TESTIMONY OF CAPT. JAMES E. HAMILTON

The CHAIRMAN. Captain, will you state your name, and your place of residence, and your profession and occupation, please, sir?

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

The CHAIRMAN. The committee is very happy to welcome you back again, and you have been before our committee before, I believe, and from the very inception of this committee you have given excellent cooperation and assistance to the committee, and we are very glad that you can be present this morning and testify in this particular hearing.

How long have you been in the police department?

Mr. HAMILTON. Twenty-two years.

The CHAIRMAN. Just briefly, what has been the nature of your work in the position you hold, Captain? What are your responsibilities and the type of criminal work that you perform?

Mr. HAMILTON. Well, for over 8 years now, as commander of the intelligence division—it is the responsibility of the division to investigate organized crime. We are a nonenforcement unit and that is our sole responsibility in the field of police service. It is the investigation of organized crime.

The CHAIRMAN. All right, thank you.

Mr. Kennedy, you may proceed.

Mr. KENNEDY. Now, in the course of those investigations, Captain Hamilton, have you found that there is an effort on the part of known hoodlums and criminals and gangsters, to infiltrate into the labor-management field?

Mr. HAMILTON. Well, there is a continuing effort among not only the Sicilian group but others to move into both labor unions in positions of responsibility, and of course we also have the same infiltration into legitimate business.

Mr. KENNEDY. From your experience and the work you have done, do you find that this is an organized effort on the part of these hoodlums and gangsters?

Mr. HAMILTON. Well, it appears on the surface as an individual effort, but we find the same individuals trying in first one instance, and if they are not successful, they will try again, and again. We feel that it has a definitely established pattern, yes.

Mr. KENNEDY. Would that be a pattern? Based on the work that you have done and the contacts that you have had on the west coast as well as with other police departments throughout the United States, this is not just a situation that exists in Los Angeles or 1 or 2 other cities but it is a nationwide problem. Would you discuss that?

Mr. HAMILTON. Yes, it is. We are on the receiving end, of course, in this problem quite often. It is almost an axiom that whenever a hoodlum or criminal is displaced in his own locality by some happening that involves him, publicity or perhaps jail, he looks for new fields, either to get away from publicity or when he gets out of jail.

Now, whether he looks for new fields, or he is assigned a new field is something we don't know. But Los Angeles, with its growth and the whole southern California area in the last few years, is often on

the receiving end. I could give as an example in the garment racket investigation in New York here about a year and a half or two ago, one individual that was mentioned quite prominently in the press was Louis "Scarface" Lieberman. About a year or over a year now, Louis "Scarface" Lieberman and another individual by the name of Fiano showed up in Los Angeles.

Mr. KENNEDY. Does he also have a long criminal record?

Mr. HAMILTON. Yes, he is presently under indictment on a narcotics conspiracy and he was arrested in Los Angeles, and a sizable buy was made from him by Federal narcotic agents, and as a matter of fact there are two cases against him at this time.

But about 18 months ago we first received the story that Louis Lieberman and Fiano, who was known to us at that time, the first name we had on him was "Friedman" were in Los Angeles and had come out there with 2 kilos of heroin and had sold the heroin and were going to use that money to start a trucking company in the garment industry.

Well, after some investigation we identified Friedman as Louis Fiano, and they did start the Luck Trucking Co. with two trucks. Now that was the pickup and delivery of garments in the garment district and also the buying or acquiring of scrap which is quite an item in that business.

(At this point, the following members were present: Senators McClellan and Ives.)

As an example of their intentions, Louis Lieberman stated on numerous occasions to a police officer that was at that time working under cover in this matter, he stated in effect that "You stick with me and in the next year we will both be living in \$100,000 houses."

So he had no intention of just having a small trucking company.

Mr. KENNEDY. Did you ever find out or learn where their backing came from?

Mr. HAMILTON. Well, we can't prove it, but in New York they were very closely connected, particularly Lieberman, with Sam Berger and Johnnie Dio.

Mr. KENNEDY. Sam Berger, with local 102 of the ILGWU?

Mr. HAMILTON. That is right.

Mr. KENNEDY. And who was the other individual?

Mr. HAMILTON. Johnny Dioguardia.

I might also mention, Mr. Kennedy, in that investigation last fall we worked with a State assembly committee that was investigating a similar field to the field this committee is interested in. Of course, they were interested only in activities within the State. All of these people were called before that State assembly committee.

The Immigration Service shortly after proceeded against Scarface Lieberman, and he is presently under order of deportation. So the Lucky Trucking, and, of course, with Fiano being well taken care of by Federal narcotics—

Mr. KENNEDY. The name of the company was Lucky Trucking?

Mr. HAMILTON. Lucky Trucking, yes. In connection with that, one of the first customers that Lucky Trucking picked up was one of our old friends—that was Louie Dragna, who has a dress shop in the town of Covina.

Mr. KENNEDY. D-r-a-g-n-a?

Mr. HAMILTON. That is right.

Mr. KENNEDY. He had a dress shop himself.

Mr. HAMILTON. Yes. Well, he is one of the owners of the dress shop of record. I think there are three of them. He is a nephew of the deceased Jack Dragna, who is often referred to as the Mafia chieftain of the west coast, he and Momo Adamo, who is also now deceased, were considered the two top boys.

Mr. KENNEDY. What was the name of their dress shop?

Mr. HAMILTON. I believe it is Save-On.

Mr. KENNEDY. You talked about Jack Dragna as the former head of the Mafia in that area. Did he have any front organizations and companies?

Mr. HAMILTON. Yes. Well, let's see, at one time he had the Trans-America Wire Service out there. After that it was—of course, John Usala and some others were in on that.

After that, he had the Latin Import & Export, and then he had Rosemarie, of California.

Mr. KENNEDY. What was Rosemarie?

Mr. HAMILTON. That was a dress manufacturing.

Mr. KENNEDY. Who were the partners with him in that company?

Mr. HAMILTON. Sam Scozzari, and Frank DeSimone was in that.

He is a local attorney. Scozzari and DeSimone were the two, shall I say, representatives from southern California at Apalachin.

Mr. KENNEDY. Both of those individuals went to Apalachin, did they not?

Mr. HAMILTON. Yes, they did.

Mr. KENNEDY. Scozzari and DeSimone?

Mr. HAMILTON. Yes.

Mr. KENNEDY. They were partners of Jack Dragna in this dress shop?

Mr. HAMILTON. Yes.

Mr. KENNEDY. You see, Mr. Chairman, the same kind of problem that exists on the east coast, in Pennsylvania, New York, and New Jersey, and some of these other States, also exists in California as far as the infiltration of some of these gangsters into trucking and into the dress business.

DeSimone was also a partner of Jack Dragna, as I understand it, in this import-export business?

Mr. HAMILTON. Latin Import & Export. That was a banana importation. It was a banana house in the produce market.

DeSimone and Momo Adamo were also down at the Latin Import.

Mr. KENNEDY. Could you give us another example of the infiltration into some of these businesses?

For instance, we have had some information that there is some infiltration of gangsters and hoodlums into the shoulder pad industry in New York City. Is there any kind of a similar problem out there?

Mr. HAMILTON. Yes. I hadn't realized that the shoulder pad industry was such an industry until we got into it. We have a character out there who prefers to be known as Danny Wilson. His true name is James Iannone.

Mr. KENNEDY. I-a-n-n-o-n-e?

Mr. HAMILTON. Correct.

Mr. KENNEDY. He is also known as Danny Wilson?

Mr. HAMILTON. Yes.

Mr. KENNEDY. Would you give a little bit of his background?

Mr. HAMILTON. Danny, we will call him Danny, he came originally out of New York. He has a reputation of being one of the younger men, in the old days one of the younger men, in the Murder, Inc., mob and the Bug and Meyer mob. He has been in Los Angeles for at least 15 years now. He has served time on bookmaking. He generally has a bookmaking operation of some sort going. Here about, I would say, 5 years ago, when we would have reason to question Danny and search him, he always had check stubs for the Custom Made Shoulder Pads.

Mr. KENNEDY. Custom Made Shoulder Pads?

Mr. HAMILTON. Yes. That is one of the manufacturing outfits in Los Angeles. He would maintain that he was regularly employed there, that he had a desk there. These checks, as I recall, were \$50 a week. Some time later he switched his affiliation to a second shoulder pad company. The investigators, in talking to a Mr. Henry Bosen, at Colony Casuals, another manufacturer—and this was in 1953, they talked to Mr. Bosen on November 16—he said that he had hired Jimmie Wilson, or Jimmie Iannone, rather, Danny Wilson; that Jake Orloff Custom Made Shoulder Pad Co. had recommended Mr. Wilson to him; that he had noticed that as long as Wilson was with Custom Made Shoulder Pads, that Custom Made had no labor trouble.

So that is why he had hired Danny on pretty much the same basis; that he was on the payroll and he made sure that Iannone was paid by check so there would be a record of it. His statement was that he knew that the Bureau of Internal Revenue would more than likely come around to question about the hiring of Jimmie Iannone. At that time, the date that we talked to him, he stated that Iannone was no longer on his payroll and had not been for about 2 weeks.

Mr. Iannone was on his payroll as a labor—it is an odd term.

Mr. KENNEDY. Adjuster?

Mr. HAMILTON. Labor adjuster, yes. We had had stories, and it is my understanding that this is rumor that we could never substantiate, that Iannone has always been very close to the Sica brothers, who are notorious in California because of their involvement in a Federal narcotics case in which the principal witness who was the informant for the Federal Government was slain before the case went to trial, and as a result of which both Joe and Fred Sica were free; since there was no principal witness, there was no trial.

We got the story on the street that Danny Wilson was valuable to his employers because at the outset there was a picket line on one of the shoulder pad companies. Danny Wilson went to the management and told them that if he was their labor consultant there would not be any picket line.

The following day, Joe Sica walked into the office of the union and told them to get that blank-blank picket line off and get it off now. I say this is the story we picked up on the street, however, and we could not verify the story.

Mr. KENNEDY. But these companies with whom he was associated had no labor difficulties while he was with them?

Mr. HAMILTON. That is right. The picket line was withdrawn. Danny Wilson went on the payroll and that was his position in that industry.

Mr. KENNEDY. I might say on that question, Mr. Chairman, as far as the east coast is concerned, we have information that Natale Joseph Evola, who attended the meeting at Apalachin, controls a good deal of the shoulder-pad industry in New York City, through an association of manufacturers with whom he is associated. He is also an officer in two garment companies or dress shops.

Mr. HAMILTON. As an example of this same individual moving from labor into management, with pretty much the same tactics, Danny Wilson presently has the Buy-Rite Disposal Co., which is manufacturer or at least distributor, and I believe manufacturing as well—perhaps the manufacturing is let out to a contract—of a commercial garbage-disposal unit.

Two or three years ago Danny Wilson and Joe Sica first started hanging around the office of the Buy-Rite Disposal; which was out in county territory. There was a man by the name of Sam Eglit, who was the principal of Buy-Rite at that time. It was a small concern. Today Mr. Eglit is gone. Danny Wilson is the man at Buy-Rite Disposal. This isn't the first time we have seen this happen. We have seen it tried in other places. When this type of individual moves into a legitimate business, the legitimate people get pushed out.

And I understand that the Buy-Rite Disposal is a rather successful business at this time.

Mr. KENNEDY. So it was a question of a gangster moving into one of these companies and eventually owning it, is that right?

Mr. HAMILTON. Yes. I would like to point out in connection with that, that the reason that I have to testify as to what we hear and what we understand is the same old thing, that the police do not have the power of subpoena, and as this committee well knows we get just about as much cooperation from this type of individual as the committee has been getting from that type of witness up here.

They either give us silly answers or maintain that they are thoroughly abused that we should even think that they might be doing something wrong, when at the same time through the years you see them with no visible legal means of support. Yet the police are pretty much powerless to investigate.

Victims of this type of operation do not come to law enforcement complaining. For instance, the proprietor of a manufacturing concern that is the victim of a shakedown by this type of individual does not come to law enforcement complaining that he has been shaken down. He is a voluntary victim of extortion.

So in the job of investigating the tools that we have to work with are so inadequate that the job is extremely frustrating, I think, in the whole field of law enforcement.

Of course, in the last number of years, particularly, the courts have further restricted us, and we have fewer tools to work with than we had even 5 years ago.

Mr. KENNEDY. Just to straighten the record out, the witness who was murdered in that case is Abraham Davidian.

Mr. HAMILTON. Yes.

Mr. KENNEDY. You spoke about Sam Berger coming in from the east coast, a former union official. Did you find that he came in in any other instance other than the one that you mentioned?

For instance, did you learn any information of their efforts, Sam Berger and another individual's efforts, to take over a local union out there?

Mr. HAMILTON. Yes. We have another character out there that, again, comes from New York.

Happy Meltzer, Harold Meltzer, who has a rather extensive record of accomplishments. He has a three-page FBI kickback.

Mr. KENNEDY. M-e-l-t-z-e-r?

Mr. HAMILTON. Yes. His last time served was in about 1951-52. 1951, I believe. He came back to Philadelphia and plead guilty on a narcotics conspiracy and did 5 years. He presently has Dabill, Inc., which was formerly known as the A. F. of L. Buyers League, a discount house catering particularly to some local unions.

Happy Meltzer, we believe through the efforts of Sam Berger and Duke Kaminetsky, approached a union official in Los Angeles that he had never met before, and requested this union official to support a certain candidate for an international office in that union.

And he requested him in rather obvious terms to this official. However, the official did not follow Mr. Meltzer's request, but went to other people. What Mr. Berger and Kaminetsky were after did not come about.

Mr. KENNEDY. That is Duke K-a-m-i-n-e-t-s-k-y.

Mr. HAMILTON. Well, I don't spell it quite that way.

Mr. KENNEDY. Duke Kaminetsky is one of the lieutenants of "Tony Ducks" Corallo, and was a witness here himself during the paper local hearings.

Senator IVES. Mr. Chairman, may I ask a question along that line?

The CHAIRMAN. Senator Ives.

Senator IVES. Captain Hamilton, can you tell us how many of these persons to whom you are referring are members of the Mafia?

Mr. HAMILTON. Well, all of those that I have mentioned that are of Sicilian origin. I would not say all of them. The Siccas we do not classify as members of the Mafia. If they are, they are in a family that very seldom shows activity. They are of no stature in the organization. That is our evaluation of them. Willie Dragna, yes, he is of a considerable stature. Frank DeSimone, definitely. Sam Scozzari is one of the dons.

We have some others, Joe Giammona, who associates on that same level. We evaluate them by their level of contact.

Senator IVES. Then you know rather definitely who the members of the Mafia are out there, don't you?

Mr. HAMILTON. We know some of them, yes. Certainly we don't know all of them. We are stumbling into them from time.

Senator IVES. Thank you.

Mr. KENNEDY. Do you believe there is such an organization throughout the United States?

Mr. HAMILTON. I think Commissioner Anslinger for years has maintained without wavering in position that there is such an organization, and I think the Federal Bureau of Narcotics has spent more time and effort in establishing that.

It is very difficult to establish, but we have been thoroughly convinced for a number of years likewise, that there is such an organiza-

tion. We have concentrated, spent a lot of the city's money, on investigating these individuals. And as a result of our investigation, we have been convinced for some time that there is a very tight organization. Call it what you may, the Mafia or the Bird Watchers Society, it is still the same thing.

They operate by a very definite code and it is restricted to Sicilians or ones of Sicilian origin.

They use other people very much. Happy Meltzer is very closely associated, but he is certainly not of Sicilian origin and not a member of the Mafia.

But he is very closely associated. He is a contact for undesirables of stature that come to Los Angeles. As an example of that, there is a Morris Sedikaner, who has a long record in New York. He arrived in Los Angeles using the alias of Sam Miller, and about his first contact seemed to be Dabill, Inc., or Happy Meltzer. He was wanted on a youth rap. He was picked up at Dabill's at Meltzer's place of business, and returned to New York.

Mr. KENNEDY. Captain, what about Frank DeSimone, who attended the meeting in Apalachin?

Mr. HAMILTON. Frank has long been of interest to us because of his association. He is a member of the Bar of the State of California. We have never seen him in court in front of the railing. Any time one of the top Sicilians is in court on a criminal charge or on a civil matter, you are quite likely to see DeSimone on the spectator's side of the railing.

We are convinced that he is the one that makes the arrangements for adequate counsel for only the top members, when they get into trouble. As an example of how the man circulates, about 3 years ago, March 14, 1956, some of the investigators saw DeSimone's car parked outside of Tony Penelli's place up in Sierra Madre.

Mr. KENNEDY. That is P-a-n-e-l-l-i?

Mr. HAMILTON. P-e-n-e-l-l-i, I think.

Mr. KENNEDY. All right.

Mr. HAMILTON. He first came to our attention in Momo Adamo's address book in 1950. It has generally been referred to as Momo's green address book. Tony Penelli's name, address, and telephone number were in there. At that time he lived on School Street in Chicago. Tony has little if any criminal record. I believe he has an old alcohol case of many years ago, and that is all. He lives in Sierra Madre in a very elaborate establishment along with at least two of his children, who also have houses on the same piece of property.

Frank DeSimone's car was out front on this one evening, so we followed it back into Los Angeles, stopped it, and the two passengers in the car with him were, one, John S. LaRocca, of Pittsburgh, Pa., and, the second, Salvatore Marino. Salvatore Marino was known to us as the operator of the California Cheese Co. in San José, and they did have a branch store in Los Angeles.

Salvatore Marino came out from Pennsylvania several years ago, and has been considered in the racket class. As a side line on Salvatore, about 4 or 5 years ago we picked up an individual that was going under the name of Drake, and he had one other alias, on fingerprinting. It turned out to be Leo Mocerì. Leo Mocerì was a partner of Leo Licavoli, the cousin of Pete Licavoli, and the 2 of them,

along with a third individual, were responsible for at least 12 murders in southern Michigan and Ohio.

Leo Licavoli has been in prison many years. Mocerì was never apprehended and was wanted for 17 years for these murders.

There was a youth rap on him. The Federal Bureau of Investigation was actively looking for him. We picked him up. He had a Cadillac, a new Cadillac, and \$1,800 in his pocket, but no visible means of support. We were never able to ascertain how he had been living during the past 17 years. He was returned to Ohio for prosecution. The mail drop for Leo Mocerì at the time we apprehended him was the California Cheese Co. office in Los Angeles.

It just indicates how these people all tie together, and the business fronts that they may have at times are more a matter of convenience than anything else.

Well, by the same token, John LaRocca, who was with DeSimone that night, was classified by Senator Williams probably 5 years ago now in an investigation, at least the press quoted Senator Williams as classifying John LaRocca as the top racketeer of the Pittsburgh area.

And that is how we knew who we had when we stopped John LaRocca.

Mr. KENNEDY. Did you find Penelli's connection with any of these other people from the Midwest?

Mr. HAMILTON. Well, yes. Tony Accardo paid us a visit about 5 years ago. Our men at the airport spotted him coming in there. He said he was on his way to Las Vegas and had not intended to stop in Los Angeles.

But with Tony Accardo, was Mommy Giancanna, traveling under a fictitious name. There were two people there to meet him at the airport. One was Tony Penelli. So Tony Penelli moves in pretty high circles.

Mr. KENNEDY. On Scozzari, did you come across Carlo Licata?

Mr. HAMILTON. Yes. Carlo Licata is quite a well-known boy. He is the son of Nick Licata. Nick Licata, again, is one of the older dons of the organization in our area.

He is of the same general level as DeSimone, Scozzari, and Tom Dragna, and a few others. Carlo Licata was formerly a bartender at the Five O'Clock in Burbank. That was 1951. Incidentally, Nick Licata at that time was the alibi witness for "Jimmy the Weasel" Fratiano, who was the prime suspect in the double murder of Tony Trumbino and Tony Broncato, on June 6, 1951, in Los Angeles, which, by the way, was the last gang slaying. Carlo at that time was the bartender at the Five O'Clock. Approximately 6 months later he disappeared from the local scene. The next I heard of him was receiving a letter from a law enforcement official from the State of Michigan inquiring about Carlo Licata who had just married a daughter of Black Bill Tocco, who has sometimes been called the racket boss of southeastern Michigan. There had been a very large wedding and reception there to this unknown, as far as Michigan was concerned. We thereby located Carlo Licata.

Mr. KENNEDY. Did you know he is now secretary-treasurer of the Melrose Linen Company of Detroit?

Mr. HAMILTON. Yes. He is quite a businessman now, I understand.

Mr. KENNEDY. Just in summary, Captain Hamilton, could you tell the committee what you feel the situation is now as far as the operation of some of these gangsters and hoodlums, and just briefly what you feel should be done to combat them?

Mr. HAMILTON. Well, No. 1, I think these hearings are an excellent thing, because if there is one thing that these boys do not like, it is publicity.

It frustrates them very much. But I would like to take just a minute on the problems that I know you have seen that law enforcement has in trying to cope with the whole field of organized crime.

No. 1 is the lack of information. In September of 1952, at the International Conference of the International Association of Chiefs of Police, there was a resolution adopted calling upon Congress, calling upon the President and Congress, to either give to an existing Federal agency or to create a Federal agency, to assemble information on the members of organized crime, and make that information available to local law enforcement. There was a bill introduced in the Senate as a result or at least parallel to that resolution, and the bill died in committee.

I would like to file a copy of the original resolution with the committee, and ask that consideration be given, because of the obvious inadequacy in this field.

Using John LaRocca as an example, we knew who John LaRocca was, not because anybody had ever given us any information on John LaRocca, but we got it out of the newspapers. We subscribe to 14 national newspapers. The city of Los Angeles is paying for this. We subscribe to the newspapers. We have our own clipping service, and we index anything that looks like a hoodlum. It was out of five news clips on John LaRocca's card that we knew very well who he was. We were then able to deal with him accordingly.

But it is an impossible task to, on a local level, be expected to deal in the field of organized crime without having a central agency to call upon for information, and we have no such central agency.

Mr. KENNEDY. Are these individuals getting stronger?

Mr. HAMILTON. Well, they are certainly not getting weaker. They multiply as time goes along.

Mr. KENNEDY. Do you think it is a major problem?

Mr. HAMILTON. Certainly I do; yes. It is a very dangerous one. They are so closely knit. You cannot penetrate that organization with an operator, such as you will in other things. They have to be born into it or marry into it. They don't take outsiders. We can't get an operator in.

Then I would also like to file with the committee—

The CHAIRMAN. Will you submit the resolution?

Mr. HAMILTON. Yes. The resolution of the International Association of Chiefs of Police of September 1952 is the title of the paper.

The second problem that is not exactly restricted to the field of organized crime but which is of great concern to police service has been the recent trend of decisions of the Supreme Court in the field of criminal law. We now have the Federal evidence rule in California in the State courts. It started with the Irvine decision of the United States Supreme Court and was followed by the Cahan decision of the State supreme court. The State supreme court is still taking cases and trying to come up with refinements of the Federal evidence rule.

Mr. Virgil Peterson, the operating director of the Chicago Crime Commission, at a regional meeting of the American Bar Association in St. Louis, on June 13, read a paper entitled "Recent Trends of Decisions of the Supreme Court of the United States in the Field of Criminal Law."

I have a copy of that paper with me. In my opinion it is one of the finest dissertations on the effect of recent court decisions on the police. We are working under handicaps now that did not exist even 5 years ago. Crime, statistically, is increasing. Nationally, Mr. Hoover said that crime is increasing four times the rate of the population.

In California it is increasing at six times the rate of the population. Yet the police service, which is the first line of defense against crime, is expected to cope with the problem with handicaps that didn't exist before. We actually needed more help, more legislative support, than we had 5 years ago.

Instead, today we have much less. It certainly is in the field of legislation that we are going to get help. When the police service is helped, it is only the people that are being helped and not the criminal. So far, in the last 5 years, the criminals have been the only ones getting helped. It is not a police problem. Our salaries go on whether we make an arrest or not. It is a problem for the police through their representatives in the legislatures to give serious consideration.

The CHAIRMAN. The Chair has read the resolution of the International Association of Chiefs of Police. I think it is excellent. Without objection, I shall insert it in the record. I am intrigued by your suggestion that there should be a continuous and meticulous study of organized crime.

What do you have in mind with respect to that? Do you mean a standing committee of the Congress, or select committees of the Congress, charged with a continuing duty of investigating? Or do you mean possibly there should be a commission on crime created and vested with powers of subpoena and hearing, and so forth?

Mr. HAMILTON. Yes; Senator, I think the latter, a commission, because of the permanency, set up as a permanent body with the very powers you mentioned. That is highly desirable.

The information is available, but it needs to be correlated, evaluated, and made available to local law enforcement. An organization that you mentioned, which has the power of subpoena and which has a permanent staff, in the field to send the information in and to be evaluated at a central location, would be desirable.

The CHAIRMAN. As you say, it is not a police problem. It is a citizenship problem, it is for the good of all.

Mr. HAMILTON. That is correct.

The CHAIRMAN. In other words, you think crime, organized crime, is making continuous strides toward achieving its goals.

Mr. HAMILTON. Yes. They are able to take advantage of all of these refinements that we have seen in the last 5 years. I don't believe that 15 years ago men that sat here yesterday and refused or, as you choose, the word is not refused, it is decline to answer—

The CHAIRMAN. Well, they choose the word "refused," and we were able to persuade them to be a little more respectful.

Mr. HAMILTON. You were very generous to them. But 15 years ago they would not have shown this effrontery to their Government.

Today they are taking advantage of the recent trends in Court decisions. As they sit here and conduct themselves in such a manner, they also go out and take advantage of that in their business on the outside.

The CHAIRMAN. You feel, then, that there is some responsibility on the part of the courts.

Mr. HAMILTON. Definitely.

The CHAIRMAN. Without being critical of any court decision, assuming that the court decisions based upon present law are correct, and that the court had no alternative except to find as it did, then there is need for the strengthening of our laws and the enforcement procedures; is that correct?

Mr. HAMILTON. That is correct, sir; yes. In the first place, the court's interpretation is only a judicial interpretation of the law. The court has said many years ago that these interpretations may be negated by legislative action. It is a well-established doctrine.

The CHAIRMAN. You think a permanent commission, crime commission, that would make a continuous investigation with the power of subpoena, and hearings such as these, and discover where these loopholes are in the law and where, within the Constitution, they can be tightened up to give better protection to the public and society, would serve a valuable and most useful purpose?

Mr. HAMILTON. Correct, because the refinements of recent years are not helping society. They are helping the law violator. They are in nowise helping the innocent man. They are helping the guilty man. There is no refinement of the courts in the last 5 years that would free an innocent man. The refinements are all freeing guilty men. I defy anyone to point out one example of where an innocent man was freed by any of the court decisions in the last 5 years in the field of criminal law.

The CHAIRMAN. And there can hardly be anything more dangerous to a free society than for that trend to continue.

Mr. HAMILTON. That is right. It is undermining society. The increase in crime is proof of that. We don't have to be concerned about the invasion from without. It is this deterioration that is pointed up by the terrific increase in crime that is dangerous.

The CHAIRMAN. And you regard these trends as a mark of deterioration from within.

Mr. HAMILTON. Absolutely.

The CHAIRMAN. This resolution may be printed in the record at this point.

(The document referred to follows:)

RESOLUTION OF IACP OF SEPTEMBER 1952

Whereas the freedom of the people of America is undergoing an attack of three dimensions—the armed might of Russia, the Communist fifth column, and organized crime; and

Whereas it is the primary responsibility of local law enforcement agencies to thwart the efforts of criminal syndicates to establish an invisible government, under which public officials will be mere puppets doing the bidding of their criminal overlords; and

Whereas the fluidity of travel and communication which has established solid links among the underworld from coast to coast has rendered it extremely difficult for local law enforcement officers to know and combat the enemies of society; and

Whereas the Constitution of the United States guarantees free ingress and egress among the several States to all people, including the criminals of the Nation; and

Whereas there is a definite and compelling need or an agency on the national level to conduct a continuing study of organized crime to pinpoint its members, to chart their modus operandi, to determine their associations, and to supply to local law enforcement this information, without which they cannot adequately combat the criminal cartels; Therefore, be it

Resolved, That the International Association of Chiefs of Police, duly assembled in annual conference in the city of Los Angeles this 25th day of September, 1952, does hereby impoverture the President of the United States and the Congress of the United States to take the necessary action to establish an agency on the Federal level charged with the responsibility of a continuous and a meticulous study of organized crime, its members and its methods, and further charged with the responsibility of supplying to local law enforcement the information that will enable the local police officer to know and combat the criminal enemies of society.

The CHAIRMAN. You had some other document?

Mr. HAMILTON. Yes. It is the paper given by Mr. Virgil Peterson before the bar association on June 13.

The CHAIRMAN. If it is just a speech, we will accept it and make it exhibit 11, for reference. I will not print it in the record at this point.

(The document referred to was marked "Exhibit No. 11" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. I wish to thank Captain Hamilton for his assistance.

The CHAIRMAN. Thank you very much, Captain. I am sure the committee and the Congress will give considerable weight to your testimony and to your recommendations. I especially welcome your resolution and the views of your group because we need suggestions in that field. Those of you who come in personal contact with it, who live it day by day and experience it, are the most competent, I think, to suggest remedies that the Congress might apply. Thank you very much.

Have you anything to say, Senator?

Senator IVES. I think he has been a great help to us.

The CHAIRMAN. Thank you.

Mr. HAMILTON. Thank you. I appreciate the opportunity of being heard.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Joseph Profaci.

The CHAIRMAN. Be sworn, please. 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. PROFACI. I do.

TESTIMONY OF JOSEPH PROFACI, ACCOMPANIED BY COUNSEL, SAMUEL PAIGE

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

Mr. PROFACI. Joseph Profaci, 8863 15th Avenue, Brooklyn, N. Y.

The CHAIRMAN. What is your business or occupation, please?

Mr. PROFACI. I refuse to answer on the ground it might be incriminating me.

The CHAIRMAN. You what?

Mr. PROFACI. I refuse to answer on the ground—

The CHAIRMAN. I don't think you better use the word "refuse." I think that shows disrespect for your Government. Do you want to place yourself in that attitude?

Mr. PROFACI. I am sorry.

The CHAIRMAN. I would use the word "decline."

Senator IVES. Mr. Chairman, may I interpose a question?

The CHAIRMAN. Yes.

Senator IVES. Who instructed you to use that word "refuse"?

Mr. PROFACI. Well, I couldn't say, I misread.

Senator IVES. You have it written out there?

Mr. PROFACI. I have it written out.

Senator IVES. Who wrote it out for you?

Mr. PROFACI. You see, I misread.

Senator IVES. You do what?

Mr. PROFACI. I misread. I have "respectfully refuse to answer on the ground that might be——"

Senator IVES. Who gave you that word "refuse"? Where did you get that word "refuse"? Did your counsel give you that?

Where did you get that piece of paper there, that writing? Who gave it to you?

Mr. PROFACI. My counsel.

Senator IVES. Your counsel gave it to you?

Mr. PROFACI. Yes.

Senator IVES. He had the word "refuse" there?

Mr. PROFACI. Respectful.

Senator IVES. You should use "decline" always instead of "refuse" when you are speaking before the Government. Your counsel should know that. I am not criticizing you.

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

Mr. PAIGE. Samuel Paige, 261 Broadway, New York City.

The CHAIRMAN. Thank you.

Do I understand that you are stating to this committee that if you answered the question as to what is your business or occupation, that a truthful answer to that question might tend to incriminate you?

Mr. PROFACI. I refuse to answer——

Senator IVES. I wish you would stop using that word "refuse."

Mr. PROFACI. I decline to answer, I am sorry.

Senator IVES. All right.

The CHAIRMAN. The Chair is going to order you to answer that question. I asked you if you honestly believed that if you answered the question truthfully as to what is your business or occupation, if you believed that a truthful answer to that question might tend to incriminate you.

Mr. PROFACI. I decline to answer on the ground that it might be incriminating me.

The CHAIRMAN. This would not incriminate you, to state whether you honestly believe that it might. Do you or don't you?

Mr. PROFACI. Yes; I believe.

The CHAIRMAN. You honestly believe that if you gave a truthful answer and told this committee what your business or occupation is, that the truth in that answer might tend to incriminate you?

Mr. PROFACI. I believe.

The CHAIRMAN. You honestly believe that.

Mr. PROFACI. I believe that.

The CHAIRMAN. Proceed.

Senator IVES. Is he under indictment, Mr. Counsel?

Mr. KENNEDY. No; I don't believe he is.

The CHAIRMAN. I will ask him.

Are you under indictment now for anything?

Mr. PROFACI. I decline to answer on the ground it may be incriminating me.

The CHAIRMAN. Ask him any questions you want to, then.

If we knew you were under indictment, we would undertake to avoid asking you questions in that area, in the area of the crime for which you may be indicted. But without your willingness to state whether you are or not, we will proceed as if you are not.

Mr. Kennedy, you may ask him any questions you desire.

Mr. KENNEDY. Mr. Profaci, we had a talk yesterday, a nice conversation; did we not? Didn't we have a little talk in the office?

Mr. PROFACI. I decline to answer.

Mr. KENNEDY. Mr. Profaci, your English was so much better yesterday. What has happened in the last 24 hours?

Mr. PROFACI. I don't catch your words right.

Mr. KENNEDY. You don't?

Mr. PROFACI. I don't catch you.

Mr. KENNEDY. You caught it awfully well yesterday, Mr. Profaci. You spoke very good and you understood everything I said.

Mr. PROFACI. If you will be patient, I will catch it.

Mr. KENNEDY. I don't have to be. Yesterday you spoke very freely and easily. Your accent has gotten so bad today. What happened overnight, Mr. Profaci? You understood and answered all the questions I asked you yesterday, and you spoke very easily, with very little accent. What has happened since?

Mr. PROFACI. I don't catch the words right when you use big words.

Senator IVES. Are you an American citizen?

Mr. PROFACI. Yes, sir.

Senator IVES. Were you born here in the United States?

Mr. PROFACI. No, sir.

Senator IVES. Where were you born?

Mr. PROFACI. In Italy.

Senator IVES. What part of Italy?

Mr. PROFACI. Sicily, Palermo.

Senator IVES. When did you come here to this country?

Mr. PROFACI. I decline to answer on the ground it might be incriminating to me.

The CHAIRMAN. You ought to be deported if you think it would incriminate you to tell when you came to this country. You are not worthy of being an American citizen, anyone who takes that position, that he can't tell when he came to this country.

Senator IVES. How did you get your citizenship, if you can't tell that?

Mr. PROFACI. I decline to answer on the ground it may be incriminating me.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Well, from what we understand, you were born in Italy on October 1, 1897; isn't that right, Mr. Profaci?

Mr. PROFACI. I decline to answer.

Mr. KENNEDY. You answered before that you were born in Italy.

Mr. PROFACI. I decline to answer on the ground it might be incriminating me.

Senator IVES. Being born in Italy would incriminate you?

Mr. PROFACI. I was born in Italy.

Senator IVES. But the date you were born, would that incriminate you?

(Witness consulted with counsel.)

Mr. PROFACI. First of October 1897.

Senator IVES. When did you arrive here in the United States? How old were you when you arrived here in the United States? What is there about that that is going to incriminate you? There is nothing there that can incriminate you, and you ought to be proud that you got here.

Mr. PROFACI. Well, I was 21 years old.

Senator IVES. Well, you have been here approximately 36 years, haven't you?

Mr. PROFACI. I don't catch you.

Senator IVES. It is 40 years you have been here.

Mr. PROFACI. About; yes.

Senator IVES. You mean to tell me that you still have to speak in that broken English.

Mr. PROFACI. I don't speak too good, I guess.

Senator IVES. Well, I judge from what the counsel says, your English yesterday was a good deal better than it is today, and I can't understand that.

However, I know cases where that does exist.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We understand that you came to the United States about 1922; is that right?

Mr. PROFACI. I decline to answer on the ground it may be incriminating me.

Mr. KENNEDY. And you went to Chicago where you opened up a grocery store; isn't that right?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Yesterday when we were talking you were telling me about going up to Apalachin. Could you tell the committee about it? They are very much interested in that.

Mr. PROFACI. I decline to answer on the ground it may be incriminating.

Senator IVES. What did he say?

Mr. KENNEDY. As I understood it, your partner had died, and you didn't know Mr. Joseph Barbara, but your partner had died in early November of 1957; isn't that right?

Mr. PROFACI. Counsel, I decline to answer on the ground it may be incriminating to me.

The CHAIRMAN. You mean the death of your partner might incriminate you? Does that carry with it some implication? Are you saying that the death of your partner might incriminate you, if you admitted he died?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Your partner died in early November of 1957, and he knew Joseph Barbara. You were not personally acquainted with Joseph Barbara, but your partner told you before he died that Joseph Barbara was sick, and wasn't feeling very well; isn't that right?

Mr. PROFACI. I decline to answer on the ground it may be incriminating.

Mr. KENNEDY. Because he was sick, you thought that you would go up and see him, and see if he was feeling better?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

The CHAIRMAN. Did he make these statements to you yesterday?

Mr. KENNEDY. Yes, sir.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. What you really went up to Mr. Barbara's home for was just to visit this sick man whom you didn't know. That is what you told me yesterday; isn't that right?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Senator IVES. Mr. Counsel, are you going to ask him questions about his sojourn at Apalachin?

Mr. KENNEDY. Yes.

Senator IVES. I want to find out whether he landed in the bushes or not.

Mr. KENNEDY. Mr. Chairman, we have a detective here, Thomas O'Brien of the New York Police Department. The New York Police Department has been very cooperative in this investigation, and Detective Thomas O'Brien and a number of others have been working with the committee over the last few weeks. The detective interviewed Mr. Profaci when the subpoena was served on him and also interviewed him at an earlier time after he came back from Apalachin.

I would like to call Detective O'Brien just to summarize what Mr. Profaci told him at that time.

The CHAIRMAN. Detective O'Brien, will you come around, please?

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

Mr. O'BRIEN. I do.

TESTIMONY OF THOMAS O'BRIEN

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

Mr. O'BRIEN. My name is Thomas O'Brien, and I am a detective assigned to the New York City Police Department, and I reside in Staten Island, N. Y.

The CHAIRMAN. How long have you been on the police force of New York.

Mr. O'BRIEN. Fifteen years.

The CHAIRMAN. Were you at the notorious Apalachin meeting?

Mr. O'BRIEN. No, sir; I wasn't.

The CHAIRMAN. I didn't know but what you were there on duty serving with the other officers.

All right, proceed, Mr. Kennedy.

Mr. KENNEDY. You have interviewed Mr. Profaci, have you not, detective?

Mr. O'BRIEN. I have.

Mr. KENNEDY. On how many different occasions?

Mr. O'BRIEN. On June 6, 1958, on that occasion and a previous occasion before that.

Mr. KENNEDY. That was at the time that a subpoena was served on him?

Mr. O'BRIEN. Yes, sir; it was.

Mr. KENNEDY. Now, could you tell us in brief what Mr. Profaci told you at that time when you interviewed him?

Mr. O'BRIEN. As regards the Apalachin meeting?

Mr. KENNEDY. First on his marriage in his family, and we would like to get that in the record.

Mr. O'BRIEN. At the time he was interviewed which was on November 21, 1957—

Mr. KENNEDY. That was an interview that was conducted by one of your colleagues; is that right?

Mr. O'BRIEN. That is right.

Mr. KENNEDY. And you are reading from his report?

Mr. O'BRIEN. That is right.

Senator IVES. Mr. Counsel, may I interrupt here to ask a question of Mr. Profaci?

Can you hear what is being said?

Mr. PROFACI. Yes, sir.

Senator IVES. Do you understand it?

Mr. PROFACI. I don't understand.

Senator IVES. You don't understand it?

Mr. PROFACI. If I don't understand, I will ask.

The CHAIRMAN. If you don't understand you can ask and we will make it clear to you.

Proceed.

Mr. O'BRIEN. Mr. Profaci stated he was born in Palermo, Sicily, on October 2, 1897, and he said that he had 6 children, 4 sons and 2 daughters, and that his wife's maiden name was Ninfa Magliocco, and his daughter, Carmela, who was 23 years old, is married to one Anthony Tocco and she resides in Michigan.

Mr. KENNEDY. That is Anthony Tocco. The names appear on the chart.

Senator IVES. Is that right, Mr. Profaci?

Mr. PROFACI. I decline to answer on the ground that it might be incriminating me.

Senator IVES. You mean this relationship is going to incriminate you? Are you ashamed of it?

Mr. PROFACI. Excuse me.

Senator IVES. Goodness sakes, I can't imagine being ashamed of my wife.

Mr. PROFACI. I don't get you, Senator. I am proud of my wife.

Senator IVES. Why don't you admit what he is saying to be the truth, because there is nothing there that can possibly hurt you.

Mr. PROFACI. I don't get you.

Senator IVES. All right.

Mr. O'BRIEN. He also stated that he had another daughter, Rosalie, 27 years of age, who is married to Anthony Zerilli, and she resides in Michigan.

Mr. KENNEDY. Is that correct, Mr. Profaci?

Mr. PROFACI. I refuse to answer or I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. The Toccas and Zerillis are two of the leading gangster families in Detroit, Mich., and in the Michigan area.

Could you tell us how it came that your 2 daughters were married to those 2 families?

Mr. PROFACI. I decline to answer on the ground it may be incriminating me.

Senator IVES. Mr. Counsel, I can see how that might incriminate him, but on anything before that I can't understand his reasoning.

Mr. KENNEDY. Now, according to the reports that we have, Mr. Profaci, you are connected with the Mama-Mia Olive Oil Co., of Brooklyn, N. Y.

Mr. PROFACI. I decline to answer on the ground it might incriminate me.

Mr. KENNEDY. And the Carmela Mia Packing Co., of Brooklyn, N. Y.

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

The CHAIRMAN. Is that some kind of an illegitimate business or is it a legal business?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

The CHAIRMAN. Do you honestly believe it might incriminate you if you told the truth in answer to that question?

Mr. PROFACI. I decline to answer on the ground—

The CHAIRMAN. I order and direct you to answer that question. Do you honestly believe that if you told the truth as to this business, whether you have an interest in it or not, that such truth might tend to incriminate you? Do you honestly believe that?

Mr. PROFACI. Yes, sir, I decline to answer on the ground it may incriminate me.

The CHAIRMAN. I don't believe you are quite as dumb as you are acting. You are not fooling me very much. I asked you the question, whether you honestly believe, and I expect an answer to this question, do you honestly believe that if you told the truth about whether you have an interest in this company, this business or not, that a truthful answer might tend to incriminate you?

Mr. PROFACI. Yes, sir. I decline to answer on the ground that it might incriminate me.

The CHAIRMAN. Did you say "yes," you honestly believe that it would tend to incriminate you?

Mr. PROFACI. Yes, sir.

The CHAIRMAN. A little louder.

Mr. PROFACI. Yes, sir, Senator.

The CHAIRMAN. You honestly believe that?

Mr. PROFACI. Yes, sir.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Now, these two companies are import companies, in the import-export business, are they not, Mr. Profaci?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. We also understand that through your brother you have an interest in the United Uniform Corp., a clothing company, and that you also have an interest in the T. L. S. Suit & Coat Factory, of Newburgh, N. Y., in Jerry James Frocks, Inc., of Newburgh, and in Christine Dresses, of Brooklyn, is that correct?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And when you were arrested, Mr. Profaci, on November 21, 1957, or when you were questioned, you had a number of cards of various union officials throughout the eastern part of the United States on your person. Isn't that correct?

Mr. PROFACI. I decline to answer on the ground that it may be incriminating.

Mr. KENNEDY. For instance, you had the card, and Detective O'Brien, will you confirm this, that he had the card of Frank B. Tortorici on his person.

Mr. O'BRIEN. That is right.

Mr. KENNEDY. That is from Local 222 of the International Jewelry Workers Union?

Mr. O'BRIEN. That is correct.

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Isn't it a fact that Joe Stracci, also known as Stretch, is the one that really controls and operates that union?

Mr. PROFACI. I decline to answer on the ground that it may incriminate me.

Mr. KENNEDY. And another card that you had is Philip Wachtell, secretary-treasurer of Local 138 of the Teamsters?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And Teddy Land, of the Restaurant and Cafe Employees Union, Local 26?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And Edward Wisotsky, a delegate from the Blueprint and Photostat Union?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And Joseph Pecora, secretary-treasurer of Local 883 of the Teamsters, in Newark, N. J.?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And Frank Eulo, of Local 180 of the Teamsters Union, in Oak Park, Ill.

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. And also S. L. Zaeb, Local 275 of the Teamsters Union?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. That is a local union, is it not, Local 275 of the Teamsters, that is controlled by "Tony Ducks" Corallo?

MR. PROFACI. I decline to answer on the ground it may incriminate me.

SENATOR IVES. I would like to get something on the record, and I would like to ask the detective if those cards were found on him?

MR. O'BRIEN. They were.

SENATOR IVES. All of them?

MR. O'BRIEN. Yes, sir; all of them.

SENATOR IVES. Thank you.

MR. KENNEDY. And do you have the criminal record of Mr. Profaci?

MR. O'BRIEN. Yes, sir; I do.

MR. KENNEDY. Have you been arrested?

MR. PROFACI. I decline to answer on the ground it may incriminate me.

MR. KENNEDY. Mr. Chairman, I would like to say Mr. Profaci is one of the most powerful underworld figures in the United States, according to the information that we have, and we expect to be able to develop that information. We would be able to do it much more successfully if Mr. Profaci would answer the questions.

MR. PROFACI. I decline to answer on the ground it may incriminate me.

THE CHAIRMAN. Obviously this witness is not going to cooperate, and so make the record and the Chair will have a little comment at the conclusion.

MR. KENNEDY. Would you just summarize his criminal record?

MR. O'BRIEN. On April 18, 1916, he was arrested in Sicily, Italy, for theft, violation of the domicile, and attempted rape, and the charge was dismissed.

THE CHAIRMAN. Is that correct, I see you are nodding your head; is that correct?

MR. PROFACI. I decline to answer on the ground it may tend to incriminate me.

THE CHAIRMAN. Let the record show that the witness was nodding his head in affirmative as the sergeant was testifying.

MR. O'BRIEN. On November 23, 1920, he was arrested in Palermo, Italy, for theft and false witness of a public document, for which he received a year in prison.

THE CHAIRMAN. Is that correct?

MR. PROFACI. I decline to answer on the ground it may incriminate me.

THE CHAIRMAN. If you said "No," it wouldn't incriminate you, I can assure you. Do you want to say "No"?

MR. PROFACI. I decline to answer, Senator.

THE CHAIRMAN. All right, proceed.

MR. O'BRIEN. On August 19, 1934, he was picked up for an investigation in connection with the murder of Ferdinand Boccia, in Brooklyn, N. Y., with Vito Genovese, Nick Miranda, Sebastiano Nani, Gus Frasca, and Joseph Smurra and Pete DeFeo.

THE CHAIRMAN. Do you recall anything about that?

MR. PROFACI. I decline to answer on the ground it may incriminate me.

THE CHAIRMAN. Do you want to deny it?

MR. PROFACI. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you denied it as being the truth, that a denial might tend to incriminate you?

Mr. PROFACI. Yes; I decline to answer, Senator.

The CHAIRMAN. All right, proceed.

Mr. O'BRIEN. On December 5, 1928, he was arrested in Cleveland, Ohio, for investigation.

The CHAIRMAN. Is that correct?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Now, wasn't that arrest in connection with another meeting of the Mafia in Cleveland, Ohio, in 1928?

Mr. PROFACI. I decline to answer, Mr. Kennedy, on the ground it may tend to incriminate me.

Mr. KENNEDY. Didn't the meeting in Cleveland, Ohio, of the Mafia in 1928, as well as the meeting at Apalachin of the Mafia in 1957?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Didn't you go to the meeting in 1928 in Cleveland, Ohio, with the same individual you went to the meeting with in 1957?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Senator IVES. May I interrupt? I would like to ask him, Are you a member of the Mafia?

Mr. PROFACI. I decline to answer on the ground it might be incriminating.

Senator IVES. That is quite sufficient.

Mr. PROFACI. No; I decline to answer.

Senator IVES. Are you a member or aren't you?

Mr. PROFACI. No; I decline to answer. No, sir.

Senator IVES. You are not?

Mr. PROFACI. No, sir.

Senator IVES. You are under oath, you know?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. O'BRIEN. On May 9, 1946, in Brooklyn, N. Y., he was arrested for forgery of an auto registration.

The CHAIRMAN. Do you remember that incident?

Mr. PROFACI. I decline to answer, sir.

The CHAIRMAN. I believe you do, and I think that I can see that deep.

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. O'BRIEN. On April 7, 1949, he was arrested in Brooklyn, N. Y., for violation of the Food and Drug Act, and he pleaded guilty and received a suspended sentence and was put on probation for 1 year.

The CHAIRMAN. Are you still on probation?

Mr. PROFACI. I decline to answer on the ground it might tend to incriminate me, Senator.

The CHAIRMAN. Did you serve any time on that conviction?

Mr. PROFACI. I decline to answer.

The CHAIRMAN. What is that?

Mr. PROFACI. No, sir; I never served any time.

The CHAIRMAN. You didn't?

Mr. PROFACI. No.

The CHAIRMAN. Thank you.

Mr. O'BRIEN. On October 27, 1952, he was arrested in Brooklyn, N. Y., for violation of the Food and Drug Act, and fined \$4,000.

The CHAIRMAN. Did you pay your fine?

Mr. PROFACI. I decline to answer, Senator.

The CHAIRMAN. Do you still owe it?

Mr. PROFACI. It might incriminate me.

The CHAIRMAN. Do you still owe it?

Mr. PROFACI. I decline to answer, Senator, on the ground it may incriminate me.

The CHAIRMAN. If you haven't paid it, I hope this will alert somebody up there to try to do a little collecting business.

Proceed.

Mr. O'BRIEN. On September 21, 1953, he was arrested in Brooklyn, N. Y., for evasion of income taxes.

The CHAIRMAN. You are surely not guilty of that, are you?

Mr. PROFACI. I decline to answer on the ground it might incriminate me.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, what did Mr. Profaci state at the time after being questioned regarding his visit to Apalachin and his visit to Cleveland in 1928, according to the official records of the police department?

Mr. O'BRIEN. When he was questioned on November 21, 1957, in regard to the Cleveland, Ohio, affair, he said that he was arrested in either 1928 or 1929, and he doesn't remember, and it was for playing cards with a group of men in Cleveland, Ohio. When I interviewed him on June 6, 1958, he said that he was driven to Cleveland by his brother-in-law, Joe Magliocco, and he was in the lobby of a hotel when these men came up to him and told him that there were guns up in the room, and he was being charged with it, and he was arrested at the time for possession of guns.

Mr. KENNEDY. Were there guns up in the room?

Mr. O'BRIEN. There were.

Mr. KENNEDY. How many; do you know?

Mr. O'BRIEN. Thirteen guns.

Mr. KENNEDY. Was this at the famous meeting of the Mafia in Cleveland, Ohio, in 1928?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. What kind of guns; do you know?

Mr. O'BRIEN. I really don't know.

The CHAIRMAN. Was that at this Mafia meeting in Cleveland?

Mr. O'BRIEN. Yes, sir.

The CHAIRMAN. And when he was arrested they found 13 guns in 1 room?

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. What did he say about that?

Mr. O'BRIEN. Relative to Apalachin, in November he stated that since the death of Adriano Liberatore, he decided he would have to make a business trip to Scranton, Easton, and Wilkes-Barre, and on Wednesday, November 13, 1957, at about 3 p. m., he and his brother-in-law, Joseph Magliocco, a beer distributor of Islip, N. Y., drove off in Magliocco's Cadillac.

Mr. KENNEDY. This is the same one he had been arrested with in Cleveland, Ohio, and he had gone to the meeting of the Mafia in Cleveland with?

Mr. O'BRIEN. The same person, yes.

Senator IVES. Just a moment. What model was that Cadillac?

Mr. PROFACI. I refuse to answer; I decline to answer on the ground it may incriminate me.

Senator IVES. Don't you know the year it was?

Mr. PROFACI. I decline to answer, Senator.

Mr. O'BRIEN. He said they arrived that night at Wilkes-Barre, Pa., and he stayed overnight at the Hilton Hotel, in a room on the 12th floor. He said the next morning he remembered his friend, Joe Barbara, who was sick, was nearby, Endicott, and they decided to go visit him and wish him luck.

He said they arrived at Barbara's house November 14, about 2:30 p. m., and they talked to Barbara for about 15 minutes and then left.

Senator IVES. Just a minute there. Are you going to trace this up, Mr. Counsel, to find out how he got up there through that roadblock? The road was supposed to be blocked at 12:40. How is he going to get up there? I want to check him on this business.

Mr. O'BRIEN. He states that he did not see anyone he knew there, or any other automobiles, and he said while driving away from the house they were stopped by two State troopers who checked the auto registration and asked for their identification, and then let them go, and they drove on to Wilkes-Barre. They stayed overnight, and on Friday morning he called his wife, and she advised him of the big story in the newspapers, and he came right home.

Mr. KENNEDY. That was in November of 1957 that he told that. What did he tell you when you served a subpoena on him?

Mr. O'BRIEN. On June 6 he told me that his left leg hurt from a boat accident, and so he didn't like to drive, and he knew that this would be a fantastic story, and he didn't think I would believe it, but he said because of his bad leg he got an innocent man in trouble and his brother-in-law, Magliocco. He said he had a corporation partner in Philadelphia who had died and he wanted to go to Wilkes-Barre and other places to inform the jobbers that the man had died, and he also wanted to collect some debts.

This was the day before Apalachin. So he asked his brother-in-law, Magliocco, to drive him. He said they went first to Binghamton and stayed overnight, and they talked that night, and the subject said that Barbara had been giving Magliocco a lot of business and Barbara was a good friend of Profaci and it would be nice if they stopped in and made a personal touch, and to that he said the next day they didn't even know where Barbara's house was and they had to call and ask directions.

He said when they drove there, Profaci said he got out of the car and he saw some cars there, but he went right into the house and he went right into Barbara's bedroom and he paid his respects, and Magliocco stayed in the car all of the time, and he said he came out and he got in the car and started down the hill. At the bottom of the hill a car piled up and blocked the road and Magliocco said, "Do you think this is a stickup, Joe?" and Profaci said, "No: they are State cops."

They were asked by the State troopers to identify themselves, and Profaci said to show he was a right guy he gave his own identification, because he had his dead partner's registration, and his dead partner's operators' license in his pocket and if he wasn't legitimate he would have offered those instead and no one would have known him but he was legitimate, and they told him to go on. Then he went to Wilkes-Barre, where he had his own barbecue and he paid \$11 for it, and he called home the next day, and his wife was all excited and she said, "There was headlines in the paper about a Mafia meeting," and he said, "Well, gee, I hope no one got shot there." And she said, "No, it is just a meeting." And he said, "It is all right, the same old business, invisible government, the same old thing. All of this is the responsibility of the Communist newspapers in the United States."

Mr. KENNEDY. He said the Communist newspapers in the United States?

Mr. O'BRIEN. Yes, sir.

Senator IVES. Is the Mafia combating Communism, am I to understand that?

Mr. PROFACI. Excuse me, sir.

Senator IVES. Is the Mafia fighting Communism, is that it?

Mr. PROFACI. I decline to answer, Senator, on the ground it might be incriminating.

Mr. KENNEDY. Did he explain his criminal record to you at that time?

Mr. O'BRIEN. He explained his own version of it, yes, sir, he did.

The CHAIRMAN. What was his version of it?

Mr. O'BRIEN. He said as far as the first violation was concerned, he was coming out of the army in Italy in World War I, and the custom of the time was if you received an honorable discharge they gave you a horse, which he wanted to have for a business, and you pay 750 lire for the horse if you had a good discharge. They gave him a bad horse, and he brought the horse home and the horse died. So he went back to the original market place, and he met a soldier and he gave this soldier 100 lire for another application to get a horse. And he brought the horse home, and he paid 750 lire for it but when he was home, someone came and knocked on the door, a policeman, and he arrested him.

At that time, Italy was Fascist and Mussolini didn't care for him anyhow, and there were no bail bondsmen like here in America, and he was put in jail for a year while his family tried to find that soldier, and they couldn't find him, and he stayed in jail for a year.

On his record it says a year but actually it was just because of his bail bond.

(At this point Senator Mundt entered the hearing room.)

Senator IVES. When was that?

Mr. O'BRIEN. This would be before World War I.

Senator IVES. Before World War I?

Mr. O'BRIEN. No, right after World War I, the end of World War I.

Senator IVES. I take it Mussolini had then taken over Italy at that time?

Mr. O'BRIEN. No, sir, I don't think so.

Senator IVES. I thought you were talking about that. Isn't that right, you are nodding your head, I see.

The witness is nodding and that is all I can tell. He is a pretty good nodder, but that is all you can get out of him.

Mr. KENNEDY. Then he came to the United States and did he say he had difficulty then?

Mr. O'BRIEN. Yes, about his income tax, you mean?

Mr. KENNEDY. About coming into the United States and answering the questions of the immigration authorities.

Mr. O'BRIEN. He said he was coming into the United States, that he had difficulty with the language, and they brought him to a place and he was asked certain questions, and he signed a certain document, and he said he was under the impression that they asked him, did he have a record in the United States, and he said "No," and he said that now the immigration authorities are bringing back this piece of paper and saying that he was asked if he had a record, and that he gave a false answer, answer of "No."

Mr. KENNEDY. Does he say that is the basis of some proceedings against him?

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. Now, did we also get some information regarding the \$3,000 he sent to Italy in 1947?

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. That \$3,000 was sent by cable?

Mr. O'BRIEN. That is right.

Mr. KENNEDY. To a John Valsamo?

Mr. O'BRIEN. That is right.

Mr. KENNEDY. Now, Mr. Profaci stated, did he not, that he sent that money over for some nuns in Italy?

Mr. O'BRIEN. Yes, sir, and he said prior to the war he had made an arrangement with the church to build a new convent and to bring some nuns over from Italy. When the war came about it was impossible, but after the war he received information that this Valsamo who came from a nearby area in Brooklyn was an intelligent fellow who could accomplish this mission for him.

So Profaci deposited the \$3,000 check in a bank in Brooklyn which was to be sent to Valsamo, and he said evidently over in Italy, Valsamo mixed up something, and Valsamo got in trouble over the money. He said that in the newspapers, the Federal Narcotics Bureau put in all of this money was for cocaine, and he said, "I sent over for nuns, and they make cocaine out of it."

Mr. KENNEDY. Wasn't it an established fact that John Valsamo to whom this money went was an intimate friend of "Lucky" Luciano?

Mr. O'BRIEN. I have read files of the Federal Narcotics Bureau, where he was questioned, and he said or his version of it was that "Lucky" Luciano was a very nice man, and he palled around with him and he thought he was a nice fellow, and as a result Valsamo was fired, and he came back to this country, and he happened to get a job with Profaci's brother-in-law, Magliocco, in the beverage company.

Mr. KENNEDY. Isn't it correct that it has been established that Mr. Profaci knows and is an associate of such individuals as "Lucky" Luciano?

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. Is that true?

Mr. PROFACI. You are asking me?

Mr. KENNEDY. I will ask both of you.

Mr. PROFACI. I decline to answer on the ground it might be incriminating.

Mr. KENNEDY. Do you know "Lucky" Luciano?

Mr. PROFACI. I decline to answer on the ground it may be incriminating.

Mr. KENNEDY. And Frank Costello?

Mr. PROFACI. I decline to answer on the same ground.

Mr. KENNEDY. It has been established that he is an associate of Frank Costello.

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. And John Oddo?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Has that been established?

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. And Joe Bananas?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. O'BRIEN. Yes, sir.

Mr. KENNEDY. Paul "The Waiter" Ricca?

Mr. PROFACI. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Vito Genovese?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. O'BRIEN. According to our records, that is true.

Mr. KENNEDY. Sebastiano Nani?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Gus Frasca?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Peter De Feo?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Joseph Smurra?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Joe Rinaldi?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Nicolo Impastato?

Mr. PROFACI. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Now these are men with long criminal records, are they not?

Mr. O'BRIEN. That is right.

Mr. KENNEDY. And it has been established that he is an associate of these people?

Mr. O'BRIEN. That is true.

MR. KENNEDY. And Carlo Gambino?

MR. PROFACI. I decline to answer on the ground it may tend to incriminate me.

MR. KENNEDY. Jack Dragna?

MR. PROFACI. I decline to answer on the ground it may tend to incriminate me.

MR. KENNEDY. It has been established that he was an associate of Jack Dragna until the time of his death?

MR. O'BRIEN. Yes, sir.

MR. KENNEDY. Natale Evola, Frank Livorsi?

MR. PROFACI. I decline to answer on the ground that it might tend to incriminate me.

MR. KENNEDY. Big John Ormento?

MR. PROFACI. I decline to answer on the ground that it may be incriminating.

MR. KENNEDY. Thomas Lucchese, known as "Three-Finger Brown?"

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. We have a long list here. I don't want to go through them all. John Dioguardi, Tom Dioguardi?

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. "Tough Tony" Anastasia?

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. Jerry Catena?

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. Longy Zwillman?

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. Anthony Tocco?

MR. PROFACI. I decline to answer on the ground it may be incriminating.

MR. KENNEDY. Dominick Corrado?

MR. PROFACI. I decline to answer on the grounds it may be incriminating.

MR. KENNEDY. At the wedding of your daughter to Anthony Joseph Tocco—that wedding took place, did it not?

MR. PROFACI. I decline to answer on the ground it might be incriminating.

MR. KENNEDY. You invited some of your best friends to that wedding?

MR. PROFACI. I decline to answer on the grounds it may be incriminating.

MR. KENNEDY. Let me list some of the individuals who were there. Frank Livorsi, Thomas Dioguardi, Johnny Dio, John Oddo, known as—

MR. PROFACI. I decline—

MR. KENNEDY. Wait a minute. I will read the list. John Oddo, known as "Bathbeach Johnnie"; Anthony Bonisera, alias "The Chief"; Anthony Anastasia, "Tough Toney"; Vito Genovese; Mike Miranda; John Ormento, Salvatore Masacchio, alias "The Sheik";

Alex DiBrezzi; Angelo Folizzi; Angelo Meli; Pete Licavoli, and Anthony Tocco—of course, he was the bridegroom—and Dominick Corrado, the best man. Were they all at the wedding of your daughter?

Mr. PROFACI. I decline to answer on the ground it may be incriminating.

Mr. KENNEDY. These are the top gangsters and hoodlums in the United States.

Mr. PROFACI. I decline to answer on the ground it may be incriminating.

Senator IVES. May I observe, Mr. Chairman, this was some wedding party.

Mr. KENNEDY. This was the wedding he had for his daughter and the top hoodlums and gangsters were in attendance!

The CHAIRMAN. Wouldn't you like to deny that?

Mr. PROFACI. I decline to answer, Mr. McClellan, on the ground it may be incriminating.

The CHAIRMAN. Well, some of this testimony here would be a little bit incriminating, I think, but if it is not true, we want to give you the opportunity to deny it. Do you wish to deny it?

Mr. PROFACI. I decline to answer on the ground it may be incriminating to me, Mr. McClellan.

Mr. KENNEDY. Are any of your employees organized members of unions?

Mr. PROFACI. I decline to answer, Mr. Kennedy, on the ground it may incriminate me.

The CHAIRMAN. Are there any questions, Senators?

Senator MUNDT.

Senator MUNDT. Mr. Chairman, on a related matter, I stated something yesterday about this group of people who attended the Apalachin meeting, and that I thought activities should be pursued to deport those who were deportable. I am happy to report that I had a letter delivered to my office about an hour ago from the Attorney General.

I would like to read part of that letter which sheds some light on what is being done, and ask that the entire letter be inserted into the record.

The CHAIRMAN. The letter may be inserted as a matter of information.

Senator MUNDT. This is the letter from the Attorney General that just came in.

When the identities of those in attendance at Apalachin, N. Y., on November 14, 1957, were disclosed, many of them had already been under Service scrutiny for denaturalization and deportation. Of the principals attending the convention, Vita Genovese had already been denaturalized on September 1, 1955, at Newark, N. J., and similar proceedings had been pending against Joseph Profaci in the United States district court at Brooklyn, N. Y., since March 15, 1957. Eight naturalized citizens and one alien in attendance at the meeting had already been thoroughly investigated and determined not amenable to Service action. Of the 29 native-born American citizens, the Service could exercise no jurisdiction. Russel Bufalino, of Pittston, Pa., Carlo Gambino, of New York, and Simone Scozzari, of Los Angeles, three of the aliens present at that meeting, were immediately placed under investigation and deportation proceedings instituted against them. Scozzari has been ordered deported after hearing before a special inquiry officer on February 12, 1958, and Bufalino similarly on April 2, 1958. As to Gambino, deportation proceedings have been deferred because of illness. As of June 30, 1958, nine of those attending the Apalachin meeting were still under active investigation by the Service.

The Service has also vigorously acted against other members of the criminal element, who although not present at the Apalachin meeting are nonetheless reputed as leaders within organized and syndicated crime. The citizenship of Bartolo Failla was revoked at Newark, N. J., on December 5, 1957. Louis Lieberman, reputed bodyguard of Johnny Dio, of New York, was placed under deportation proceedings on January 2, 1958, at Los Angeles, and is now under an order of deportation.

His activities on the west coast in connection with the California garment industry were exposed in the course of hearings by a California legislative committee during January 1958.

In the Midwest, Mauro John Montana, long a subject of inquiry and interest by law-enforcement agencies for alleged abuses of union welfare funds of the Chicago Motion Picture Operators Union in 1956, was ordered deported by a special inquiry officer on May 28, 1958. At Chicago, Tony Zito, well known to police agencies for his activities, was placed under deportation proceedings on September 22, 1957, and is now under an order of deportation.

At New York, Irving Sherman, described by J. Edgar Hoover, Director of the Federal Bureau of Investigation in hearings before the Senate in 1951 as "one of the most prominent criminals of the underworld and, also, a very powerful politician in New York City," was also ordered deported from the United States on February 10, 1958.

The continuing efforts and results of this campaign in enforcing the immigration and nationality laws against racketeers and criminals is attested to by the physical deportations effected since July 7, 1954, in the cases of Giuseppe Agostino, a Pennsylvania racketeer and gambler; Joseph Accardi and Joe Adonis, New Jersey racketeers; Guiseppe Gagliano, reputed as the largest dope peddler in the South, Nicolo Impastato, engaged in narcotics traffic in the Kansas City area; Sebastiano Nani, also engaged in illicit narcotics traffic between New York and San Francisco; Frank Orlando, Sebastiano Vermiglio, Joseph Catalanotte, Nicholas Circella, and Bruno Corasaniti.

This roster of deported racketeers comprises a substantial number of aliens who have engaged in large-scale criminal operations. It is of course only an example of success of the Department in effecting many thousands of deportations every year.

I am confident that the foregoing record of achievement by the Department of Justice Immigration and Naturalization Service is one of forceful and vigorous enforcement.

While the Department has succeeded in expediting deportation proceedings, deportation is frequently delayed by protracted court actions instituted by the alien racketeer which are available to him under existing law.

It was against that, Mr. Chairman, that I spoke yesterday, because it is an exasperating experience to find these crooks being able to beat the law, to stay in this country, even after deportation proceedings have been enacted against them.

We have had considerable discussion by members of the committee about the ethics of lawyers in representing certain unscrupulous people in this country, and in trying to represent two sides of the same case in union practices. I would suggest that the bar association give some thought to their responsibility as American citizens when they try in every conceivable way to frustrate the law from the standpoint of keeping in this country narcotics agents, vicious criminals, and members of the Mafia, who have been ordered deported, to keep them here to mess up our community for decent Americans as long as they possibly can.

Continuing the letter from the Attorney General:

By resorting to innumerable declaratory judgment actions, petitions, and other dilatory tactics, aliens are able to avoid deportation for years. In denaturalization cases the congested court calendars serve to further delay deportation.

In that connection, Mr. Chairman, I think the American public should look well to the actions of the judges of this country, who, themselves, cannot be immune from some criticism if they fail to clear

dockets, hear cases, and make decisions dealing with this very serious internal difficulty eating like a cancer at this great country of ours.

Senator IVES. Will the Senator yield at that point?

Senator MUNDT. I will yield.

Senator IVES. I believe there is legislation before the Congress to increase the number of judges in Federal courts, in district courts. As far as New York is concerned that would help very materially in reducing this number of cases to which the Senator refers. I think we have to take part of the responsibility for this situation ourselves.

Senator MUNDT. I think the Senator is right. In the next paragraph of the Attorney General's letter, he points out. That is why I started to suggest that you defer the interruption.

For over 4 years the administration has sought legislation which would strengthen our immigration laws by limiting judicial review from deportation orders within reasonable bounds so as to avoid its repeated abuse solely as a delaying tactic.

There is now pending before the Senate S. 345, introduced by Senator Watkins, to carry out this administration proposal. In view of your interest in expediting the deportation of undesirable alien racketeers, I urge you to make every effort to secure passage of this bill by the Congress this year.

With best regards,

Sincerely,

WILLIAM P. ROGERS,

Attorney General.

Senator MUNDT. May I say, Mr. Chairman, that today I have addressed a letter to the chairman of the Judiciary Committee, Senator Eastland, of Mississippi, and to Senator Watkins, assuring them that within my capacity, I will do everything I can do to expedite action on S. 345; and urging them to take action on this important bill this year. Obviously, unless they take such action, it will be difficult, probably, for us to pass sufficient laws, recruit judges enough, and appoint them fast enough, to take care of such dilatory tactics. We wouldn't need as many judges once we can clarify the law and streamline the procedures. I think that these important disclosures by our committee can much better serve the public interest if out of them we can find the stimulus and aroused public opinion essential to stop these delaying tactics which have frustrated law enforcement officers in this country for too long a time.

I am happy to put the entire letter in, Mr. Chairman. I have just read portions of it.

The CHAIRMAN. The entire letter may be printed in the record at this point.

(The document referred to follows:)

OFFICE OF THE ATTORNEY GENERAL,

Washington, D. C., July 1, 1958.

Hon. KARL E. MUNDT,

United States Senate, Washington, D. C.

DEAR SENATOR MUNDT: I am completely unable to understand the statements attributed to you by the Associated Press, in hearings before the Senate Rackets Committee today, that law enforcement officials have been lethargic in launching deportation proceedings against alien crime barons. If the press report is accurate, you are obviously badly informed concerning the concentrated drive by the Department of Justice in this field.

Shortly after the appointment of Joseph M. Swing as Commissioner of Immigration and Naturalization, the Service, under his direction, on July 7, 1954, launched a top priority program of intensive investigations of racketeers and criminals for denaturalization and deportation.

No efforts have been spared to make this program successful.

When the identities of those in attendance at Apalachin, N. Y., on November 14, 1957, were disclosed, many of them had already been under Service scrutiny for denaturalization and deportation.

Of the principals attending the convention, Vito Genovese had already been denaturalized on September 1, 1955, at Newark, N. J., and similar proceedings had been pending against Joseph Profaci in the United States district court at Brooklyn, N. Y., since March 15, 1957. Eight naturalized citizens and one alien in attendance at the meeting had already been thoroughly investigated and determined not amenable to Service action. Of the 29 native-born American citizens, the Service could exercise no jurisdiction. Russel Bufalino, of Pittston, Pa., Carlo Gambino, of New York, and Simone Scozzari, of Los Angeles, three of the aliens present at that meeting, were immediately placed under investigation and deportation proceedings instituted against them.

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The continuing efforts and results of this campaign in enforcing the immigration and nationality laws against racketeers and criminals is attested to by the physical deportation effected since July 7, 1954, in the case of Giuseppe Agostino, a Pennsylvania racketeer and gambler; Joseph Accardi and Joe Adonis, New Jersey racketeers; Guiseppe Gagliano, reputed as the largest dope peddler in the South; Niccolo Impastato, engaged in narcotics traffic in the Kansas City area; Sebastiano Nani, also engaged in illicit narcotics traffic between New York and San Francisco; Frank Orlando, Sebastiano Vermiglio, Joseph Catalanotte, Nicholas Circella, and Bruno Corasaniti.

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For over 4 years the administration has sought legislation which would strengthen our immigration laws by limiting judicial review from deportation orders within reasonable bounds so as to avoid its repeated abuse solely as a delaying tactic. There is now pending before the Senate S. 345, introduced by Senator Watkins, to carry out this administration's proposal. In view of your

interest in expediting the deportation of undesirable alien racketeers. I urge you to make every effort to secure passage of this bill by the Congress this year.

With best regards.

Sincerely,

WILLIAM P. ROGERS,
Attorney General.

The CHAIRMAN. Are there any further questions?

The Chair had intended to make this observation.

I think your letter, Senator Mundt, mentions the witness as one of those against whom deportation proceedings are now pending?

Senator MUNDT. I so interpreted it, although I can't be sure because of the names. But I think one of the names is the man presently on the stand.

That is why I took this opportunity to read the letter. Even the fifth amendment dodge will not protect people who are subject to deportation in America for violating the terms of immigration and naturalization.

The CHAIRMAN. Would you like to advise us whether deportation proceedings are now pending against you or not?

Are they?

(The witness conferred with his counsel.)

Mr. PROFACI. I don't get you, Senator, excuse me. I am sorry.

The CHAIRMAN. Let me see if I can get it to you so you will get it. Has any action been started to deport you? You know what deport means, don't you?

Mr. PROFACI. Yes, sir.

The CHAIRMAN. You know what that means?

Mr. PROFACI. Yes.

The CHAIRMAN. Is the Government now attempting to deport you from this country?

Mr. PROFACI. I decline to answer on the ground it may incriminate me.

The CHAIRMAN. All right. The Chair wishes to make this observation: I was going to suggest that the transcript of this witness' testimony be immediately forwarded to the Department of Justice with the request from the committee that if deportation proceedings have not already been started against this witness, that the Justice Department consider taking such steps promptly. Then I was going to express the hope, and I believe I certainly am supported by every member of this committee, and I believe by every loyal American citizen, that the courts decline, respectfully, to continue your citizenship, revoke your naturalization, and deport you back to the land from which you came, and in that course, in your case, and in many others, I am very hopeful that the courts will give credence to the term which was applied in the decision of a case not too many years ago that the courts will move in these cases, and all law-enforcement officers who are involved with all deliberate speed. We should rid the country of characters who come here from other lands and take advantage of the great freedom and opportunity our country affords, who come here to exploit these advantages with criminal activities.

They do not belong to our land, and they ought to be sent somewhere else.

In my book, they are human parasites on society, and they violate every law of decency and humanity. For my part, they are not welcome in this country. I hope we can find the processes and the

means by which we can get rid of them, promptly, and prevent hereafter others from coming in.

Senator MUNDT. Mr. Chairman, I would like to associate myself emphatically with that fine statement that you have just made. In answer to what you have said, I quote the sentence which is pertinent to this witness from the Attorney General's letter of this morning.

He refers to the Apalachin, N. Y., meeting on November 14, 1957, and says:

Of the principals attending the convention, Vito Genovese had already been denaturalized on September 1, 1955, at Newark, N. J., and similar proceedings had been pending against Joseph Profaci,

the man on the stand—

in the United States district court at Brooklyn, N. Y., since March 15, 1957.

So we know where the responsibility is. It is in the court at Brooklyn, N. Y., and it has been there for well over a year.

It seems to me that the country would do well to recognize that after these men have been moved against by the Department of Justice, after denaturalization and deportation proceedings had been instigated, they were still up there in the home of Mr. Barbara, conniving, organizing crime in complete defiance, of the United States. It is necessary for the United States Senate to pass the Watkins bill, S. 345. I hope we do it before adjournment so that we can streamline these tactics, so that we can take some of the filthy loot out of the hands of those attorneys who are practicing the business of keeping these deportation dodgers in the country.

And so that we can provide a court procedure which will operate and function to protect America and not to protect the crooks and the thugs. After all, that is what Congress had in mind, what the constitutional forefathers had in mind, in creating the judiciary.

It is a pretty sickening thing to realize after the evidence is in, after the deportation actions have been started, and a year has gone by, to find up here in this plush home in New York these same individuals conniving to peddle dope, to violate every conceivable law on the Federal statute books, thumbing their nose at America and at the judges and at the courts and at the Constitution and the Congress.

Senator Ives is correct. Legislation is needed and we cannot dodge our responsibilities. I submit, Mr. Chairman, neither can the courts and neither can the attorneys involved.

Senator IVES. Mr. Chairman.

The CHAIRMAN. Senator Ives.

Senator IVES. In the first place, I want to commend you and associate myself with your very fine remarks, in connection with this situation.

This is a great challenge to America, as I see it, a challenge to all of us. We can't ignore it. It is a challenge to the rank and file of people, whether they are in Government or out of Government, the rank and file of American citizens, to local authorities as well as Federal authorities. We are doing what we can as a committee, but there isn't too much we can do in the final analysis, outside of disclosing these things.

The fact remains, as I pointed out earlier, that the Congress itself is somewhat to blame for this situation, because we have been so re-

miss when it comes to this matter of legislation, such as to supply additional judges. The courts also are behind. But I don't think we can place this blame on anyone. The whole country is to blame for allowing this terrible thing to get started here.

And when the people finally get aroused, we will wipe it out, and we will wipe it out for good. I serve warning now on this criminal element that their days in this country are numbered; they are doomed. I don't want them to forget that.

The CHAIRMAN. All right.

Stand aside.

Call the next witness.

Mr. KENNEDY. John Scalish.

The CHAIRMAN. Come forward, please. Be sworn.

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. SCALISH. I do.

TESTIMONY OF JOHN SCALISH, ACCOMPANIED BY COUNSEL, FRED H. MANDEL

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

Mr. SCALISH. John Scalish, 11706 Farrington Avenue.

The CHAIRMAN. What is your address?

Mr. SCALISH. 11706 Farrington Avenue, Cleveland, Ohio.

The CHAIRMAN. Would you tell us your business or occupation, Mr. Scalish, please?

Mr. SCALISH. With all due respect to this committee, I have to decline to answer that question on the ground it might tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you truthfully answered that question as to what is your business or occupation, a truthful answer to that question might tend to incriminate you?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

The CHAIRMAN. Listen to the question. I have asked you to state your business or occupation. You declined to answer on the ground that if you answered, the answer might tend to incriminate you.

Now I ask you the question, and I repeat it:

Do you honestly believe that if you gave a truthful answer to the question "What is your business or occupation," that a truthful answer thereto might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. SCALISH. Yes.

The CHAIRMAN. You have counsel?

Mr. SCALISH. Yes.

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

Mr. MANDEL. My name is Fred H. Mandel. My offices are at 240 Leader Building, Cleveland, Ohio.

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

Mr. KENNEDY. Mr. Scalish, according to the information we have, you attended a meeting at the home of Mr. Barbara in November of 1957, is that correct?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Could you tell the committee what you were doing there at that meeting?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Could you tell us how you happened to be invited to attend?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Mr. KENNEDY. We understand that according to the reports of the State police, you drove an automobile which was identified as an automobile belonging to the Buckeye Cigarette Service Co., of Cleveland, Ohio. Is that right?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Mr. KENNEDY. And that you drove that automobile to the meeting at Barbara's home, and that with you in the automobile was Mr. John DeMooco. Is that right?

Mr. SCALISH. I decline to answer that question on the ground it might tend to incriminate me.

Mr. KENNEDY. Did you know Mr. DeMooco a long period of time?

Mr. SCALISH. I decline to answer that question on the ground it might tend to incriminate me.

Mr. KENNEDY. According to the information we have, he has convictions for extortion and for blackmail. Did you know that?

Mr. SCALISH. I decline to answer that question.

Senator IVES. Let me ask the witness a question. Was it raining that day?

Mr. SCALISH. I decline to answer that question.

Senator IVES. Thank you.

Mr. KENNEDY. When you arrived there, you refused to register at the hotel or motel, the Parkway Motel, is that right?

Mr. SCALISH. I decline to answer that question on the ground it might tend to incriminate me.

Mr. KENNEDY. Later on, after the meeting, after the roadblock was put up, you were arrested in the company of James La Duca, a union official from Buffalo, and John DeMooco; would you tell us about that?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. How many times have you been arrested, Mr. Scalish?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

The CHAIRMAN. Are you an American citizen?

Mr. SCALISH. Yes, sir.

The CHAIRMAN. Where were you born?

Mr. SCALISH. Cleveland, Ohio.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You have been arrested approximately 10 times, have you, Mr. Scalish?

Mr. SCALISH. I decline to answer that on the grounds it might tend to incriminate me.

Mr. KENNEDY. A number of different times for burglary and robbery, and you had a conviction in 1930 for attempted burglary, receiving a sentence of probation of 1 year, is that right?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Then 1931, violation of parole, and you went to the Ohio State Reformatory, is that right?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Mr. KENNEDY. Then in 1933, in Mansfield, Ohio, robbery, sentenced to 10 to 25 years, and you were pardoned in 1935, is that right?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. You run this cigarette service company, the Buckeye Cigarette Co. of Cleveland, Ohio? Do you know Mr. William Presser, of the Teamsters Union?

Mr. SCALISH. I decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. It is Mr. Presser, is it not, who has the control over the employees of your company?

Mr. SCALISH. I decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. According to our information, Mr. Scalish, you are head of a group that has been known as the Mayfield Road Gang, is that correct?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. And you are an associate of Don Angersola, and Mickey Cohen. Do you know Mr. Mickey Cohen?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. Al Polizzi?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. And as has been pointed out already, a close associate of John DeMooco, isn't that right?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. Would you tell us what your relationship has been with Mr. William Finnegan, who is the secretary of the Cleveland Federation of Labor, or who has been secretary of the Cleveland Federation of Labor?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Isn't it correct that you have a very close working relationship with that gentleman?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Are you aware that Mr. Finnegan also has a criminal record for burglary?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

Senator MUNDT. Are you the president of the Buckeye Cigarette Co.?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Senator MUNDT. Are you a partial owner or a functionary of any kind in the Buckeye Cigarette Co.?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Senator MUNDT. Is it true that the Buckeye Cigarette Co. of Cleveland, Ohio, is simply a false front for another operation? For a counterfeiting organization?

Mr. SCALISH. I decline to answer that on the ground it might tend to incriminate me.

Senator MUNDT. Have you been engaged in counterfeiting?

Mr. SCALISH. I decline to answer that on the ground it may tend to incriminate me.

Senator MUNDT. Is the Buckeye Cigarette Co. simply the name that you use to deceive the general public and the law-enforcement officers about these counterfeiting operations?

Mr. SCALISH. I decline to answer on the grounds it might tend to incriminate me.

Senator MUNDT. Mr. Chairman, I would like to make one comment in connection with something Senator Ives said when he said that responsibility for these criminals is the responsibility of the entire country. I think in a sense that is correct, but in a sense it is more specifically the responsibility of whatever element is in the country that has provided means or methods whereby these criminals, once apprehended by diligent law-enforcement officers, State and county, local and FBI, virtually no sooner get into the penitentiary than somebody gets them out.

In the case of the instant witness, for example, we find a record going back to 1930—probation, released, paroled. After all that, in 1933, in Mansfield, Ohio, he was arrested, convicted, sentenced to 10 to 25 years. Two years later he was paroled. I think the public ought to do a little exploration about who does all of this pardoning, and why. There must be some reason for it. Why let a man out who, for 30 years involved, has been burglarizing and doing all kinds of reprehensible criminal activities in Ohio?

Finally they catch him the eighth time or ninth time and lock him up for 25 years. But 2 years later somebody pardons him.

Why? Was there a payoff? Was it political, financial? What gives? How are you ever going to correct the situation? I can't understand, when you have some place high up in Government or in the judiciary, an attitude of once you catch them they turn them loose again. Practically everyone of these fellows have been repeaters, repeaters, repeaters, ad infinitum, ad nauseam. That has nothing to do with the American public. That is the responsibility of the American Bar Association, for a council of the judiciary, if there is such a thing, for the governors, the Presidents, whoever make these pardons. I don't know, but I don't think you are ever going to make much headway in eliminating crime in this country if after you spend the taxpayer's dollars in getting good law enforcement officers and good prosecuting attorneys, and find that the men are guilty, if after all of that, you turn them loose again.

This is nonsense. This is circumvention of justice on the part of somebody. I would think the society interested in eliminating crime

and juvenile delinquents, and whatever else happens in this country, would pay some attention to who it is that is opening up the doors of the penitentiaries all the time so that the rats can get out.

That is not the responsibility of the whole country. Something is wrong somewhere. Editors, people in positions of religious leadership, sociological organizations, people interested in improving America, should spend a little time spotlighting these escape hatches, and who opens them up, to turn loose the flood of criminals for the 5th, 6th, 7th, 8th, 10th time. Then we can begin making a little headway. I toss that out for consideration to those in this country who make it a part of their business to improve America.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to add one statement to Senator Mundt's comments. I think it bears out exactly what I said earlier. I think I should add the word "parole" to what he said. I think that should be looked into. I think probably that causes more difficulty and more trouble than the question of pardons.

Mr. KENNEDY. I might say that one of the centers of all of this, of course, has been "Lucky" Luciano, and the committee has a good deal of information in the file that Senator Mundt would be interested in, on his getting out of prison in New York and then being deported to Italy.

Senator MUNDT. It is an astonishing thing.

Mr. KENNEDY. I am finished.

The CHAIRMAN. Are there any further questions?

Mr. SCALISH, you have repeatedly, in response to every question asked you, I think, except your name and address, stated that you declined on the grounds that if you answered the answer might tend to incriminate you. It cannot help but cause people to draw inferences that might possibly, in some instances, be incorrect, though I think the committee should give you an opportunity to correct any wrong inferences that would naturally be drawn from your testimony. So I ask you the question: Are you now engaged in, or have you been engaged in, at any time during the past dozen years, any business or other enterprise about which you could tell us that would not incriminate you?

Mr. SCALISH. I decline to answer on the ground it might tend to incriminate me.

The CHAIRMAN. Then I have to accept your word for it that if you answered the question, the answer might tend to incriminate you.

Mr. SCALISH. I decline to answer—

The CHAIRMAN. I didn't ask you a question. I am just pointing out that no other inference can be drawn. If you can't state that you have been in some legitimate business, some enterprise that wouldn't tend to incriminate you, there is no way, and I don't care what law you have or constitution or anything else, there is no way to keep the human mind from drawing inferences.

You are leaving yourself before this committee and before the whole country to such inferences. It is a bad record to leave. If you want to leave it, that is your privilege. But I am asking if you have done anything that is decent and honest that you can talk about without incriminating yourself. That is all. Have you?

Mr. SCALISH. I decline to answer, sir, on the grounds it might tend to incriminate me.

The CHAIRMAN. I am convinced it would.

Is there anything further?

Senator IVES. I want to ask the witness if he is married?

Mr. SCALISH. Yes.

Senator IVES. What was your wife's maiden name?

Mr. SCALISH. I decline to answer that on the grounds it might tend to incriminate me.

Senator IVES. My Lord, is it that bad? Are you ashamed of your wife? That is pretty serious, to make that kind of a statement. I asked you, are you ashamed of your wife?

Mr. SCALISH. I decline to answer the question on the grounds it might tend to incriminate me.

Senator IVES. All right.

The CHAIRMAN. Is there anything further?

If not, the committee will stand in recess until 2 o'clock.

(Recessed at 12:30 p. m., with the following members of the committee present: Senators McClellan, Ives, and Mundt, to reconvene at 2 p. m., the same day.)

AFTER RECESS

(The select committee reconvened at 2 p. m., Senator John L. McClellan (chairman) presiding.)

(Members of the select committee present at time of reconvening: Senators McClellan and Curtis.)

The CHAIRMAN. The committee will be in order.

We will proceed.

Mr. KENNEDY. We have been inquiring into the meeting at Apalachin, and the associates of some of the individuals who participated in this meeting in November of 1957, and we, of course, are interested in their backgrounds and their connections.

Mr. Willse was a detective with the New York Police Department and we have some pictures here showing that the individuals who participated at the meeting at Apalachin have a meeting place in New York City, at least some of them, and that Mr. Willse himself personally took some pictures of some of these people who met there in front of this Alto Knights Club.

Now, what Mr. Willse will develop is some of the background on some of the individuals, particularly Vito Genovese, who is expected to be a witness this afternoon, and Mr. Mike Miranda, whose pictures will be shown on the screen, and he will give some background information on these individuals which we expect to develop further as the testimony proceeds.

The CHAIRMAN. Mr. Willse has been previously sworn, and he will remain under the same oath.

Are you prepared to proceed with the picture?

TESTIMONY OF SHERMAN WILLSE—Resumed

Mr. KENNEDY. Perhaps just on the background before we turn off the lights, it is correct, is it not, Mr. Willse, that from September of 1955 to February of 1956 you conducted an investigation as a detective of the narcotics squad?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. And particularly this investigation was concentrated around a cafe in lower Manhattan?

Mr. WILLSE. That is correct.

Mr. KENNEDY. Could you tell us a little bit about this place, and what it is called?

Mr. WILLSE. It is called the Alto Knights now and it has had several names over the years. For some years prior to that it was called the Cafe Royale, and before that it had other names which I don't recall. It has been in existence for well over 40 years, and recognized as a headquarters for the alcohol traffic in particular, but as a meeting place for some of the top mobsters in New York and other parts of the country.

Usually when a gangster hits New York, that is one of his first stops, to make his contacts there.

Mr. KENNEDY. Now, we will put the lights out and put on the first picture.

Senator CURTIS. I have one question. Is it a place frequented by the general public, unsuspecting or otherwise?

Mr. WILLSE. No, sir; it is not.

Senator CURTIS. It is not?

Mr. WILLSE. No, sir.

(Picture shown.)

Mr. WILLSE. In this first picture, the man on the left is Vito Genovese, and on the right is Mike Miranda, and both of these men were at Apalachin. This picture was taken during the period of the investigation, which was intermittently, and not every day, from September of 1955 to February of 1956.

In 1934 a man by the name of Ferdinand Boccia, who was known as The Shadow, was murdered in his uncle's cafe in Brooklyn.

Mr. KENNEDY. We are going to go into this a little later. He was murdered in 1934?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. All right.

Mr. WILLSE. Now, the murder was supposed to occur for two reasons. One was that Genovese and Miranda with several others had set up a rigged card game and a money machine swindle in which they obtained around \$150,000. Boccia had been promised \$65,000 and he didn't get the full amount, and he started to complain about it.

In addition to that, some time prior Boccia had held up the liquor headquarters of Anthony Strollo, alias Tony Bender. This was located just a block from the location of the Alto Knights, where these men are seen now. \$5,000 was taken in that stickup. Bender was a very good friend of Vito Genovese, and, in fact, Bender and his wife stood up for Vito when he was married, and the reverse happened, Vito and his wife stood up for Bender.

Mr. KENNEDY. Now, Bender operates and runs a number of the union rackets in lower New York, does he not?

Mr. WILLSE. That is true, particularly around Greenwich Village.

Mr. KENNEDY. And according to the information that we have, Vito Genovese runs a number of the rackets and has run a number of the rackets along the waterfront in New York City.

Mr. WILLSE. That is true.

Mr. KENNEDY. Now, this man Boccia was murdered in 1934. Vito Genovese wanted to knock him off because the money had not been paid after this rigged game.

Mr. WILLSE. That is right, because Boccia was complaining too much about not having received his share, and the other reason was that Boccia had stuck up Tony Bender's place.

Mr. KENNEDY. So what happened?

Mr. WILLSE. The story of the killing didn't come to light until 10 years later, in 1944, when a man by the name of Ernest Rupolo, known as The Hawk—

Mr. KENNEDY. How do you spell his name?

Mr. WILLSE. R-u-p-o-l-o.

Mr. KENNEDY. He is known as The Hawk?

Mr. WILLSE. Yes, and he appeared in court on a charge of shooting another man and he saw he was facing a jail sentence and he had just completed serving a term that had been from 9 to 20 years. He had only served a portion of it and he was just out of jail, and he felt that he hadn't been treated right by the boys in connection with the Boccia killing and so he started to talk and he gave his story.

He said that just prior to Boccia's killing, Mike Miranda had come to him and said, "Boccia has to go and we want the boy cowboied," which means he was to be knocked off whenever they ran into him without any talking whatever.

Mike Miranda set it up in this way: He wanted Rupolo to take a fellow named Willy Gallo with him.

Mr. KENNEDY. Rupolo is the one telling the story?

Mr. WILLSE. That is right, and Rupolo testified to this.

Mr. KENNEDY. So Rupolo is telling the story and Willy Gallo is another individual that they wanted to have knocked off; is that right?

Mr. WILLSE. But first they wanted Rupolo and Gallo to knock off Boccia and then Rupolo was to knock off Gallo. The succeeding night Rupolo was called to this same neighborhood where this picture was taken, and there was Miranda and Genovese and Pete DeFeo.

Mr. KENNEDY. DeFeo?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. And Pete DeFeo's son now operates the Cardinal Insurance Agency, or one of those who operates the Cardinal Insurance Agency which handles a large number of union pension and welfare funds; isn't that right?

Mr. WILLSE. That is true.

Mr. KENNEDY. All right.

Mr. WILLSE. Then they repeated their instructions to them as to how the job was to be done. Pete DeFeo gave him two pistols and \$175. The following night, September 9, 1934, Rupolo and Gallo and another man known as Sal Palmira went to a movie in Brooklyn, and their plans were rather sketchy at that time, but they did intend to knock off Boccia.

However, Palmira left the movie and when he came back he said that Boccia had already been killed, and then the three of them left the movies.

Mr. KENNEDY. The only person then to be killed was Gallo?

Mr. WILLSE. That is right; and the three of them left and walked a short distance when Rupolo pulled his gun and aimed it at Gallo

and pulled the trigger several times and it misfired. He made a joke out of the thing and pacified Gallo, and they walked a few more minutes.

Mr. KENNEDY. He had put the pistol to Gallo's head and pulled the trigger and it hadn't gone off and then he made a joke about it?

Mr. WILLSE. That is right. They walked for a few more minutes, and visited the house of a mutual friend. There Gallo, I assume, oiled the gun and fixed it and they left the house and they walked a few more blocks, and then Rupolo shot Gallo. However, Gallo didn't die.

Mr. KENNEDY. This time the gun did go off, and he shot him three times?

Mr. WILLSE. I don't recall the number. The next day Rupolo went back to this neighborhood where he saw Mike Miranda and as Rupolo testified, he said, "Mike was hollering, and he yelled at me because I didn't kill Gallo and pour gasoline on him as he had told me to and he wanted me to dump him in Bath Beach."

So Gallo having survived, he put the finger on Rupolo and he went to jail for 9 to 20 years sentence and he came out and after shooting this other man, he appeared in court and that is when he started to tell his story.

Mr. KENNEDY. Now, both of these individuals, Mike Miranda and Vito Genovese, were at the meeting at Apalachin?

Mr. WILLSE. That is true.

Mr. KENNEDY. And in 1944 or 1945, based on the testimony and admissions of Rupolo, is was arranged to bring Vito Genovese to trial; is that right?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. Now can you tell what happened regarding the trial?

Mr. WILLSE. Following Rupolo's testimony, these two men and a Gus Frasca and George Smurra, and the other fellow were all indicted for the murder of Boccia. But even before the indictment, the word got around that somebody was talking, and I suppose the finger naturally went to Rupolo, and all of them disappeared. It was some time later that Genovese was located in Italy.

Now, pending Vito's return to this country there was another man by the name of Pete LaTempa, known as Petey Spats. He would have been the corroborating witness to this, necessary for the conviction of these men in the murder, and he was picked up as a material witness and locked in Raymond Street jail in Brooklyn.

Mr. KENNEDY. He was taken to jail for his own protection, was he not?

Mr. WILLSE. Actually, he asked to be taken there.

Mr. KENNEDY. What is his name?

Mr. WILLSE. LaTempa, known as Petey Spatz.

Mr. KENNEDY. So he went to jail at his own request so he could be protected.

Mr. WILLSE. He suffered from a stomach ailment so that he had to take regular medication, and while he was in jail he started to suffer and asked that the medicine he was accustomed to using be supplied to him.

Some way he got into the jail and the following day at the inquest; he said he was suffering great pain and asked that he be given a mixture. He was handed a glass with a liquid and later on they found

him dead. That removed the corroborating witness, which meant there could not be a conviction in the case.

Mr. KENNEDY. Didn't the doctor say afterward, after an autopsy of this witness, that he had taken enough poison to kill 8 horses?

Mr. WILLSE. That is right.

Mr. KENNEDY. Isn't it true also that one of the other witnesses who would have supported evidence against Genovese and Miranda was killed?

Mr. WILLSE. That is right.

Mr. KENNEDY. And a number of witnesses who had some corroboration refused to testify or changed their testimony?

Mr. WILLSE. That is true.

Mr. KENNEDY. With the result that these two individuals were acquitted, is that right?

Mr. WILLSE. Yes.

Mr. KENNEDY. In that as far as Mr. Genovese is concerned, he is now separated from his second wife?

Mr. WILLSE. Yes.

Mr. KENNEDY. How long had he been married to her?

Mr. WILLSE. About 12 or 13 years at the time of this murder. During the investigation of the murder, particularly in seeking to locate Genovese and the other defendants under indictment, the police visited Ann Genovese, his wife, and she said she didn't know where Vito was, she hadn't seen him in 4 months, but she had received a letter post-marked some place in Italy. She said she had been married to him for about 12 years.

Mr. KENNEDY. Had she been married prior to that time?

Mr. WILLSE. Yes, she had.

Mr. KENNEDY. What happened to her husband?

Mr. WILLSE. Well, when the police questioned her, they asked her who her first husband was, and she said she didn't remember his name. However, her first husband's name was Vernotico. I just don't recall the date now, but he and another man had been found strangled with nooses about their necks and shotgun shells and pistol shells found nearby on a roof in lower Manhattan.

Mr. KENNEDY. Had they been knifed, shot, and strangled?

Mr. WILLSE. They had also been knifed.

Mr. KENNEDY. Wasn't it true that 15 days after her husband was shot, knifed, and strangled, she married Vito Genovese?

Mr. WILLSE. Yes. It was actually 14 days—2 weeks.

Mr. KENNEDY. All right. We will have some more on Mr. Genovese in a little while. Will you show a few more of the pictures that you have?

The CHAIRMAN. Let these pictures be made exhibits. They will be made exhibit 12-A, B, C, and D, and all of those that are shown may be in this series. They will be made exhibits without further order of the Chair.

(The documents referred to were marked "Exhibit Nos. 12-A for reference and may be found in the files of the Select Committee.)

Mr. WILLSE. This is the same location. This is Pete DeFeo, the other man indicted in Boccia murder, the one who supplied the two guns to Rupolo. With him is Frank Tieri. During the investigation he was seen regularly driving a car listed to another man other than his, but with the same address as Tieri's residence in Coney

Island. There was a business address registered for the car for, I believe, 813 Sterling Place, in Brooklyn, which is the business address of Peerless Importers, importers of wines and liquors.

I believe it is the treasurer or one of the officials of that company, Antonio Magliocco, who is the brother of Joseph, who was also at Apalachin.

Mr. KENNEDY. Both of these individuals have police records?

Mr. WILLSE. They have.

Mr. KENNEDY. Go ahead. This is out in front of the same cafe. (The document referred to was marked "Exhibit No. 12-B" for reference and may be found in the files of the selected committee.)

Mr. WILLSE. The man on the right is Mike Miranda, again without the hat. Next to him is Pasquale Normando, who is known as Patsy Murray.

Back in 1935 he was 1 of the 11 defendants indicted in connection with a taxicab racket. In 1933 there was a taxi union set up, and in 1935 a charter received from the A. F. of L. with a change in the union's name. That charter was subsequently revoked. However, in 1934 there was a strike of the cabs. There was a wave of burnings of cabs, assaults, beatings, and so on.

The head of that racket was supposed to be a Matthew Polizzoto, alias Matty Brown, and Abe Reles, the one who did most of the talking in the Murder, Inc., case, said that "Pittsburgh Phil" Strauss, also connected with Murder, Inc., had told him that Anastasia said Joe Adonis had two people connected with that racket that he wanted taken care of.

He said that Polizzoto and his wife disappeared that day and to this day have not been located.

Mr. KENNEDY. This individual was involved in a union taxicab racket?

Mr. WILLSE. That is right. The racket consisted of collecting from the cabs. They went to 4 different fleet operators which composed the 5,000 cabs. The fleet signed up. The tribute was 30 cents a cab per week. The union then raised it to 50 cents a week because they were going to institute an inspection service, which meant watching the drivers and checking the meters. But then the union went into usury where they loaned money under shylocking terms to the drivers.

The drivers then complained to the district attorney, and the 11 indictments came out. In addition to the 5,000 cabs that were actually paying this money, there were 15,000 others who were affected by it.

The indictment called for 50 counts of extortion.

(The documents referred to were marked "Exhibit No. 12-C" for reference and may be found in the files of the select committee.)

Mr. WILLSE. This is Joseph Stracci. He has been in the garment industry for years. He was planned to be a protegee of Lepke Buchalter and Joseph Shapiro, who were actually the starters or fore-runners of the mob getting into the garment area.

He has a record of 12 arrests, including murder, armed robbery, the usual. In the middle of that is Joe Tortorici, known as Joe Stutz.

He also has several arrests. Here is Lorenzo Brescia, known as Chapin. He also was connected with that taxicab racket which I described. He did a year in the penitentiary for that.

Mr. KENNEDY. He also was the bodyguard for a while of—

Mr. WILLSE. He was the bodyguard for Lucky Luciano when Lucky was in this country, as was Pasquale Normando, in the previous picture.

Mr. KENNEDY. And he was a close associate of Max Block of the Meat Cutters Union?

Mr. WILLSE. That is true.

Mr. KENNEDY. His brother works for the Meat Cutters Union as organizer, does he not?

Mr. WILLSE. That is right. In 1947, this brother Brescia and Pete DeFeo, whom you saw before, left this location and drove in a car up to Pleasant Avenue, where they parked between 115th and 116th Streets in New York. As they got out of the car, Brescia was shot in the neck and Pete in the back under his left shoulder. The man picked up for the shooting was the man in the middle, Joe Stutz. Brescia and DeFeo would not go through with the identification, so Stutz was released.

The CHAIRMAN. May I ask you, were these pictures all made at the same location, in front of this Alto Knights?

Mr. WILLSE. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. They were all made actually within a couple of days of one another, were they not?

Mr. WILLSE. Yes. They were made on 3 days, September 8, September 19, and September 21, 1955.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. By whom were they made?

Mr. WILLSE. By me. I wanted to say that the shooting in this case was attributed by the police to labor trouble, as Pete DeFeo who was in the other picture was connected with a wastepaper loading union.

(The document referred to was marked "Exhibit No. 12-D" for reference and may be found in the files of the select committee.)

Mr. WILLSE. This is Anthony Russo, who, from observations, appeared to be the chauffeur for Vito Genovese, who appears here again. Anthony Russo was picked up around 1950 or 1951 in Miami Beach as a known criminal and gangster, with two other men. One of them was a fellow named De Benedetto, an alias of "Coca Cola", and the other one Charles Tourine. He is known as the "Blade" and as Charlie White. Tourine is now connected with Santo Trafficante, Jr., in the Habana gambling operations.

Trafficante, Sr., has been in charge of rackets for years in Tampa, Fla.

(The document referred to was marked "Exhibit No. 12-E" for reference and may be found in the files of the select committee.)

Mr. WILLSE. This is Gregory Ardito, known as "Buster", Alfonso Criscuolo, known as "Good-looking Al". They are both on the Federal Bureau of Narcotics international list, and they both have extensive records, something like 7 to 9 arrests each.

(The document referred to was marked "Exhibit No. 12-F" for reference and may be found in the files of the Select Committee.)

Mr. WILLSE. This is Barney Miranda, who disclaims any relationship about Mike. He has a record for carrying a concealed weapon and was a regular visitor to that location.

This is Louis Arminante, alias "Gee Gee". He has several arrests, loitering, policy, and others.

(The document referred to was marked "Exhibit No. 12-G" for reference and may be found in the files of the select committee.)

Mr. WILLSE. John Berra who was there every day that we were. He has convictions for alcohol violations and the Federal Narcotic Act. He also was convicted of desertion from the Army and sentenced to 5 years.

(The document referred to was marked "Exhibit No. 12-II" for reference and may be found in the files of the select committee.)

Mr. WILLSE. The man furthest left is Frank Tiera, again, he was there practically every day. He also has the alcohol tax violations. This man is Joseph Gorgone, known as "Joe Black". He has a number of arrests, particularly burglary. He is recognized as a pretty good burglar. He is known to have direct contact with Carmine DiBiasic, who is now a fugitive from a murder charge.

(The document referred to was marked "Exhibit No. 12-I" for reference and may be found in the files of the select committee.)

Mr. WILLSE. These are merely enlargements of some of the other pictures that were taken, but they show the type of person frequenting that neighborhood from day to day.

Mr. KENNEDY. Is that all of the pictures?

Mr. WILLSE. Yes, sir.

Mr. KENNEDY. I just have a couple of questions. Can we put the lights back on?

Can we put the light out for one more moment?

There is one other picture.

Mr. WILLSE. I would like to say that this location, although one of the most important in the city, is merely one of, I suppose, about 200 scattered about the city. We have given all of them attention from time to time, but they all operate practically the same way. As I say, this is most important because of the type of individual who appears here. Vito Genovese and Mike Miranda alone show that.

One thing is that there is very little activity that takes place in a location of this sort that warrants police action. Actually, they don't do anything but meet, plan and scheme, to keep their own enterprises and to plan new ones, legitimate and illegitimate. However, they are very watchful. The location is their own. I mean that with the Alto Knights they have been there for 40 years, and they know every businessman and everybody that lives around there.

Even if there was anything that would require police attention and cooperation from the people in the vicinity, it is hardly ever obtained because of the reputation of the men hanging out there.

People just wouldn't go along with any cooperation. We have also felt that the main part of the watchfulness of these men which was quite obvious is mainly not because they fear the police, because they are not doing anything to be picked up for, but they fear assassination.

I think as an example of that would be the story going with this picture. Big John Ormento was under investigation which had been going on for some time. It was a coordinated activity of the New York Police detectives and agents of the Federal Narcotics Bureau. On one day, just, I think, a couple of years ago, the authorities had reason to believe that contraband of some sort was going to be transported in a car. They kept Big John under observation and saw him meet with one Sol LoPronto. They tailed the car with both of the men in it, LoPronto driving. It was a bad day, with clean snow. It obstructed the rear vision of LoPronto and Ormento, so that when their car stopped at a red light, the agents and detectives took that opportunity to rush up on the car before it could get started again.

Two men went up on each side. One of the detectives who went up on the right side described what happened. He said that Big John was sitting in this seat next to the driver. His window was down a few inches. All of the men that ran up on the car had drawn guns.

As this detective looked in at John, John saw him and the gun, and he gasped and threw back his hands. Detective said "Come on out of the car, John."

He got him out and started to talk to him. But he said Ormento had to take 6 or 8 deep breaths before he could find his voice. Then it was obvious relief when he found out they were police and not somebody out to kill him. I think that is typical or at least it demonstrates the watchfulness of the attitude of these people as they stand around the corner planning.

They know they are target for somebody. In this car, after the car was stopped and these men taken out, the agents and detectives conducted a search which took about 3 hours and went to every likely place that would be searched in the car, which means false gas tanks, taking off the hubcaps, looking into the motor and so forth.

Finally in pulling this seat forward in order to enter the rear of the car, they heard a noise in here. To get in, they forced it. After forcing it, then they found out how it was supposed to operate. By turning on the heater and the blower and the ignition, and then pressing a concealed button beneath the upholstery there in front part of this seat, these locks, which were electrically operated, would release, and this would pull forward.

Then there was this compartment built in there. At this time when they stopped it, this car, there were two guns, one with a silencer on it. Of course, they have found out since that this sort of thing has been built in other places.

Generally it is used to conceal narcotics.

MR. KENNEDY. AS I understand it, in order to get into that, you would have to turn on the ignition first, then put on the fan, then the blower, and then push the button, is that right?

MR. WILLSE. That is right.

MR. KENNEDY. This isn't the only instance where traps of this kind have been used, is that right?

MR. WILLSE. NO. They have been found in other cars, and in one instance it was found in a hassock, and within the hassock was a considerable amount of drugs.

MR. KENNEDY. That is all, Mr. Chairman.

Mr. Willse, briefly, what kind of a neighborhood is this Alto Knights located in, and what does the Alto Knights itself look like?

Mr. WILLSE. Well, the neighborhood itself is typical of that section of New York on the Lower East Side.

Mr. KENNEDY. What is the address?

Mr. WILLSE. 10th and Mulberry Street, on the corner. As I say, it is typical of the Lower East Side. However, if you go to the Upper East Side, there is also a meeting place of the same type of individual, and you will find the same type of neighborhood, usually 6 story walk-ups, and with stores on the ground floors.

Mr. KENNEDY. It is a very unpretentious place, is it not?

Mr. WILLSE. That is true.

Mr. KENNEDY. Could you describe what protections the people in that neighborhood take to be sure that nobody comes into the Alto Knights that they don't know about?

Mr. WILLSE. Well, in addition to the difficulty of getting any cooperation from the regular inhabitants of the neighborhood, these men, naturally, in a place like that being there for 40 years, and these men being born and brought up in the neighborhood, in the atmosphere, they have developed their own system. They continually patrol the streets, sometimes by car and sometimes by foot. I recall one occasion in making a case in the vicinity of Hester and Mulberry. That is about 3 or 4 blocks out south of this one. That was Luciano's old headquarters when he was first rising to any prominence in the underworld.

One-Twenty-One Mulberry Street was a cafe somewhat similar to the one we have seen here. Actually, it was the main spot for narcotics in that section of New York.

Well, there were other rackets that went on. It was finally discovered that they called the stash, the place where they kept their working plans, that is, the supply of drugs needed for 1 or 2 days' operation, by lifting the window sill in a bathroom. Underneath that, the bricks had been removed so that there was a hollow space for quite an amount of drugs.

In there were the papers containing the license plate numbers of narcotic squad detectives and narcotic agents. We can only assume that these were picked up by patrols who had found the license numbers and, of course, who had some connection whereby they were able to check the listing and found out who they belonged to.

In addition to that they hung around the headquarters wherever the narcotics squads located and found out if those cars were in the vicinity at that time.

If they were, then they were extra guarded in their activities.

Mr. KENNEDY. It amounts almost to a fortress type operation.

Mr. WILLSE. That is what we call it.

Mr. KENNEDY. That is all.

Now, Mr. Chairman, we are going into the case of Mr. Vito Genovese, whose picture has appeared here, and who attended the meeting at Apalachin. We have information that he has been prominent in the dock rackets in the city of New York.

Regarding his background I would like to call another witness, Mr. Dickey.

The CHAIRMAN. Come forward, please. Do 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. DICKEY. I do.

TESTIMONY OF ORANGE C. DICKEY

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

Mr. DICKEY. Orange C. Dickey, 623 Jackson Avenue, Altoona, Pa., presently the owner and operator of Lueckert's Bakery.

The CHAIRMAN. Do you waive counsel, Mr. Dickey?

Mr. DICKEY. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

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

Mr. KENNEDY. How long have you been living in Pennsylvania, Mr. Dickey?

Mr. DICKEY. I am a native of that State.

Mr. KENNEDY. You went to Pennsylvania State University, did you?

Mr. DICKEY. I attended Pennsylvania State College.

Mr. KENNEDY. And you went into the Army in 1942?

Mr. DICKEY. November 27, 1942.

Mr. KENNEDY. Subsequently you went into the Intelligence Division of the Army, CID?

Mr. DICKEY. That is right.

Mr. KENNEDY. And ultimately made an agent for CID?

Mr. DICKEY. That is right.

Mr. KENNEDY. You were sent overseas, where you not?

Mr. DICKEY. Yes, I was. I was sent to the Mediterranean theater of operations.

Mr. KENNEDY. When was that?

Mr. DICKEY. 1943.

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

Mr. KENNEDY. What area were you sent to in Europe?

Mr. DICKEY. I was originally sent to England, later transferred to North Africa, and later to Italy.

Mr. KENNEDY. When did you arrive in Italy?

Mr. DICKEY. In December of 1943.

Mr. KENNEDY. You were assigned as an intelligence sergeant in a service squadron, CID intelligence.

Mr. DICKEY. I had originally been intelligence sergeant with a service squadron. I was appointed Criminal Investigation Division agent in February 1944.

Mr. KENNEDY. What were you working on when you got to Italy in 1944?

Mr. DICKEY. I was principally concerned with black-market activities, those offenses involving Army personnel or United States Government equipment or supplies.

Mr. KENNEDY. What was the situation specifically that you were working on, and what is the thing that you found?

Mr. DICKEY. Specifically there was a large amount of black-market activity between the Provinces of Naples and Nola. I at that time was stationed at Nola, which is essentially on the eastern side of Italy.

Mr. KENNEDY. That is Foggia?

Mr. DICKEY. Foggia. A large part of the black-market activities that were carried on there were not centered within that area. It was a transient type of crime. It originated somewhere else, and it was completed somewhere else, but it passed through that district. In that connection, I had spoken with my commanding officers and received their permission and authorization to proceed to the Naples district to continue the investigations. I had arranged to have released from jail certain a.w.o.l. soldiers awaiting trial whom I had taken with me for the purpose of identifying many of the individuals concerned.

Mr. KENNEDY. Was this a big operation, the black-market operation in that area?

Mr. DICKEY. This was a very extensive operation.

Mr. KENNEDY. What were they dealing in, particularly?

Mr. DICKEY. From the western side of Italy to the eastern side, they were dealing largely in Army supplies—sugar, blankets, clothing, foods—and the movement in the opposite direction, from the eastern side to the western side was largely in civilian products, such as wheat, olive oil, beans, and so forth.

Mr. KENNEDY. Were they stealing these Army supplies?

Mr. DICKEY. To a large extent. All the Army supplies were either stolen or purchased illegally by Italian civilians. They were transported in various ways, but principally by stolen United States Army vehicles, to the areas where they were sold on the black market.

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

Mr. KENNEDY. Then what would they do with the Army vehicles?

Mr. DICKEY. In some cases the Army vehicles were loaded with wheat, olive oil, or other products and returned to the Naples area, or in other cases the vehicles were run out in the hills, abandoned, and set on fire and destroyed.

Mr. KENNEDY. Did this appear to be an organized operation?

Mr. DICKEY. Yes, it did. This appeared to be a very highly organized operation.

Mr. KENNEDY. So you were assigned to investigate into it; is that right?

Mr. DICKEY. That is correct.

Mr. KENNEDY. You, with some of these a.w.o.l. soldiers, soldiers waiting to be sentenced, went into the area where this was supposed to originate?

Mr. DICKEY. That is correct.

Mr. KENNEDY. Would you relate to the committee what you found?

Mr. DICKEY. As a result of this investigation, we eventually were able to arrest between 35 and 40 of these soldiers who had banded themselves together in one group, and together with those we arrested some 8 or 9 Italian civilians, among whom was one of the top leaders of the black-market activities in the Naples and Nola areas. That individual during the time of questioning had admitted that many officers previously had talked to him, but that he was

not disturbed about being prosecuted because he had friends in the Italian courts and in the allied military government that would give him protection and in this connection he first brought up the name of Vito Genovese, whom he claimed was an interpreter in the allied military government at Nola, who had assured him that even in the event of his arrest, nothing would come of the case.

Senator IVES. May I interrupt there, Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Who was in charge then of the allied military government?

Mr. DICKEY. The allied military governor at that time was Colonel Poletti.

Senator IVES. Charles Poletti?

Mr. DICKEY. That is correct.

Senator IVES. In that connection, I know Poletti pretty well; was anything ever revealed that would indicate that he, himself, in any way was involved in any of this business that you are talking about?

Mr. DICKEY. Not to my knowledge.

Senator IVES. I can't imagine it, but you indicated the allied military government, and I didn't know who might be the person.

Mr. DICKEY. I have never met or spoken to him.

Senator IVES. Charlie Poletti was the very top of it, as I recall.

Mr. DICKEY. That is correct.

Senator IVES. Thank you.

Mr. KENNEDY. This individual that you picked up, and who was in charge of this one area for the black market, said that he was assured protection by Vito Genovese?

Mr. DICKEY. That is correct.

Mr. KENNEDY. And he said at that time that Vito Genovese worked for the courts?

Mr. DICKEY. That is correct.

Mr. KENNEDY. And for the military government, the American military government?

Mr. DICKEY. He had said that Genovese was employed at that time as an interpreter in the Allied military courts at Nola.

Mr. KENNEDY. Did he speak to you or tell you at that time anything about Genovese's operations in Italy?

Mr. DICKEY. Other than his connection and standing with the courts in Nola, the fact that Genovese was considered to be an important man over there, he described him as Don Vito which—

Mr. KENNEDY. Described him as what?

Mr. DICKEY. As Don Vito, which seems to have some significance in relation to the Mafia organizations.

Mr. KENNEDY. Did he or any other informant tell you what Genovese's role was toward the Italian Government?

Mr. DICKEY. During this investigation, I had talked with a large number of informers, who were rather widely scattered over the central section of Italy. Many of them were persons having important positions with the Italian Government at that time; others holding titles that had been conferred on them earlier by Mussolini or some of the other authorities. In general these people described Genovese as being very influential and powerful, as the former member of Squadrista organizations, as being personally acquainted with Mussolini, as

having contributed very heavily to the Fascist Party, as having donated heavily to the construction of the municipal building at Nola.

MR. KENNEDY. Were these people individuals who were in positions to know?

MR. DICKEY. Yes; they were.

MR. KENNEDY. And they said that Vito Genovese had been contributing heavily to the Fascist Party in Italy?

MR. DICKEY. Yes; they did.

MR. KENNEDY. And that he was personally acquainted with Mussolini?

MR. DICKEY. Yes.

MR. KENNEDY. Had he personally donated any money for the construction of any of the buildings in Italy under Mussolini?

MR. DICKEY. It was alleged by several of the informants that he had contributed very heavily, financially, to the construction of the city building at Nola.

MR. KENNEDY. Specifically, had he received a commendation from Mussolini and the Government for that?

MR. DICKEY. For his activities with the Government and his donations, he was alleged to have been elevated to the title of Commendatore Del Rei, which is supposedly the highest Italian honor you can receive.

MR. KENNEDY. Did you in fact find out that he had received that honor and award?

MR. DICKEY. I did, and at a later time when I personally interviewed Vito, he confirmed that personally.

MR. KENNEDY. That he had received the highest award that the Italian Government could bestow?

MR. DICKEY. That is right.

MR. KENNEDY. For the donations he had made?

MR. DICKEY. And for his activities with the Fascist movement and the Squadrista and so on.

MR. KENNEDY. Did you, in the course of your investigation, learn of what relationship Vito Genovese had with the Mafia here in the United States or in Italy?

Were you told and informed about that?

MR. DICKEY. Among the informers were a number of individuals who had at one time been in the United States. Some were deported. Others had gone there voluntarily. Some of those informers told me that when they knew Genovese in this country and associated with him here, that he was at that time considered as a member of the Mafia.

MR. KENNEDY. Can you tell us the name of one of the individuals?

MR. CHAIRMAN, he has told the staff the names of some of these individuals who gave him this information on Vito Genovese. Some of them are still living, and I felt that it would be better to give that information confidentially, which he is prepared to do, to the committee. But there is the name of one individual that I think he can name, who gave him this information, and could put it on the record publicly.

Can you tell us who that was?

MR. DICKEY. One of these names was mentioned publicly once previously, Julius Simonelli, who had turned over to me at one time a book which was—

Mr. KENNEDY. Written about 15 years ago?

Mr. DICKEY. Roughly 15 years ago. It was entitled "The Story of a Lawless Era," written by Craig Thompson and Allen White.

That book contained certain material regarding Genovese.

Mr. KENNEDY. Did Simonelli know Vito Genovese himself?

Mr. DICKEY. Yes, he did. He knew him personally both in this country prior to the time that they had both gone to Italy, and also he knew of him after returning to Italy.

Mr. KENNEDY. Did he describe Vito Genovese as a member of the Mafia or secret organization?

Mr. DICKEY. Yes, he did.

Mr. KENNEDY. Here in the United States?

Mr. DICKEY. And back in Italy.

Mr. KENNEDY. You first heard about Vito Genovese, in this discussion that you had with the man in the black marketing activities. Did you make a further investigation of Genovese in connection with that?

And, if so, would you relate what you found?

Mr. DICKEY. This investigation actually extended over many months, during which time I had gone to the extent of photographing large areas where these trucks had been abandoned and burned and so on. During the course of the entire investigation I had arrested two Canadian a. w. o. l. soldiers, who had driven into this area United States Army trucks and turned them over to Italian civilians. These Canadian soldiers had made statements to me, and it was later confirmed by some of the Italian civilians, that they had been instructed to say when they arrived in this area and turned the vehicles over that they had been sent there by Genovese.

Of course, after delivering the trucks they were paid and they then returned to rooming houses in Naples, as was common for the a. w. o. l. soldiers.

They all had a rooming house somewhere, and they would wait there until they were contacted again by someone else to send them out on another trip.

Mr. KENNEDY. You found, therefore, that it was Genovese who was behind a good deal of this black marketing?

Mr. DICKEY. This was simply another indication of his connection with it, although in talking with many of the Italian civilians who were concerned, Genovese's name came up quite frequently as being a person they could go and see and he would tell them where there was a large quantity of wheat that could be moved in the black market or a large quantity of olive oil, or who it could be sold to, once it was transported from one district to another.

Also in the middle of this there was an investigation into a mica rock transportation deal. This mica rock was used in Italy in the preparation of plaster, in building construction.

It was used from one section to another and sold at very high prices. There was an indication at one time that Genovese had some connection with the firm to whom this mica rock was delivered.

Mr. KENNEDY. You found out, did you not, that they would take these trucks and load them as they came off the ships, and then they would drive them to this area where the goods would be unloaded and then often the trucks were burned, is that right?

Mr. DICKEY. That is correct.

Mr. KENNEDY. Did you ever go to any of these areas yourself?

Mr. DICKEY. Yes, I did.

Mr. KENNEDY. Did you find these trucks?

Mr. DICKEY. Yes, I did. On one occasion I photographed in one section, I would say in less than 5 square miles in area, in a grove of hazelnuts, in the vicinity of Mount Vesuvius, less than 5 miles in area, and there were between 35 and 40 of these trucks in that area at that time, all of which had been set on fire.

Mr. KENNEDY. Did you then move against Vito Genovese to try to arrest him?

Mr. DICKEY. Yes, I did. I had spoken to my commanding officers early in the month of August and explained the entire situation to them, and they concurred in attempting to arrest Genovese. However, right at that time the allied military courts in the Nola district had been discontinued. The front lines had moved farther north. There was not such a prevalent need for them, so they had been discontinued. Right at the time being we were unable to locate Vito. So over the period of the next few weeks, much of the time was consumed in actually locating and arresting him.

Mr. KENNEDY. How did you finally locate him?

Mr. DICKEY. I eventually located him through the assistance of another underworld figure.

Mr. KENNEDY. What was his name?

Mr. DICKEY. Mario Umberto Costello. He supposedly—according to one story he had been deported from the United States, and according to another story he had fled from justice.

Mr. KENNEDY. Where was Mr. Costello from?

Mr. DICKEY. He was from the St. Louis area. I do not know which story is true, or if in fact, either story is true. But in any event, he cooperated to the extent that he resided in an apartment adjacent to the one in which Genovese had just moved, and he gave us information which led to his actual arrest.

Mr. KENNEDY. Did you find later on, after Costello told you where Genovese was located, that he himself disappeared?

Mr. DICKEY. Yes, he did.

Mr. KENNEDY. And when you were looking for him, you could no longer find him?

Mr. DICKEY. We could no longer find even he.

Mr. KENNEDY. Did you go and arrest Genovese then?

Mr. DICKEY. Genovese was arrested in the town of Nola, if I recall correctly August 27, 1944, at a time when he stopped at the municipal building to request a travel permit.

Mr. KENNEDY. Did you find after you arrested him that he had received these travel permits quite freely?

Mr. DICKEY. He had, over a period of many months, received these permissions quite freely. In fact, he had in his possession at the time of his arrest some blanket permissions.

Mr. KENNEDY. Did you find on investigation that he had a close association with a number of the American officials in Italy?

Mr. DICKEY. Yes, we did.

He carried on his person at the time of his arrest letters from quite a large number of army officers, some American, some British, letters

of commendation, other letters saying that he had given his services to the allied military government without fee or charge.

Mr. KENNEDY. He had not charged for this?

Mr. DICKEY. Pardon?

Mr. KENNEDY. He had not charged any money for the work he was doing?

Mr. DICKEY. Apparently not, although he was entitled to pay.

Mr. KENNEDY. At the time you arrested him, did he have an armed guard?

Mr. DICKEY. He had a chauffeur in the car, and in searching the car there were guns in the car.

Mr. KENNEDY. Subsequently was any action taken against him in Italy for these offenses?

Mr. DICKEY. At the time of original arrest, he was confined only temporarily in a jail at Nola, and was moved almost directly to a military government jail in the town of Naples.

He remained there for several months. Meanwhile he had been questioned to some extent. He was then transferred to a civilian prison at Avellino, where he was again held for a number of months, and was again transferred to a civilian prison at Bari, where he remained until the time of his return to the United States.

Mr. KENNEDY. Why was he transferred to those so frequently?

Mr. DICKEY. During that time we had attempted to get some disposition of charges against Genovese, so far as the allied military government was concerned.

Meanwhile we had heard that he was wanted in the United States on homicide charges, and we sent word back here to try to do something about those. For some reason there was a general delay in the things that were going on. We had contacted certain officers in the allied military government regarding prosecution of the charges over there, but they always seemed to be of the opinion that the charges in the United States were much more serious than those.

They eventually declined the prosecution in order that he might be returned to the United States for the charges here.

Mr. KENNEDY. How long was he in Italy in your custody prior to his return to the United States?

Mr. DICKEY. He was arrested August 27, 1944. He remained in custody until May 14, 1945.

Mr. KENNEDY. What was the date in 1945?

Mr. DICKEY. May 14, 1945, when I took custody to return him to the United States.

Mr. KENNEDY. And no legal action had been taken against him during that period of time?

Mr. DICKEY. No legal action had been taken toward prosecution.

Mr. KENNEDY. You returned with him to the United States by yourself?

Mr. DICKEY. Yes, sir.

Mr. KENNEDY. Just you and Mr. Genovese?

Mr. DICKEY. Myself and Vito Genovese; yes, sir.

Mr. KENNEDY. How did you come back; by boat?

Mr. DICKEY. We came back by steamship, the steamship *James Lykes*.

Mr. KENNEDY. How did you arrange your sleeping quarters, for instance?

Mr. DICKEY. En route Genovese and I occupied the same room, and we were constant companions and there were no other guards on the boat, and I and I alone was responsible for custody coming back.

Mr. KENNEDY. What did you do at night, for instance?

Mr. DICKEY. At night we shared the same room. As a rule I gave my weapons to the ship's captain, and we would simply occupy a room together, and that is all. Of course, he offered no resistance at any time.

Mr. KENNEDY. Did he talk freely to you?

Mr. DICKEY. He would speak freely about many things, such as horseracing or policy or things of that nature.

Mr. KENNEDY. Did he describe to you how horses could be fixed?

Mr. DICKEY. He told me how they could be fixed and how they would run a "ringer" and so on, and he told me how policy operated and how it could be fixed, and he talked about his family, and he talked about many things, visits to Hot Springs, and Little Rock, and his travels, and so on, and we talked about everything except he would not talk about murder or the charges he was wanted for in the United States, or anything that seemed to get him involved.

In general, he talked, and he sort of gave me an education coming back.

The CHAIRMAN. Did he tell you he had been to Little Rock?

Mr. DICKEY. In his conversations, he mentioned Little Rock a number of times.

The CHAIRMAN. And Hot Springs; you assume Hot Springs, Ark.?

Mr. DICKEY. He mentioned those a number of times.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Did he indicate to you or could you tell that he lived quite lavishly?

Mr. DICKEY. The manner in which he lived, I think, was most evident when I searched the apartment where he resided in Naples. I don't recall ever in my life having seen a man with so many pairs of shoes, or so many suits of clothing, as he had. He had an apartment which was very lavishly furnished, and very expensive clothing, and apparently custom-made clothing, and a large number of shoes, and I have never seen anything like that in my life.

Mr. KENNEDY. Did he have a radio?

Mr. DICKEY. At the time we searched the apartment there was a radio in there, and I think it was connected at the time, and it is one of those radios that, while only the reserve was there, the power-cable attachments that would ordinarily fit a transmitter were also there, and the transmitter we did not find.

Mr. KENNEDY. Was this a very powerful radio?

Mr. DICKEY. It apparently was.

Mr. KENNEDY. Did you understand also that he had some deposit boxes?

Mr. DICKEY. Mention was made of the safe-deposit box on a number of occasions and that arose principally over informers having mentioned that Genovese was supposedly collecting United States currency other than the invasion type of money. The invasion type of money had a yellow seal on it, but we had understood from the informers that he was attempting to collect the other types of currency; that is, red and black and green and blue-seal money.

In attempting to follow this through, we had learned of him having a safe-deposit box in a bank at Dorn. As near as we could find out, that box, however, was under the name of Salvatore Profetti, who was alleged to have been married to the sister of Genovese, and I learned later that he had been deported from the United States.

Mr. KENNEDY. Did you learn how much money he was supposed to have given for this building in Italy?

Mr. DICKEY. I had heard a number of figures at various times, and the largest amount I heard was \$250,000.

Mr. KENNEDY. When you had him in your custody prior to going back to the United States with him, were you ever offered any money or inducement to allow him to escape?

Mr. DICKEY. At various times I was offered many things, and I never discussed it with the people offering, but the officials of some of the jails where he was held, some of the guards, and I was also approached on the outside by a number of individuals. In fact, at one point I was offered a quarter of a million dollars to let this fellow out of jail, and on one occasion when I was offered another sum of money I had with me an officer by the name of Lieutenant Dillon, and we had thought it was for the purpose of transferring Genovese from the civilian prison to the civilian prison at Mario, and we were offered a sum of money on that occasion to even leave him there if not let him free.

Mr. KENNEDY. Just to keep him there?

Mr. DICKEY. That is right, rather than transferred to the jail.

Mr. KENNEDY. These were all civilian prisons; is that right?

Mr. DICKEY. Yes, they were.

Senator IVES. May I ask a question there: What was your remark at that particular time?

Mr. DICKEY. I was with the Army Intelligence Division.

Senator IVES. How old were you?

Mr. DICKEY. At that time?

Senator IVES. You weren't very old, I imagine?

Mr. DICKEY. Certainly at that time in 1944 I was 24 years old.

Mr. KENNEDY. Now, you say you were offered this quarter of a million dollars. That was a quarter of a million dollars, was it?

Mr. DICKEY. Yes, it was.

Mr. KENNEDY. How much were you making at that time?

Mr. DICKEY. That is almost impossible for me to remember that. I think at that time I was making around \$210 a month, plus quarters and rations, if I recall correctly.

Mr. KENNEDY. Other than Costello, from St. Louis, did you meet any others besides this Simonelli? Did you meet any other of the underworld figures from the United States over there in Italy?

Mr. DICKEY. There were some I met at various times. On one occasion I had been talking with certain ranking officials of the local Italian police agency, who had described a man to me whom he said was Miranda, and he talked about Miranda having been an associate of Genovese over the years, and so on, and so forth, and he described him as an arch-criminal from the United States, and so on.

In fact he pointed that man out to me. Whether in fact it was Miranda or not, I don't know.

Mr. KENNEDY. Did you meet this man?

Mr. DICKEY. He was introduced to me at that time; yes.

Mr. KENNEDY. By what name was he introduced to you?

Mr. DICKEY. As Mike Miranda, and he said, "Just call me Mike."

Mr. KENNEDY. Did you know that he was one of the big criminals here in the United States?

Mr. DICKEY. I do not know it for a fact, and as I say I saw the man on that occasion, and at that time only.

Mr. KENNEDY. What was Genovese's attitude toward coming back to the United States? Did he make any statement as to his feelings about it?

Mr. DICKEY. Well, on the night I took custody to bring him back to the United States, he at first objected rather violently, and he did not wish to come back here, and he was demanding counsel and all of that sort of thing. He insisted on not coming back to the United States. However, after we were on the water his attitude changed considerably, and he repeatedly told me, "Kid, you are doing me the biggest favor anyone has ever done to me. You are taking me home. You are taking me back to the United States." As I say once we were on the water he had a completely different attitude.

Mr. KENNEDY. Were you aware of the fact that at that time, that his chief witness against him in the murder trial had died of poison?

Mr. DICKEY. No, I was not.

Mr. KENNEDY. Without getting into any specific names, did he discuss with you on the trip back his union activities and what he knew about the handling of strikes and those with whom he was associated?

Mr. DICKEY. Only in a general sense. As far as relating incidents or facts or anything of that nature, he never discussed it from that angle but he very frequently would say to me, "Now, look, you are young, and there are things you don't understand, and this is the way it works," and then he would go ahead and talk a little bit about some of those activities.

As I say, it was only in a general sense.

Mr. KENNEDY. Did he discuss bringing in scabs, for instance, and who was responsible for some of that?

Mr. DICKEY. He told me something about those activities at one point coming back, yes.

Mr. KENNEDY. And how he could work this for both labor and for management?

Mr. DICKEY. That is correct.

Mr. KENNEDY. And provide muscle men for both sides?

Mr. DICKEY. For either side; yes.

Mr. KENNEDY. Now, when you came back in the United States you then turned him over to the authorities here?

Mr. DICKEY. That is correct. On arrival here he was released to the district attorney in Kings County, N. Y.

The CHAIRMAN. Are there any questions?

All right, thank you. Call the next witness.

Mr. KENNEDY. Mr. Vito Genovese.

The CHAIRMAN. Will you be sworn?

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

Mr. GENOVESE. I do.

**TESTIMONY OF VITO GENOVESE, ACCOMPANIED BY HIS COUNSEL,
WILFORD L. DAVIS**

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

Mr. GENOVESE. My name is Vito Genovese. I live at 68 West Island Avenue, Atlantic Highlands, N. J.

The CHAIRMAN. Proceed. You didn't answer all of the question. (Witness consulted with counsel.)

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. What part of the question are you refusing to answer on that ground?

(Witness consulted with counsel.)

Mr. GENOVESE. The latter part.

The CHAIRMAN. I beg your pardon.

Mr. GENOVESE. The latter part.

The CHAIRMAN. What does that refer to, as you understand it?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. I believe I asked you what was your present business or occupation. Did you understand the question?

Mr. GENOVESE. I respectfully decline to answer.

The CHAIRMAN. I am asking you whether you understood the question.

Mr. GENOVESE. My answer may tend to incriminate me.

The CHAIRMAN. You can surely say whether you understand the question.

(Witness consulted with counsel.)

Mr. GENOVESE. I do, sir.

The CHAIRMAN. You understand, and you decline most respectfully to tell the committee what your business or occupation is, is that right?

Mr. GENOVESE. I do, sir.

The CHAIRMAN. Do you have a lawyer?

Mr. GENOVESE. Yes, sir.

The CHAIRMAN. Mr. Counsel, identify yourself for the record, please, sir.

Mr. DAVIS. My name is Wilford L. Davis. I am counsel to Vito Genovese; my office is at 149 Broadway, New York City.

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

Mr. KENNEDY. Would you tell the committee where you were born?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. From the information we have, and would you tell me if it is correct you were born November 21, 1897?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And we have from various statements that you have made at various times, that you were born in either Risigliano, how do you pronounce that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Risigliano, Italy, or Naples, Italy, or Dardia, Italy,

and according to your marriage record you were born in Casetta, Italy.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. You were born in Italy, were you not?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Is there any real mystery about where you were born?

Mr. DAVIS. At this time, I would like to state that he is the subject of other investigations.

The CHAIRMAN. The witness heard me, I believe. There is no mystery about the fact that you were born, and you were born somewhere, and is there anything about where you were born you think would be self-incriminating?

Mr. GENOVESE. It may.

The CHAIRMAN. It might incriminate you?

Mr. GENOVESE. It may do so.

The CHAIRMAN. Proceed.

Senator CURTIS. Mr. Genovese, did you ever perform any services or were you in the employ with or without pay for the United States Government?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator CURTIS. Who recommended you for such employment?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator CURTIS. That is all.

The CHAIRMAN. Are you a citizen of the United States?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Are you a naturalized citizen?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Did you ever do anything in your life that you could tell about that wouldn't incriminate you?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. I would like to carry this thing out and find out why the witness declines to say whether he is an American citizen or not.

Mr. GENOVESE. I respectfully decline—

Senator IVES. Are you ashamed of being an American citizen?

Mr. GENOVESE. It might tend to incriminate me.

Senator IVES. Do you mean being an American citizen would incriminate you?

Mr. GENOVESE. I respectfully decline, that the answer may tend to incriminate me.

Senator IVES. I don't know how that would work. Maybe your counsel can explain it, but I can't see anything incriminating about being an American citizen. If anything, being an American citizen might do you some good.

Mr. GENOVESE. I respectfully decline to answer.

Senator IVES. I didn't ask you a question. I am telling you something.

Mr. GENOVESE. It may tend to incriminate me.

Senator IVES. All right.

Mr. KENNEDY. According to our information, you were naturalized on November 25, 1936, is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Are deportation proceedings pending against you now?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do we have any information?

Mr. KENNEDY. We have information that he was naturalized on November 25, 1936, and he was denaturalized in November of 1953, on the basis that he concealed his criminal record in application for citizenship. However, in May of 1957, Mr. Genovese put in an application and instituted proceedings at the Newark Federal court for citizenship in the United States.

Now, I will have to check and see if we have any information that there is any action to deport Mr. Genovese at this time.

The CHAIRMAN. At this stage of the proceedings, I will direct the staff—

Mr. KENNEDY. I understand that there are proceedings. We don't know the status.

The CHAIRMAN. At the conclusion of these hearings, the Chair directs the staff to make certain that the tribunal before whom the proceedings are pending, either to deport him or denaturalize him or to again gain citizenship in this country, whatever the proceedings are pertaining to his presence in this country, that they be furnished a transcript of this testimony.

I would rather say this performance, because I don't think that we are going to get any performance, and I again express the hope that I did this morning when another witness testified, that the court and the authorities having jurisdiction of the subject matter will proceed with all deliberate speed to adjudicate the matter.

Mr. KENNEDY. Mr. Chairman, we have some information that we would like to put in the record regarding Mr. Genovese's activities, from various sources.

The CHAIRMAN. You may announce or state the information that you have, and ask the witness if it is true. That will give him an opportunity to clear the record, and clarify anything or refute any information we have as to what it is.

Mr. KENNEDY. I will ask him about some of his associates that we have information about, that he is connected with. We will start out with Mr. Mike Miranda. I think that you were here in the room when a picture of you and Mike Miranda was shown on the screen.

Do you know Mike Miranda?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. You were associated, were you not, with Mike Miranda in the Boccia murder in 1934?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Did you know Boccia?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Now, Mr. Sherman Willse of the committee staff has given a recitation of the facts regarding the Boccia murder in which you are quite clearly involved. Would you make a statement about that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Is it true that you made arrangements to have Mr. Boccia killed?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Now we also have information that you were associated with Albert Anastasia; is that correct, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us anything about Mr. Albert Anastasia being killed, in New York City, on October 25, 1957?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Mr. Joseph Profaci who testified this morning; he is also a close associate of yours; is he not?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And how about Anthony Strollo, known as Tony Bender?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. You stood up did you not in Mr. Strollo's wedding, and you were the best man?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And he was best man for you, wasn't he, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. What is it about Mr. Strollo that makes you such good friends?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. What about the Alto Knights; have you ever heard of the Alto Knights in New York?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Mr. Genovese, we also understand that one of your close friends is Frank Costello; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And when Mr. Costello had that dinner in 1949, to raise money for the Salvation Army, you were present; isn't that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. We also understand that you were a friend and have been a friend of Mr. Vincent "Chin" Gigante?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. He has worked for Tony Bender; has he not?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Do you know anything about his being arrested and tried in the case of trying to shoot Frank Costello?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. He ultimately was acquitted for that; was he not?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Now, you were seen getting out of an automobile in front of the Alto Knights with Mr. Gigante in 1956?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And we have information that you are an associate of Russell Bufalino, a garment figure from Pittston, Pa?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Salvatore Chiri who took over after Joe Adonis passed on?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And then we have another one of your close friends is Vincent Rao, who was very close to "Three-Finger Brown"; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Do you know "Three-Finger Brown"?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Do you know him under the name of Thomas Lucchese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And another friend of yours, as we understand it, is Tom Papadio, now under indictment on Federal narcotics; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Jerry Catena, who operates the jukeboxes, and I understand you are a friend of his?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that Jerry Catena works for "Longy" Zwillman?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And you were a friend of Willie Moretti before he was shot?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Joe Stassi; are you a friend of his, too?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Peter DeFeo; could you tell us what you know about him?

Mr. GENOVESE. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. I thought you might know him quite well because you were indicted with DeFeo and Miranda in connection with the murder of Baccia?

Mr. GENOVESE. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And Frank Livorsi; we understand you are a friend of Frank Livorsi?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And then we had another witness here before the committee, Professor Modica. Do you know Professor Modica?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. He has stated that he tutored your children; is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. How about George Smurra? We understand you are a friend of George Smurra?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And he was also indicted with you and DeFeo and Miranda, in the Boccia murder; isn't that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And we understand one of your real close friends is Charley "Lucky" Luciano; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Joe Adonis; wasn't he one of your close friends?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

(At this point, the following members were present: Senators McClellan and Ives.)

Mr. KENNEDY. And we understand you were present at the wedding of Joe Tocco with Carmela Profaci, the daughter of Joe Profaci; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Did you attend the wedding?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Did you see many of your friends there?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. You attended the meeting at Apalachin, did you not, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer that on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. At the time of the meeting, at Apalachin, and this might refresh your recollection, State police checked Russell Bufalino's Chrysler Imperial, and they found that when they stopped the car, that in the car with Bufalino was Vito Genovese. Do you remember that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And Jerry Catena?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. Dominick Olivetto?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. And we understand that you attended a meeting of the Mafia in May of 1952 in the Florida Keys; is that right, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. And we understand that Vincent Raila was present also?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. Governor Dewey described you as the King of the Rackets in 1949, and that you had supplanted Costello as the head of the New York underworld. Is that correct, Mr. Genovese?

(The witness conferred with his counsel.)

Mr. GENOVESE. I respectfully decline.

Mr. KENNEDY. On what ground?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. We understand, and we have some information on the fact, that you ran the rackets on the docks, on the waterfront of East River, in New York City, over the period of the last 8 or 10 years.

Is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. You took this over after you came back from Italy in 1945?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. Do you remember your trip back from Italy?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer might tend to incriminate me.

Mr. KENNEDY. I wonder if you would turn around and see if you recognize Mr. Dickey, with whom you shared your stateroom.

(The witness complied.)

The CHAIRMAN. Stand up, Mr. Dickey, so he can see you well.

Mr. KENNEDY. Do you recognize him?

Mr. GENOVESE. I respectfully decline to answer the question on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Did you come back together, the two of you?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. How did you happen to go to Italy in the first place, Mr. Genovese? We find that of some interest.

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Was it because of the investigation that was going on at that time of the rackets in New York?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And did you and Mr. Mike Miranda, go over to Italy together after Mr. Boccia was murdered?

Mr. GENOVESE. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. And once you got over there, did you then support Mussolini by funds and in other ways?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us what you did while we were at war with Italy, during 1942 and 1943?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Is it true that you contributed the \$250,000 to this building in Italy?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Do you know Anna Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. She was your wife, was she not?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. She did some talking at your separation hearing, did she not, your divorce proceeding?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. I wonder if we refresh your recollection with some excerpts from that testimony, that you might help us and give us an explanation. She testified to the sources of some of your money and how much money you were making. Would you help us on that if we refreshed your recollection with some excerpts from that testimony?

Mr. GENOVESE. I respectfully decline to answer the question on the ground that my answer may tend to incriminate me.

Senator IVES. Just a minute, Mr. Chairman.

What is this witness under at the present time, what type of indictment?

Mr. KENNEDY. I don't know.

Senator IVES. What is the matter that you can't testify?

Mr. GENOVESE. I beg your pardon?

Senator IVES. Why is it you can't testify?

Mr. GENOVESE. I decline to answer that on the ground that my answer may tend to incriminate me.

Senator IVES. Well, it might. I don't know. I am just curious. Usually people have a reason for not being able to testify. We had a gentleman here this morning who was supposed to testify and he couldn't even speak English straight this morning.

He talked perfectly last night, according to our counsel. You aren't having that trouble at all. You talk beautifully, but you don't seem to be able to say anything to some of these questions.

Sergeant Crosswell, do you remember this witness up at Apalachin, or did you see him up there?

Mr. CROSSWELL. Yes, sir.

Senator IVES. You saw him up there?

Mr. CROSSWELL. Yes, sir.

Senator IVES. Stand up and look at Sergeant Crosswell, will you?

Do you remember him?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer might tend to incriminate me.

Senator IVES. You know, the more you talk the more I think you must be guilty of a great deal. What is his police record?

How many convictions has he had, and for what?

Do you know Thomas E. Dewey?

(The witness conferred with his counsel.)

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Senator IVES. Did you ever hear of him?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. Have you that record here?

Mr. KENNEDY. Yes.

Senator IVES. Let's get it into the record at one point and then it will be altogether.

I respect him for saying "I respectfully decline" but that is as far as I do go.

What is he so fearful of?

The CHAIRMAN. Mr. Constandy, you may state what information we have regarding his criminal record, and I will ask him the questions.

Mr. KENNEDY. Do you want to swear him?

The CHAIRMAN. Do 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. CONSTANDY. I do.

TESTIMONY OF JOHN P. CONSTANDY

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

Mr. CONSTANDY. My name is John P. Constandy. I reside in New York City. I am employed as assistant counsel to this committee.

The CHAIRMAN. All right. Proceed with your testimony.

Mr. CONSTANDY. The prisoner's criminal record at the police department at the city of New York which carries B. No. 5993, begins on April 15, 1917, as Vito Genovese, Manhattan, revolver. On June 4, 1917, 60 days in the workhouse. That is a conviction.

TESTIMONY OF VITO GENOVESE—Resumed

The CHAIRMAN. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. All right. Read his record and let's ask him.

Mr. CONSTANDY. On April 22, 1918, the charge of felonious assault, discharged April 30, 1918.

The CHAIRMAN. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. CONSTANDY. On April 25, 1924, the charge of revolver, the charge was discharged because there was a permit from the justice in Albany, N. Y.

The CHAIRMAN. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. On May 13, 1924, homicide, auto; discharged June 23, 1924.

The CHAIRMAN. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. On January 17, 1925, disorderly person; discharged January 20, 1925.

The CHAIRMAN. Is that true or false?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. How old were you at that time?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. You mean that if you tell your age, that is harmful, too? I think you were born in 1897, is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. If you were born in 1897, and this was 1929, that would make you about 32, wouldn't it?

Mr. GENOVESE. I respectfully decline on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. The last one was 1925.

Senator IVES. That would make you 28 years old at that time, if you were born in 1897, 1925 being the year we are talking about.

What can possibly incriminate you if you admit you were 28 years old at that time?

I can't see anything incriminating about it if you do that.

Mr. GENOVESE. I respectfully decline on the ground that the answer may tend to incriminate me.

Senator IVES. It's the first time that I ever knew that age incriminated everybody. I am beginning to feel age myself, but I don't feel incriminated by it.

Mr. CONSTANDY. On July 25, 1925, burglary; discharged July 25, 1925.

The CHAIRMAN. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. On October 10, 1925, homicide, gun; discharged October 13, 1925.

The CHAIRMAN. Do you want to comment on that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. On January 29, 1927, 1897 of the penal law which is the weapons law of New York State, a conviction; \$250 and 30 days in the city prison.

The CHAIRMAN. Do you recall that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. On January 13, 1931, concealed weapon; no bill of indictment. It was at Jersey City, N. J. Dismissed on February 3, 1931.

The CHAIRMAN. Did you get out of that one, too?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Proceed.

Mr. CONSTANDY. On December 4, 1934, homicide, gun; dismissed December 7, 1934.

The CHAIRMAN. Any comment?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. CONSTANDY. The next entry is on June 2, 1945, for murder in the first degree, relating back to the same case in 1934, which was the Boccia killing. That was discharged on June 10, 1946.

Senator IVES. Who was the district attorney in that case?

The CHAIRMAN. May I ask is that where the principal witness was poisoned?

Mr. KENNEDY. That is correct.

The CHAIRMAN. Do you remember who the principal witness was against you?

What was his name?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

The CHAIRMAN. You wouldn't know anything about him drinking poison, would you?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Proceed.

Senator IVES. How many arrests has he had, Mr. Chairman?

The CHAIRMAN. I have not counted them.

Senator IVES. Is that the end of it?

That is only 1945 where you were. My goodness, he must have done something between that time and now.

Mr. KENNEDY. Ten altogether.

Senator IVES. How many times have you been arrested since 1945?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. Do you some time want to write an autobiography?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. By golly, I think it probably would, if you wrote an autobiography.

Mr. KENNEDY. I might just read the statement here in connection with this man, the statement of Assistant District Attorney Julius Helfand, in the case of *People v. Genovese*.

The CHAIRMAN. I would admonish the witness to pay very close attention to this. There may be something in here you would like to deny.

Proceed.

Mr. KENNEDY (reading) :

This defendant, Vito Genovese, was indicted with 5 others on August 17, 1944, for the killing of Ferdinand Boccia, alias "The Shadow," on September 19, 1934.

The testimony in this case, principally as given by the witness, Ernest Rupolo, "The Hawk," proves beyond any question of a doubt that this defendant, together with Mike Miranda, were the bosses of an underworld gang with great power.

The testimony of Willie Gallo clearly demonstrates the motive for the killing of "The Shadow," and the attempted killing of Gallo, himself. Genovese and Miranda were the ones who ordered and planned the murder of Boccia and Gallo—

The CHAIRMAN. At that point, let's see if the witness wants to make a comment.

Mr. GENOVESE. I respectfully decline to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY (reading) :

and Gallo is alive today only because "The Hawk" bungled the job of killing him.

Unfortunately, this vicious killer and kingpin of the underworld will escape a conviction of murder in the first degree and death in the electric chair because the district attorney does not have available the necessary corroboration required by law to convict him of this brutal killing.

Witnesses who would have been able to testify in corroboration of Rupolo's story are not now available, either because they were killed or have disappeared since the murder of Boccia.

The CHAIRMAN. Is that a part of your mode of operations, if anybody is about to testify against you, to have him killed or go out and kill him?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you mean you can't answer that question without the risk of possible self-incrimination? Is that what you are saying?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. You are fully cognizant of the inferences drawn from your statement that you can't answer that without the risk of self-incrimination, aren't you?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Well, I think you are, and the record will so reflect.

Proceed.

Mr. KENNEDY (reading) :

Julie Falvine, who was present at the original conference between Miranda and Rupolo, was shot and killed shortly after the death of Boccia. Peter La-Tempa, who testified before the grand jury in this case, and who gave substantial testimony identifying the actual killers of Boccia and also the participation of this defendant in the crime, was found dead from an overdose of

sleeping tablets, in 1945, and in the Raymond Street jail where he had been committed as a material witness at a time when this defendant was not within the jurisdiction of this county.

Other witnesses who could have supplied the necessary corroboration were likewise not available to the district attorney either because they were missing or refused to talk and tell what they knew of this crime because of their fear of Genovese and the other bosses of the underworld, knowing full well that to talk would mean their death.

The CHAIRMAN. Do you operate on that ruthless, brutal basis of killing anything that gets in your way?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Can you give an answer to any question at all without incriminating yourself?

Mr. GENOVESE. I will have to hear the question first.

The CHAIRMAN. All right, I will ask you.

Did you ever do any decent thing in your life?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Then he talks about those who are in fear of their death.

I have reference to Patsy Bevona and Rosario Palmieri, both of whom refused to make any statement to the district attorney or to disclose any knowledge that they had concerning this murder.

During the trial, a number of the people's witnesses showed by their action on the witness stand, their fear of Genovese and his henchmen and either changed their testimony previously given before the grand jury or refused to admit statements previously made to the district attorney. One look at the defendant was enough to put fear into their heart with the result that their testimony at the best was unsatisfactory and unreliable.

The CHAIRMAN. What defendant were they talking about?

Mr. KENNEDY. Vito Genovese.

The CHAIRMAN. One look at him put such fear in them that they changed their statements or would not testify?

Mr. KENNEDY. Yes.

The CHAIRMAN. Do you want to make any comment on that?

(The witness conferred with his counsel.)

Mr. KENNEDY. Sir?

The CHAIRMAN. Do you want to make any comment on that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY (reading):

Every effort was made by the district attorney and the detectives assigned to this case by the police department and those assigned to this office to unearth evidence of any kind which in any wise might further connect the defendant with the commission of the crime and insure his conviction.

It was nearly 10 years after the commission of the crime that the district attorney of this county, for the first time, had available to him the information supplied by Ernest Rupolo, the Hawk, and because of this great lapse of time it was extremely difficult for the present district attorney and his predecessors to get the true facts and to find the necessary evidence required under the statute to corroborate the testimony of the accomplices.

Since January 1, 1946, the district attorney of this county has made every possible effort to bring into this jurisdiction the other defendants in this case. In fact, we have made numerous requests for adjournments but we were finally obliged to proceed with the trial of this defendant realizing that even a vicious killer has constitutional rights under our laws.

We are, therefore, constrained to advise this court that we do not have the necessary evidence supporting the accomplice, Rupolo, as required within the

meaning of section 399 of the Code of Criminal Procedure and we, therefore, reluctantly consent to a dismissal of this indictment against the defendant.

Senator IVES. What did you say Governor Dewey called him?

Mr. KENNEDY. The king of the rackets who had supplanted Costello as head of the New York underworld.

Senator IVES. Do you accept that title?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. You know Governor Dewey is usually pretty accurate in the way he describes people and things. He could not have been very far off. He must have known what he was talking about. He has not missed yet on anybody I have ever heard of.

He called you the king of the rackets. You must be the king of the rackets, or, I mean, you were at that time. I assume you have not lost any of your prestige since, have you?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Senator IVES. Mr. Genovese, are you married?

Mr. GENOVESE. I beg your pardon?

Senator IVES. Are you married?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Senator IVES. What is wrong with your wife, if you are married?

Mr. GENOVESE. I respectfully decline.

Senator IVES. Why would you decline to answer, to say whether or not you are married?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Senator IVES. Is he married?

Mr. KENNEDY. Yes. He is separated from his wife.

Senator IVES. Well, he has some reasons, then.

Mr. KENNEDY. Could you tell us, Mr. Genovese, and maybe you could answer this, what your sources of income are?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us how much money you have at the present time?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Let me just see if I could refresh your recollection by what your wife, Anna Genovese, stated at the separation proceedings in Trenton, N. J., on December 19, 1952. On page 67 she talked first about the places where you keep your money, and your safe-deposit boxes.

Could you tell us where you have safe-deposit boxes?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Then she told about the fact that you had several safe-deposit boxes in New York and New Jersey, but that you had a number in vaults in Europe. She said, "We had 1 in Naples, 1 in Switzerland, 1 in Paris, and 1 in Monte Carlo."

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. What did you keep in those safe-deposit boxes, just currency?

Mr. GENOVESE. I beg your pardon?

Mr. KENNEDY. Do you keep just currency in those safe-deposit boxes?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. She said that you and she traveled a number of times to Europe, that "I always had the best style, the best hotels, traveled luxuriously, the best of cars, limousines."

Is that correct? Did you have always the best of services?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. The reason I ask that is because, for instance, in 1952, you declared on your income tax \$6,881.72. That is the total amount of money you stated you made in 1952.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. I must say in 1953 you did make more, you went up \$10, you made \$6,891.67.

Would you tell us about that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. In 1954, up to \$9,071.25; 1955, to \$12,750; in 1956, \$14,300. That is all the money you earned during that period of time?

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

Mr. KENNEDY. That must have been quite a comedown. She was talking about your trips to Italy, and she talked about the fact you made numerous trips there. She was asked, "What sum did you carry in cash with you on those trips?" And she said, "I had \$100,000 with me."

Would you tell us about that?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Then:

Question. On your next trip to Italy, tell us what it was and what sum of cash you had on you personally?

Answer. I came back in September. I went back in November. I don't remember; \$50,000—\$60,000 on me personally. I mean, I didn't sit down and count. I am trying to bring it as close as possible.

Mr. DAVIS. Is that a question, Mr. Kennedy?

Mr. KENNEDY. Yes. I would like to have the comments on that.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. I am curious about your carrying so much cash and currency with you. What do you do when you are on the ship, put it in the vaults of the ship, the safe-deposit box?

MR. GENOVESE. I decline, respectfully, to answer on the ground that my answer may tend to incriminate me.

SENATOR IVES. Well, I don't doubt but what it would.

MR. KENNEDY. Then she was asked :

How many times did you have \$100,000 in cash on your person when you made these trips—

and she answered :

Numerous times.

Question. And how many times did you have fifty, sixty, or seventy thousand dollars in cash when you made these trips—

and she answered :

I always carried big sums of money.

Question. Can you tell us what interest, business, gambling, or otherwise your husband has in Europe outside of what you have described here in America—

and she answered :

I believe he still owns a very large electric plant, which at that time I knew because it was discussed in front of me. In fact, there had even been some trouble about it. I believe he still owns it.

Do you own a large electric plant in Europe?

MR. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

MR. KENNEDY. I would just like to ask Mr. Dickey, if I could interrupt Mr. Genovese's testimony, did you ever hear while you were over there that Mr. Genovese owned an electric plant?

TESTIMONY OF ORANGE C. DICKEY—Resumed

MR. DICKEY. Yes, I did.

MR. KENNEDY. Would you stand up and answer?

MR. DICKEY. There was considerable comment about that electrical plant, and particularly about the distribution of the power from that plant.

MR. KENNEDY. Where was the electric plant located?

MR. DICKEY. I don't recall at the present time. I am here without benefit of reports, notes, or anything else, as you know. I don't recall the location of that plant.

MR. KENNEDY. But it was in Italy?

MR. DICKEY. It was in Italy, and there was considerable comment, as I say, particularly about the distribution of the power from that plant.

MR. KENNEDY. What was the situation as far as the distribution of the power?

MR. DICKEY. It was with respect to industry getting the power to us; they needed priorities and all that sort of thing.

MR. KENNEDY. Was it a question of shaking down some of these industries?

MR. DICKEY. There was a suggestion of that, and no proof.

TESTIMONY OF VITO GENOVESE—Resumed

MR. KENNEDY. Now, Mrs. Genovese also stated that you had over half a million dollars in Switzerland alone; is that correct?

MR. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. What banks did you keep it in?

MR. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

The CHAIRMAN. Do we have any information as to whether the Treasury Department is conducting any proceedings?

MR. KENNEDY. I know of no investigation that they are conducting at the present time, although it is possible.

Senator IVES. Did they conduct any?

MR. KENNEDY. I don't know of any.

Senator IVES. Is a copy of this going to them? Is a copy going to be furnished the Treasury Department?

The CHAIRMAN. Well, the Chair was not advised as to whether they were in the process of investigating the witness' income. I do not know. I assumed they were, with all of this information, but they may not have it and if they do not have it, a transcript of this testimony will be provided to the Treasury Department, and also to the Justice Department.

MR. KENNEDY. Now, another source of income that Mrs. Genovese talked about was the Italian lottery. Did you ever operate the Italian lottery?

MR. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

MR. KENNEDY. And she stated she personally handled the books for the Italian lottery for you.

MR. GENOVESE. Is that a question?

MR. KENNEDY. Yes.

MR. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

MR. KENNEDY. And that this Italian lottery which was being operated, she stated up until 1950 that the receipts were approximately \$20,000 a week. Is that correct, Mr. Genovese?

MR. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

MR. KENNEDY. If you were taking in \$20,000 a week just from the Italian lottery, why were you only declaring \$6,000 in your income-tax returns for the whole year?

MR. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

Senator IVES. May I ask the counsel a question on this income? This \$6,000 business, which I think showed up twice, was made up of what? Was it interest or dividends or salary or what?

MR. KENNEDY. It was from the Colonial Trading Co. that he received \$6,625, and then a third rental, \$266.67 for their home, making a total of \$6,891.67. In 1954 he received from the Colonial Trading \$6,500 and that was supplemented by miscellaneous game income of \$2,571.25.

Senator IVES. What is that?

MR. KENNEDY. I suppose that is the lottery, or game of chance.

Senator IVES. That is all he reported out of this \$20,000 a week he was making over in Italy?

Mr. KENNEDY. That is correct.

She also testified on page 49 that in addition to the Italian lottery, he has racetracks, gambling interests, dog interests, piers, and he is in almost all of the rackets.

I know specifically about the Italian lottery because I myself ran the Italian lottery.

Would you tell us about that?

Mr. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

Senator IVES. Let me ask you a question there. Is your wife still living, even though you are divorced?

Mr. GENOVESE. I respectfully decline to answer, sir, on the ground that the answer may tend to incriminate me.

Senator IVES. Do you think she is safe?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. I would like to follow that up, if I could get something out of you.

Mr. KENNEDY. Then she made some interesting statements also about the operation of some nightclubs in New York. She differentiated between nightclubs that you owned or she owned personally, and those nightclubs that were owned by you and the syndicate.

Could you tell us what the syndicate is, Mr. Genovese? What is the syndicate?

Mr. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

Mr. KENNEDY. I will read you some of those. This is just a list. Here, for instance, was a question:

"Do you have a piece or a part of the Club Caravan?"

And the answer:

"I did not; that was part of the syndicate. That belonged to his brother Mike, and all of those nightclubs."

What is the syndicate she was referring to?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. There was another similar reference in connection with another nightclub, being owned by the syndicate. Do you and a group of other of your friends own nightclubs and call yourself a syndicate?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. For instance, on page 134:

You have no interest whatsoever in the S2 Club, have you?

And the answer is:

No, that belongs to Vito Genovese and the syndicate.

Then it refers to the Moroccan Club and the Caravan Club. Now, according to this, you were receiving moneys from the unions through Tommy Calandriello. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. That you ran on the docks shylocking operations, and also received kickbacks in salaries from the various employees on the docks.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. And she stated that your home in New Jersey cost \$38,000, with another \$32,000 for improvements. Is that correct?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us what you do for the Colonial Trading Co. for which you receive \$125 a week?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Could you tell us what your connection with the Erb Strapping Co., Inc., is?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. That is 180 Thompson Street, New York City.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. What does a strapping company do, and what kind of business is it engaged in? It is a novel thing to me, the use of the term.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. It is just a matter of curiosity, and I did not expect that that would have any significance. I just wondered, and would you tell me privately what it is?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. All right.

Mr. KENNEDY. I thought, Mr. Chairman, that Mr. Genovese, according to our information, is a close associate of Mike Miranda, and we have also called him as a witness, and if we could call him around now, maybe he would help us on this information.

We would like to have him sit there.

The CHAIRMAN. Before we go into that, and while he is coming around, are you a member of the Mafia?

Mr. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

The CHAIRMAN. What is there about its operations that is unsavory?

Mr. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

The CHAIRMAN. Does it have a code of ethics or of practices, or unwritten code, that you just have to sort of memorize it and understand what it is in order not to get in trouble?

Mr. GENOVESE. I respectfully decline to answer on the ground my answer may tend to incriminate me.

The CHAIRMAN. Who is the head of it in New York?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you know?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. How many different areas does it operate in here in the United States?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you know?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. If you divulge what you know about it, would you be subjecting yourself to death at the hands of the Mafia?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. These people and murders you are connected with, according to the record, about which you say you cannot testify without incriminating yourself, were they killed as a result of the orders of the Mafia?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. How many deaths and murders do you suppose you are directly responsible for up to now?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you feel that you couldn't make any statement about that without incriminating yourself?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you have any moral scruples at all against killing your fellow man?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you place any value at all on human life, above that of your own selfish interests?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Is there anything you can testify to without incriminating yourself?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Would you give me just some lead on some subject or on some matter where you could give an answer to a question without incriminating yourself?

Mr. GENOVESE. I would have to hear the question first.

The CHAIRMAN. Could you give me a lead?

(The witness consulted with his counsel.)

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. I just asked for a little cooperation, and you said you would have to hear the question first, and I did not want to ask a great deal, and I just simply wanted you to give me a suggestion of the area or the subject matter so we would not waste a lot of time.

You decline, I believe you say, to give me any idea of something we might interrogate you about which you could answer without incriminating yourself.

(The witness consulted with his counsel.)

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. I want to ask him a question.

Mr. GENOVESE, did you ever kill anybody yourself?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Senator IVES. Well, that is quite sufficient. It answers my suspicions.

The CHAIRMAN. Mr. Miranda, would you come forward?

Mr. DAVIS. Could we have a short recess?

The CHAIRMAN. The Chair will be more considerate than he has been of us, and grant him a 2-minute recess.

Mr. DAVIS. Thank you.

The CHAIRMAN. The committee will stand in recess for 2 minutes.

(A short recess was taken.)

The CHAIRMAN. The committee will come to order.

Will you 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. MIRANDA. I do.

TESTIMONY OF MIKE MIRANDA, ACCOMPANIED BY HIS COUNSEL, ABRAHAM H. BRODSKY

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

Mr. MIRANDA. My name is Mike Miranda, 176 Greenway, North, Forest Hills, Long Island.

The CHAIRMAN. Your name is Mike Miranda?

Mr. MIRANDA. That is right.

The CHAIRMAN. Where did you say you lived now, a little louder, and will you get that microphone up there?

Mr. MIRANDA. 176 Greenway, North, Forest Hills, Long Island.

The CHAIRMAN. What business or occupation are you engaged in?

Mr. MIRANDA. I decline to answer on the ground that I will incriminate myself.

The CHAIRMAN. Do you honestly believe that if you answered the question truthfully, the question as to what business or occupation you are engaged in now, that a truthful answer to the question might tend to incriminate you?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. I am going to give you the opportunity now to show your good faith. The question is, Do you honestly believe that if you gave a truthful answer to the question of what is your present business or occupation that a truthful answer might tend to incriminate you?

Mr. MIRANDA. Yes.

The CHAIRMAN. All right. Now, counsel, I am sure you are familiar with the rules of the committee, but I will let you be identified first. Do you have counsel?

Mr. BRODSKY. I am.

The CHAIRMAN. Do you have counsel?

Mr. MIRANDA. He is my counsel.

The CHAIRMAN. You do?

Mr. MIRANDA. Yes.

The CHAIRMAN. Counsel, now identify yourself for the record.

Mr. BRODSKY. Abraham H. Brodsky, 111 Broadway, New York 6, N. Y.

The CHAIRMAN. The Chair tries to be very lenient with respect to counsel, and I realize sometimes the difficulty of their situation in trying to represent these fifth amendment characters, but there is a rule of this committee that says the counsel not put words into the witness' mouth. So I will ask you to observe that rule and your client may counsel with you and seek your counsel at any time that he desires, but I think that I noticed something that was possibly unintentional or without knowing about the rules of the committee and let us refrain from making that mistake any more.

Mr. BRODSKY. May I advise with my client for just one second?

The CHAIRMAN. You may.

(The witness conferred with his counsel.)

Mr. BRODSKY. Thank you.

Senator IVES. I would like to ask Mr. Miranda if he is under indictment or if there is any particular reason why he has to take the fifth amendment.

Mr. MIRANDA. I refuse to answer on the ground—

Senator IVES. I am just curious; after all is said and done, if you have a particular reason for taking the fifth amendment we would like to know it. We can understand and we do not press people so hard when they have a real reason for it.

But the previous witness has not been able to give any reason at all. Do you have a reason?

I asked a question.

Mr. MIRANDA. I refuse to answer.

Senator IVES. You don't refuse at all; you decline.

Mr. MIRANDA. I decline.

Senator IVES. Why do you decline?

Mr. MIRANDA. On the ground I incriminate myself.

Senator IVES. All right.

The CHAIRMAN. The Chair would suggest unless you want to flagrantly challenge or to show your arrogance for your Government and for this committee that if you are going to decline, you use the word "decline" instead of using the word "refuse."

After all, this committee represents your Government, and the Government that gives you protection. You may in your heart have utmost contempt for it, but it isn't good taste or good manners to display it when you are here on official business and we are trying to get your cooperation.

Senator IVES. I would like to follow that up with a question. I would like to ask the witness if he has any respect for the Government. That is a question.

(The witness conferred with his counsel.)

Mr. MIRANDA. Yes, sir.

Senator IVES. You do?

Mr. MIRANDA. Yes, sir.

Senator IVES. I am glad to know that, and then why don't you answer some of these questions? Are you a member of the Mafia?

Mr. MIRANDA. I decline myself on the ground I incriminate myself.

Senator IVES. As I understand the Mafia, it is a secret organization in which the members are somewhat related, or at least a large number of them are related through marriage, and for other reasons. They have a law of their own, which supersedes the law of our country, and the law of any country in which they operate.

That is why we want to know, and we are going to find out some of these things before we are through. When this Apalachin thing occurred, it occurred too near home to suit me.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Now, Mr. Miranda, you attended the meeting at Apalachin, as I understand it, in November of 1957.

Mr. MIRANDA. I decline to answer on the ground it will incriminate me.

Mr. KENNEDY. Isn't it correct that you flew up from Newark, N. J., to Binghamton, N. Y., to attend the meeting?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Would you tell the committee why you went to the meeting at Apalachin?

Mr. MIRANDA. I decline myself on the ground that it may incriminate myself.

The CHAIRMAN. Let us get this straight, now. We are making a record. I want to be a little helpful to you. You say, "I decline myself." What you mean is you decline to answer the question: is that correct?

Mr. MIRANDA. I might incriminate myself.

The CHAIRMAN. What is that?

(The witness conferred with his counsel.)

Mr. MIRANDA. Yes, sir; I decline.

The CHAIRMAN. Speak a little louder, and I want to be fair to you, and I don't want to misunderstand you. But you have counsel. I am sure, who has told you how to answer questions respectfully.

All right. Proceed, Mr. Kennedy.

Senator IVES. Before you go any further, I would like to ask the sergeant, Sergeant Crosswell, a question.

Did you see this witness up here at Apalachin?

Mr. CROSSWELL. Yes, sir; I did.

Senator IVES. You saw them both. And were they together?

Mr. CROSSWELL. No, sir.

Senator IVES. Not when you saw them?

Mr. CROSSWELL. No.

Senator IVES. One in one car and another in another car; is that right?

Mr. CROSSWELL. I believe so. I would have to check my original notes.

Senator IVES. In any case, you saw them separately and they weren't together.

Mr. CROSSWELL. Not when I saw them.

Senator IYES. Thank you.

Mr. KENNEDY. Did you arrive there with Carlo Gambino, Mr. Miranda?

Mr. MIRANDA. I decline to answer—

Mr. KENNEDY. Why don't you write it out?

Mr. BRODSKY. I have written it out, but—

(The witness conferred with his counsel.)

Mr. BRODSKY. May I tell him what to say, without incurring the displeasure of the chairman?

The CHAIRMAN. Sure. You may advise him. If he wishes to take the fifth amendment, you may advise him how to do it.

You may use your own conscience about whether you advise him to do it or not. I can't determine that.

(The witness conferred with his counsel.)

Mr. MIRANDA. I decline to answer the question on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Would you pass this on?

Mr. BRODSKY. I have it all typed out.

Mr. KENNEDY. Mr. Miranda, you know you can speak English better than that, and you know you can understand the questions. It is like Mr. Profaci this morning. Someone who has been as successful as you can say "I decline to answer the question." Don't put that act on.

Mr. MIRANDA. I was not sure.

(The witness conferred with his counsel.)

Mr. KENNEDY. You went to the meeting in Apalachin, did you not?

Mr. MIRANDA. I decline—

Mr. KENNEDY. Speak up, Mr. Miranda.

Mr. MIRANDA. I decline—

Mr. KENNEDY. Why can't you just let him look at that, if he is going to put this on?

Mr. BRODSKY. I beg your pardon?

Mr. KENNEDY. Why can't you let him look at that if he is going to put on that act.

Mr. MIRANDA. I got no glass.

Mr. BRODSKY. This is not an act. That is the way he speaks. As far as his memory, I cannot vouch for his memory.

Mr. KENNEDY. Mr. Genovese, you know he can speak English better than that, don't you?

Mr. GENOVESE. Is that a question?

Mr. KENNEDY. Yes.

Mr. GENOVESE. I respectfully decline to answer the question.

The CHAIRMAN. Let's have order. Proceed.

Mr. BRODSKY. Mr. Chairman, with the Chair's permission when the witness indicates that he wants to decline to answer, may I whisper the appropriate phrase to him so that he can repeat it?

The CHAIRMAN. Well, that is going to take up as much time as having an interpreter, is it not?

How long have you been in this country?

Mr. MIRANDA. I decline—

Mr. GENOVESE. Are you talking to me?

The CHAIRMAN. I am talking to the other one.

How long have you been in the United States?

Mr. MIRANDA. I decline—

The CHAIRMAN. "To answer."

(The witness conferred with his counsel.)

Mr. MIRANDA. I decline to answer on the ground that the answer would tend, I would be incriminated myself.

The CHAIRMAN. Were you born in this country?

Mr. MIRANDA. I decline—

The CHAIRMAN. "To answer."

Mr. MIRANDA. To answer on the ground my answer may tend to incriminate myself.

Senator IVES. Mr. Chairman, it appears to me that is one statement he is going to learn before he gets out of here this afternoon.

Yes, he will. Are you an American citizen?

Mr. MIRANDA. Yes, sir.

Senator IVES. Were you naturalized or were you born here?

Mr. MIRANDA. I decline to answer on the ground that the answer may tend to incriminate myself.

Senator IVES. To do what to yourself? I lost you around the last curve.

Mr. MIRANDA. Incriminate.

Senator IVES. All right.

The CHAIRMAN. Let's try to expedite this.

You growl out something, and if it means anything, besides this answer that "I decline to answer on the ground that it may tend to incriminate me," say so.

Proceed now. Growl it out.

Mr. Reporter, get the best you can out of the growl and put it down. Proceed.

Mr. KENNEDY. What is of particular interest to us, Mr. Miranda, is your connection with Mr. Carlo Gambino, when you arrived at the Apalachin meeting, Carlo Gambino has a firm or a company in New York which does labor consulting. Could you tell us whether you consulted his business with him at the meeting in Apalachin?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Is his ability to get clients based on his friendship with you, Mr. Miranda?

Mr. MIRANDA. I decline on the ground my answer may incriminate myself.

Mr. KENNEDY. Could you tell us what you discussed at the meeting at Apalachin?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Would you turn to your left and look at the man sitting next to you, please?

Mr. GENOVESE, would you turn to the right and see that man?

The CHAIRMAN. Look at each other. Turn around and see if you can identify yourself.

Mr. GENOVESE. This is for the picture? Sure.

Mr. KENNEDY. Do you know Mr. Genovese, Mr. Miranda?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Did you see him at Apalachin?

Mr. MIRANDA. I decline on the ground I may incriminate myself.

Mr. KENNEDY. Mr. Genovese, did you see Mr. Miranda at Apalachin?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may incriminate me.

Mr. KENNEDY. Also attending the meeting at Apalachin with you, Mr. Miranda, was Mr. Paul Castellano. Do you know Mr. Paul Castellano?

Mr. MIRANDA. I decline to answer on the ground I will incriminate myself.

Mr. KENNEDY. The information we have is Mr. Castellano heads a butchers' association, and this association deals with the labor union. Could you tell us what you know about that?

Mr. MIRANDA. Decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Have you and Mr. Genovese been in business together?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Do you remember a man by the name of Mr. Boccia, who was killed in 1934?

Mr. MIRANDA. I decline myself on the ground I might incriminate myself.

Mr. KENNEDY. According to the information available to the committee, you ordered or participated in ordering and instructing that Mr. Boccia be killed. Is that correct?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. And also that according to the statement of Mr. Rupolo, you also ordered the murder of Mr. Gallo; is that right?

Mr. MIRANDA. I decline myself on the ground I might incriminate myself.

Senator IVES. I would like to ask the witness this question.

Mr. Miranda, have you ever killed anybody yourself?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Senator IVES. What am I supposed to get out of that; that you have killed somebody?

Mr. MIRANDA. I decline myself on the ground I might incriminate myself.

Senator IVES. Don't you think this, if you have not killed anybody why don't you say "No"?

Mr. MIRANDA. I decline myself on the ground I incriminate myself.

Senator IVES. Apparently you would.

Mr. KENNEDY. According to the information, Mr. Miranda, that we have, you are now associated with the Tobacco Service, Inc., at 324 East 39th Street, New York. Is that correct?

Mr. MIRANDA. I decline myself to answer on the ground I incriminate myself.

The CHAIRMAN. Will you suspend just for a moment?

I would like to show these two witnesses a little exhibit, exhibit No. 12, a series of pictures. This particular picture, according to the evidence, was taken on September 8, 1955. Mr. Miranda, do you recognize yourself in that picture?

(The photograph was shown to the witness.)

Mr. MIRANDA. I got no glass. I don't see.

The CHAIRMAN. You can't see?

Mr. MIRANDA. Yes.

The CHAIRMAN. Do you recall—where are your glasses? You don't go around blind all the time. Where are your glasses?

Mr. MIRANDA. But I can't read without my glasses.

The CHAIRMAN. Where are your reading glasses?

Mr. MIRANDA. I got none. They are at home.

The CHAIRMAN. You got them at home. You have yours.

Mr. GENOVESE. Thank you, sir.

The CHAIRMAN. Can you help us out with respect to this picture?

Do you recognize anybody in it, in the top picture, No. 1?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate myself.

The CHAIRMAN. But that is a pretty good picture.

Mr. GENOVESE. I respectfully decline to answer.

The CHAIRMAN. Don't you see yourself in the picture?

Mr. GENOVESE. The answer may tend to incriminate me.

The CHAIRMAN. Isn't this you right here [indicating]?

Mr. GENOVESE. I respectfully decline because my answer may tend to incriminate me.

The CHAIRMAN. You were just about as close then as you are now, you and Mr. Miranda, were you not?

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. If you don't recognize yourself, would you kindly recognize Mr. Miranda?

Mr. GENOVESE. I respectfully decline on the ground that my answer may tend to incriminate me.

The CHAIRMAN. These are kind of familiar scenes to you, aren't they?

Mr. GENOVESE. I respectfully decline on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. There is nothing about this that haunts you, is there?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you want to make any further comment about it?

According to testimony, it shows you two together right out in front of the Alto Knights establishment. Do you want to make any comment about it, Mr. Miranda?

Mr. MIRANDA. I decline myself on the ground I incriminate myself. I ain't got no glass. I can't see.

The CHAIRMAN. Proceed.

Mr. KENNEDY. We also have information that you were closely associated with Lucky Luciano, Mr. Miranda.

Mr. MIRANDA. I decline—

(The witness conferred with his counsel.)

Mr. KENNEDY. I will make a statement and then I would like to have you make a comment on it, as to it being true, false, or whatever you would like to say. We understand you were closely associated with Lucky Luciano; is that right?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. On December 29, 1942, you went to visit Lucky Luciano when he was in prison?

Mr. MIRANDA. I decline myself on the ground I incriminate myself.

Mr. KENNEDY. You and Frank Costello visited Lucky Luciano, Meyer Lansky, Mike Lascari, Willie Moretti, all of you went to see Mr. Luciano when he was in prison; is that correct?

Mr. MIRANDA. I decline myself to incriminate myself.

Mr. KENNEDY. Why were you all around to go visit Lucky Luciano at that time, Mr. Miranda?

Mr. MIRANDA. I decline to answer on the grounds I incriminate myself.

Mr. KENNEDY. Mr. Miranda, you are an automobile salesman as well, are you not?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. You are an automobile salesman for Hunton & Raffo, at 239 West 55th Street, New York, which deals in Cadillacs, hearses, ambulances, and service automobiles, is that right?

Mr. MIRANDA. I decline to answer myself I might incriminate myself.

Mr. KENNEDY. Have you had a successful career selling the Cadillacs, the hearses and the ambulances?

Mr. MIRANDA. I decline myself to incriminate myself.

Mr. KENNEDY. Could you tell us what the Albert Levy special account was?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Wasn't the money in that account actually yours, Mr. Miranda?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. And didn't you in fact withdraw money to invest down in Cuba during the 1940s in the Havana racing association from that account?

Mr. MIRANDA. I decline myself—I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Mr. Miranda, Mr. Dickey, who was a witness earlier, states that he met somebody who identified himself as Mike Miranda, from New York. Would you turn around and see if you have ever seen Mr. Dickey before?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Were you over in Italy during the war?

Mr. MIRANDA. I decline myself and answer.

Mr. KENNEDY. Were you over there where your friend Vito Genovese was?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Could you tell us anything about the murder of Mr. Tresca, in the 1930's?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. What was Mr. Tresca murdered for? Could you tell us that?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. 1943, actually, Mr. Tresca was murdered, was he not?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Didn't he run a very anti-Mussolini newspaper in New York?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. And according to the information we have, you made a statement at the time, just prior to his murder, that what he was writing about Mussolini was proving very embarrassing to your friend Vito Genovese in Italy, is that correct?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Could you tell us who was responsible for Mr. Tresca being murdered?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. According to Mr. Rupolo, on the Boccia murder, you were very mad because Gallo had not been killed and he came back and reported it to you, and you were furious because he had not poured gasoline on him and set him afire.

Could you tell us about that?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. And you are also a good friend of Frank Costello, are you not?

Mr. MIRANDA. I decline myself, to answer myself, on the grounds I incriminate myself.

Mr. KENNEDY. Do you know anything about the murder of Peter LaTempa, who was the important witness against you and Vito Genovese, who was murdered in prison?

Mr. MIRANDA. I decline myself, to answer myself, on the grounds I incriminate myself.

Mr. KENNEDY. Could you tell us how it was arranged to get the poison into the drink of this important witness before he testified against you and Vito Genovese?

Mr. MIRANDA. I decline to answer myself on the ground I incriminate myself.

Mr. KENNEDY. Are you associated at all, through your children, with the Cardinal Insurance Agency, which handles the insurance for a number of unions in New York?

Mr. MIRANDA. I declare—I decline to answer on the ground I might incriminate myself.

Mr. KENNEDY. Do you know John DeFeo?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. Could you tell us what you were doing when you were arrested with five other gangsters at the Ocean Palm Hotel in Santa Monica, Calif., in 1952?

Mr. MIRANDA. I decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, these two individuals could be a great help to the committee if they would answer some of these questions and give us the information.

I am sure you could help law enforcement in New York City a great deal, and throughout the United States. You don't want to do that?

It might be one of your last chances before the committee. Do you want to help us, Mr. Genovese?

Mr. GENOVESE. Is that a question?

Mr. KENNEDY. Yes. Would you help us?

Mr. GENOVESE. I decline respectfully to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. What about you, Mr. Miranda, would you be willing to help and assist the committee?

(The witness conferred with his counsel.)

Mr. MIRANDA. I decline to answer on the ground that the answer may tend to incriminate myself.

Mr. KENNEDY. Mr. Genovese, do you know the infiltration of any of the Mafia into any labor unions or into legitimate businesses?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Mr. Miranda, do you know about that?

(The witness conferred with his counsel.)

Mr. GENOVESE. I decline to answer on the ground I incriminate myself.

Mr. KENNEDY. How do you sell these automobiles, Mr. Miranda?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. Mr. Miranda, is there anything you can answer that might not tend to incriminate you?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. Could you give me just one lead, one clue to something I might ask you that you could answer without incriminating yourself?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. Do you place any value upon human life above your own selfish interest?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. In other words, would you kill somebody just to make a dollar?

Mr. MIRANDA. I decline to answer on the ground I might incriminate myself.

The CHAIRMAN. Are you a murderer?

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. I would like to find out a little more, if we can, about his citizenship. Do we have any information as to whether—Counsel, he is a naturalized citizen; is that correct?

Mr. KENNEDY. Which one is that?

The CHAIRMAN. Mr. Miranda.

Mr. KENNEDY. I believe he is.

The CHAIRMAN. Would you tell us whether you are a native-born American or if you are a naturalized citizen?

(The witness conferred with his counsel.)

Mr. MIRANDA. I decline to answer on the ground I incriminate myself.

The CHAIRMAN. I will make the same statement about you I have about the others. I don't know just what your status is, but if you are a naturalized citizen, and proceedings have not begun, have not been started, to denaturalize you and to deport you, I am asking the Justice Department and the other authorities to take an immediate look at your record and proceed with appropriate action to send you back to the land from which you came. Again I hope the court and the officials will proceed in the matter with all deliberate speed.

I will conclude at the moment with this one statement. Well, I will withhold it until Senator Ives has spoken. Senator Ives.

Senator IVES. Mr. Miranda, I understand you are the agent for the Cadillac car; is that correct?

Mr. MIRANDA. I decline myself to answer on the ground I incriminate myself.

Senator IVES. Wait just a minute. Do you mean you are going to decline on account of the fact that it might incriminate you to state you are the agent for the Cadillac car?

How long do you think you will hold that agency under those conditions, if you are the agent for the Cadillac car?

I happen to know something about General Motors and their standards when it comes to that. They aren't going to have criminals and people like you being agents for them, by any stretch of the imagination.

This may get you into real trouble if you don't answer this question. Are you the agent for the Cadillac car, in any way, shape, or form?

You better answer that.

Mr. MIRANDA. I decline to answer on the ground that the answer might tend to incriminate myself.

Senator IVES. Mr. Chairman, I understand that Mr. Miranda handles the Cadillac funeral cars and flower cars. Is that correct?

He is the salesman for them. Does he have the agency?

Mr. KENNEDY. He is a salesman. It is not a Cadillac agency.

Senator IVES. What is the agency's name?

Mr. KENNEDY. It is a custom body organization.

Senator IVES. What custom body? Fisher?

Mr. KENNEDY. It is Custom Hearse Body, as I understand.

Senator IVES. A special body for hearses?

Mr. MIRANDA. I decline to answer.

Senator IVES. Mr. Counsel, I would like to find out further about the agency. Is this something that Cadillac puts out?

Mr. KENNEDY. I put the name of the company into the record. They make hearse bodies, ambulance bodies, and, I believe, some kind of automobile bodies.

Senator IVES. They are manufacturers; is that it; and he is a salesman for them?

Mr. KENNEDY. Yes.

Senator IVES. Is this a Cadillac motor that is put into the car?

Is this the Cadillac motor that is put into the car, or whatever it is?

Mr. KENNEDY. Not necessarily.

Senator IVES. Then it is not strictly a Cadillac proposition; is that it?

Mr. KENNEDY. No.

Senator IVES. He manufactures for all.

Mr. KENNEDY. Yes.

Senator IVES. I am wondering what the people that are handling it will think about it. I thank you very much.

I didn't think the Cadillac people would want anything to do with this.

The CHAIRMAN. Mr. Kennedy?

Mr. KENNEDY. Mr. Anastasia—I mean Mr. Genovese—I don't know whether to say excuse me or not—you were naturalized on November 25, 1936. According to the testimony before the committee by Mr. Dickey, you then spent the period during the war in Italy. That is correct, is it not?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. And during the period of time that the United States was at war with Italy, you were helping and assisting the Italian Government; is that right?

Mr. GENOVESE. I respectfully decline to answer on the ground that the answer may tend to incriminate me.

Mr. KENNEDY. Have any steps been taken by the United States Government to try you for treason, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. There is no statute of limitations on treason. Have any steps been taken by anybody in the United States Government to take any steps against you along those lines?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. You were helping and assisting an enemy during a period and time of war, Mr. Genovese.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Were you guilty of treason during the war, treason against the United States?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, I would just like to put a witness on, on the Tresca murder, to set the facts on that.

The CHAIRMAN. Call him forward.

I will ask this question: Did you have any sons in the war?

Mr. GENOVESE. I beg your pardon?

The CHAIRMAN. Did any of your sons serve in the war?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Did any of your daughters serve?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you have both sons and daughters?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you have either a son or daughter?

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. Do you think it might incriminate you to admit you are a father?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. You know that statement is not an honest statement, that you are afraid it will incriminate you, don't you?

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

The CHAIRMAN. I will ask you the question: Do you honestly believe that if you have a daughter or son, that a truthful answer might tend to incriminate you?

Mr. GENOVESE. I decline to answer respectfully on the ground that my answer may tend to incriminate me.

The CHAIRMAN. I am not going to let you decline it without placing an order against you to answer it. You can consult with your counsel. Do you honestly believe that if you stated here truthfully that you have a son or daughter, that a truthful answer to that question would tend to incriminate you?

Mr. GENOVESE. It may.

The CHAIRMAN. Well, it might. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, this is the next witness.

Mr. LAURENDI.

The CHAIRMAN. Do 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. LAURENDI. I do, sir.

TESTIMONY OF NATALE LAURENDI

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

Mr. LAURENDI. Detective Natale Laurendi, Shield No. 2021, New York City Police Department, assigned to the district attorney's office squad of New York County. The district attorney of New York County is Frank S. Hogan.

The CHAIRMAN. How long have you been a member of the police force of New York?

Mr. LAURENDI. Seven years, sir.

The CHAIRMAN. How long have you been assigned to the district attorney's office?

Mr. LAURENDI. Six years.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Detective Laurendi, do you have the facts on the murder of Tresca?

Mr. LAURENDI. I have a summary of highly confidential information which was given to an assistant district attorney of Mr. Hogan's office in 1946, by a close associate of Vito Genovese, concerning the Carlo Tresca murder.

Mr. KENNEDY. Could you make that information available to the committee at this time?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. Can you make it public?

Mr. LAURENDI. Without revealing the source, I have here a summary. I can give you the source in chambers.

The CHAIRMAN. Give us the summary, then, and we will receive the source of it in executive session.

Mr. LAURENDI. This source was known to Vito Genovese in Italy back in 1933. In 1935, Vito Genovese was back in New York City, and was seen in frequent contact with Charles "Lucky" Luciano, Tony Bender, Joe Biondo, and others, including Santino Pandolfi, who was described as a henchman of Tony Bender.

Mr. KENNEDY. Would you spell his name?

Mr. LAURENDI. P-a-n-d-o-l-f-i. Pandolfi's brother Carlo, in 1935, wanted to start a club for Italian seamen; Carlo was a Fascist. Genovese gave his approval for such a club. Before it got started, Carlo Tresca, an outspoken anti-Fascist newsman, sent word that he was going to fight the Fascist club and would do so by attacking Vito Genovese. Genovese sent word to Carlo Pandolfi to abandon the idea as he did not want any trouble with Carlo Tresca. Mike Miranda, at 180 Broome Street, New York City, operated distribution of mineral water owned by a certain Achille Pisani.

The CHAIRMAN. Is that the same Mike Miranda that sits here in the witness chair?

Mr. LAURENDI. According to the statement, it is.

The CHAIRMAN. Is it also the same Genovese?

Mr. LAURENDI. Yes, sir. Miranda expressed concern over the trouble being caused Genovese in Italy as a result of letters and articles during the period of 1940. Tresca was writing to and about Genovese's Fascist friends. Carlo Tresca was murdered on January 11, 1943. Strong suspicions for this murder centered on Carmine Galante, a hoodlum underling of Genovese and an associate of Frank Garafalo.

Galante, an Apalachin guest, is currently being sought by authorities in connection with a narcotic conspiracy involving some 40 persons, including Big John Ormento, who is also missing.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. Did this source, who, as I understand from your testimony, was very close to Vito Genovese, and was in a position to know, did he give you or give the district attorney's office any ideas to the amount of money that Mr. Vito Genovese had?

Mr. LAURENDI. It was not this source, sir.

Mr. KENNEDY. Did you have another source?

Mr. LAURENDI. Yes sir. There was another highly confidential source.

Mr. KENNEDY. Who was very close to Vito Genovese?

Mr. LAURENDI. Who was very—

Mr. KENNEDY. Extremely close.

Mr. LAURENDI. This source, I cannot even divulge the nature of it.

Mr. KENNEDY. But he was extremely close, is that right?

Mr. LAURENDI. Yes, sir.

The CHAIRMAN. I am a little apprehensive about this. I don't want anything divulged that will cause somebody to get murdered.

You don't say that you would not murder somebody if they gave some information against you, then, do you, Mr. Genovese?

Mr. GENOVESE. Is that a question?

The CHAIRMAN. Yes.

Mr. GENOVESE. I respectfully decline to answer on the ground that might tend to incriminate me.

The CHAIRMAN. That is the answer I expected, in view of your previous performance but I am very reluctant to get some man killed because he tells the truth.

Be careful, Mr. Laurendi, and not divulge a source at all.

Proceed.

Mr. KENNEDY. Can you give to the committee what this source gave you as to the net worth of Vito Genovese during this period of time?

Mr. LAURENDI. The net worth, 1954, was—all I can say, sir, is that there is confidential information in the office of District Attorney Frank Hogan to the effect that in 1954 Vito Genovese had amassed a fortune of \$30 million.

Senator IVES. And he declared \$6,000 on his income tax.

Is that right, Mr. Counsel?

Mr. KENNEDY. Yes, sir.

TESTIMONY OF VITO GENOVESE AND MIKE MIRANDA—Resumed

The CHAIRMAN. Is that slightly exaggerated?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Would it be fair to say that is an understatement?

Mr. GENOVESE. I respectfully decline to answer on the ground that that my answer may tend to incriminate me.

The CHAIRMAN. How many hoodlums do you have in your employ now or at your command?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. How many members of the Mafia operate under your direction and supervision?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. I think that that information which is from a different source, obviously from Mrs. Genovese, would appear to support the testimony that Mr. Genovese gave under oath at their separation hearing in New Jersey in 1952 or 1953, Mr. Chairman. She stated also at that time that Mr. Genovese had many sources of income, many companies that he owned, and none of them were in his own name; that he always used fronts.

Is that right, Mr. Genovese, that you do have many businesses, many interests, which are in names other than your own?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Do you have one single legitimate business?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. You don't have any interest in any business that you can give the name of without the risk of incriminating yourself?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. No; but he would like for you to keep them under subpoena. Maybe they will come back again.

The CHAIRMAN. Are there any further questions from the committee?

Senator IVES. No, Mr. Chairman.

The CHAIRMAN. Will you accept recognizance to reappear before the committee at any time we may need to further interrogate you without being subpoenaed?

Mr. GENOVESE. Yes, sir.

The CHAIRMAN. Upon reasonable notice to yourself or to your attorneys of record here, you will agree to reappear without further subpoenas?

Mr. GENOVESE. Yes, sir.

The CHAIRMAN. What do you say?

Mr. MIRANDA. Yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Are you also known as Don Vitone?

Mr. GENOVESE. I respectfully decline to answer on the grounds that my answer may tend to incriminate me.

Mr. KENNEDY. What does that mean, Don Vitone? That is our information.

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. It means the great one in English, does it not, Mr. Genovese?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. Did you give yourself that name?

Mr. GENOVESE. I respectfully decline to answer on the ground that my answer may tend to incriminate me.

Mr. KENNEDY. That is all.

The CHAIRMAN. Before we recess, the Chair makes this observation: I wish that every American citizen could have witnessed this performance here this afternoon.

It certainly emphasizes the danger to America, to our freedoms, to our way of life, to our free economy, free society, and every institution that we have today that was bought and paid for by the blood of patriots. Men who come before this committee with records such as you two have, defy your Government, refuse to cooperate, basking under the protection, the benefits, and blessings of this great Government of ours, come here from foreign lands, and they prey upon the people of this country with your illicit and criminal activities, are unworthy of the protection of the American flag.

We have a great job to do in this country to clean you out. I hope that this committee and others, and the law-enforcement agencies of this land, may pursue to the utmost the challenging task that confronts us, and that the day will come in America where it will be safe for people to operate their businesses, to have labor unions, and to have a society that does not live under the shadow of characters like those who find themselves in a position where they have to take that attitude that they can't be cooperative and help their country drive out a menace that threatens its very existence.

The committee will stand in recess until 10 o'clock in the morning.

(Present at the time of the recess: Senators McClellan and Ives.)

(Whereupon, at 5:20 p. m., the hearing was recessed, to reconvene at 10 a. m. Thursday, July 3, 1958.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, JULY 3, 1958

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.

Members of the select committee present: Senator John L. McClellan, Democrat, Arkansas; Senator Frank Church, Democrat, Idaho; Senator Karl E. Mundt, Republican, South Dakota; and Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, chief assistant counsel; Paul J. Tierney, assistant counsel; Paul E. Kamerick, assistant counsel; John J. McGovern, assistant counsel; Walter R. May, assistant counsel; Pierre E. G. Salinger, investigator; George H. Martin, investigator; Sherman Willse, investigator; and Ruth Young Watt, chief clerk.

The CHAIRMAN. The committee will be in order.

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

Mr. KENNEDY. Mr. James Plumeri.

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

Mr. PLUMERI. I do.

TESTIMONY OF JAMES PLUMERI, ACCOMPANIED BY HIS COUNSEL, MAURICE EDELBAUM

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

Mr. PLUMERI. James Plumeri, 400 East 59th Street, New York City.

The CHAIRMAN. All right, proceed.

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. You mean about your business or occupation?

Mr. PLUMERI. Yes, sir.

The CHAIRMAN. Do you honestly believe that if you told the truth about it that the truth might tend to incriminate you?

Mr. PLUMERI. Yes, sir.

The CHAIRMAN. Is it an illegal business?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

The CHAIRMAN. If it is a legitimate business, it wouldn't tend to incriminate you, would it?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. EDELBAUM. May I make a statement?

The CHAIRMAN. Just a moment. Do you have counsel with you?

Mr. PLUMERI. Yes, sir.

The CHAIRMAN. All right. Mr. Counsel, you may identify yourself for the record.

Mr. EDELBAUM. My name is Maurice Edelbaum. My office address is 1440 Broadway, New York City, and I represent the witness, James Plumeri. May I have the permission of the Chair to make a short statement?

The CHAIRMAN. You may make a very brief statement.

Mr. EDELBAUM. The witness at the present time is a defendant in an action brought in the United States District Court for the Southern District of New York, which action seeks to revoke his citizenship. In addition to that, Mr. Chairman, some time ago Mr. Paul Williams, the United States attorney for the southern district of New York, impaneled a grand jury with the avowed purpose of investigating the garment area of the city of New York, and during the interrogation of the prospective grand jurors they were asked whether or not they knew the witness, James Plumeri. In addition to that, Mr. Chairman, the district attorney's office of New York County represented by Mr. Frank S. Hogan, has subpoenaed certain books in which the defendant has certain interests—in which the witness has certain interests in various corporations, and so has Mr. Williams.

For those reasons, Mr. Chairman, the witness desires to avail himself of his constitutional privilege against self-incrimination. In doing so, it is not done with any avowed purpose to flout the purposes of this committee.

The CHAIRMAN. The committee will take that statement into account as we proceed. I believe the witness is not presently under indictment?

Mr. EDELBAUM. That is correct.

The CHAIRMAN. There may be investigations in process that may ultimately lead to an indictment, if I understand you correctly.

Mr. EDELBAUM. That is possible.

The CHAIRMAN. I said "may," and no one knows, of course. What is the proceeding now pending against the witness?

Mr. EDELBAUM. An action brought by the United States Government to revoke his citizenship on the ground of fraud, and that is pending at the present time.

The CHAIRMAN. He is a naturalized citizen?

Mr. EDELBAUM. Yes, he is.

The CHAIRMAN. Does this involve deportation?

Mr. EDELBAUM. Well, it could possibly involve that if the citizenship is revoked.

The CHAIRMAN. But for the present the only action is to revoke his citizenship for fraud?

Mr. EDELBAUM. That is correct.

The CHAIRMAN. All right.

Mr. KENNEDY. Where were you born, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You were born in Italy, were you not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. According to the information that we have, you were born in Italy, in 1903, either April 11, 1903; June 3, 1903; or April 14, 1903. Can you tell us which of those is correct, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Now, are you known by any other name, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You are also known as "Jimmy Doyle," aren't you?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. What did you give as your present address?

Mr. PLUMERI. 400 East 59th Street.

Mr. KENNEDY. Do you have any other home?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You also have a place in Miami, Fla., do you not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That is 9224 Dickens Avenue, Miami, Fla., isn't that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And is Mr. Johnny Dioguardi your nephew?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Would you name your nephews for the committee?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. How about Tommy Dioguardi, isn't he a nephew of yours, also?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. What are the names of your other nephews? What about Frank Dioguardi?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And they all have criminal records, do they not, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Did you teach them when they were young as they were coming along?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Now according to the information we have, between 1913 and 1925, you had had eight criminal arrests, with no convictions; is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Then in 1933 you were indicted for felonious assault, coercion and conspiracy, which was finally dismissed?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And then in 1933, assault, first degree?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And then homicide also in 1933?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Then extortion in 1937?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Then conspiracy and extortion and assault in 1937 for which you served 5 to 10 years, or were sentenced to 5 to 10 years in Sing Sing, is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And you and your nephew, Johnny Dio, went together, did you not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Now your business interests at the present time, according to our records, are the Ell-Gee Carriers, which is now known as the Randy's Trucking Co., is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. This is a garment trucking firm located 218 West 35th Street, New York City?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And the Barton Trucking Corp., 218 West 35th Street, New York City?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And in addition to these trucking companies, Mr. Plumeri, you also have some dress shops, do you not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. According to our information, you own the Advance Junior Dress Corp. at 1400 Broadway?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And you have an interest in shoulder pads also in New York City?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And the Reed Shoulder Pad Co., which is also known as the Three Brothers Co., in Allentown, Pa?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And the Richter Dress Co., also known as the I. Richter, Inc., Trucking Co., of 261 West 36th Street, New York City, is also owned and operated by you, Mr. Plumeri, isn't that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That is the Richter Dress Co., and the I. Richter, Inc., Trucking Co. Now, you own not only trucking companies, and dress shops, but you also own a restaurant, do you not, the Villa-Mar Restaurant?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. That is in Jackson Heights, N. Y., is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And you used to own the Bonnie Stewart Dress Co., isn't that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And didn't Mr. Russell Bufalino also have an interest in this dress shop?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And Mr. Dominick Alaimo, also had an interest in that dress shop, didn't he, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

(At this point, the following members were present: Senators McClellan and Church.)

Mr. KENNEDY. Both of those individuals attended the meeting at Apalachin, did they not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And you also had an interest in the Seam Binding Co., is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Do you usually stay at the Hotel Forrest in New York City?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Did you know Gertrude Krieger, who lived at the Hotel Forrest?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. We also understand you are a close friend of Joe Stretch, is that right, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And another associate of yours is Mr. Sam Berger, who used to be with local 102 of the ILGWU, is that right?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And Harry Stromberg, who is known as Nig Roser, is that correct?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. And Joe Evola, who was recently arrested on the narcotics charge?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Louis Stromberg?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Angelo Sciandra?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Samuel Sobel?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. Frank Carbo?

Mr. PLUMERI. I respectfully decline to answer the question on the ground that it may tend to incriminate me.

Mr. KENNEDY. You were one of the bright young lieutenants of Lepke during the 1930's, and you were interested in the trucking and garments during that period of time. You were using muscle against some of the legitimate companies when you were sent to Sing Sing. Are you still active in that operation, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. According to police records, you were one of the five leading underworld figures in New York City, Mr. Plumeri. Here is a chance to really tell the facts on this whole matter to the public. Don't you want to say something to us?

Mr. PLUMERI. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You also have an interest in promoting fighters, do you not, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. The Barton Truck Co. also. You have an interest in the Barton Truck Co., do you not?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Did you take part, Mr. Plumeri, in keeping certain dress companies from signing a contract recently with the ILGWU?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that you flew up especially from Miami on the 3d of March 1958 to give advice and counsel in those negotiations?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that you arrived in New York from Miami on the 3d of March 1958 at 12:50 p. m., and then you returned to Miami the following day at 1 p. m.?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Wasn't that during the period of a very important meeting, in connection with the negotiations that were going on regarding the contract with the ILGWU?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Will you tell us what your participation in all of that was, Mr. Plumeri?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact also that not only do you have an interest in certain boxers, trucking and dress companies, but also you have had an interest in some of the singers in the United States?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are you a member of the Mafia?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Are you married?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

(The witness conferred with his counsel.)

The CHAIRMAN. Do you have any children?

Mr. PLUMERI. No.

The CHAIRMAN. What was your wife's maiden name?

(The witness conferred with his counsel.)

Mr. PLUMERI. Mary Arapollo.

The CHAIRMAN. Thank you very much. Do you have any connections with organized labor?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you participate in bargaining negotiations either on behalf of management or on behalf of labor?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Are any of your businesses unionized or your employees in any of your plants or businesses members of a union?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you answered these questions, a truthful answer might tend to incriminate you?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. I am going to ask you another question now, and I am going to order you to answer it if you take that position.

I will ask you if you participate in the negotiations of collective bargaining, either on behalf of unions or on behalf of management.

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Do you honestly believe that if you answered that question truthfully, a truthful answer to that question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. PLUMERI. Yes.

The CHAIRMAN. Is there anything further?

Senator CHURCH. I have no questions.

Mr. KENNEDY. Isn't it a fact, Mr. Plumeri, that approximately 5 or 6 years ago you attempted to push a well-known singer out a window in a New York hotel because he would not marry a young lady that you wanted him to marry?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that you had a financial interest in that singer at the time that he was in New York, singing in night clubs?

Mr. PLUMERI. I respectfully decline to answer the question on the ground it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

It is quite probable before the conclusion of these hearings, or at some future time the committee may desire to recall you for further interrogation. With your acceptance, the Chair places you under recognizance to return and give testimony at such time as the committee may desire to interrogate you further. Do you accept that arrangement, without having to resubpena you?

Mr. PLUMERI. Yes, sir, upon reasonable notice.

The CHAIRMAN. Yes, upon reasonable notice to you or your counsel.

Mr. EDELBAUM. Counsel will be sufficient, Mr. Chairman. Notice to me will be sufficient. I believe we are excused for the day; is that correct, Mr. Chairman?

The CHAIRMAN. As far as I know, you will be, in a moment.

Before the witness leaves the stand, the Chair will make this observation: As we proceed with these witnesses who are in a position to give this committee a great deal of information that it needs and which the Congress needs, upon which to determine and predicate legislation that is needed to deal with labor-management problems and to eliminate improper practices, sometimes illegal activities that have developed in this area of our business or society, we interrogate these witnesses and they resort to the fifth amendment and take the position they can't talk about their business, or state what business they are in, what profession they follow, or give any account whatsoever of the activities, it is becoming clearer all the time that there is a challenge from organized crime in this country to the free-enterprise system and then to legitimate businesses and also legitimate labor organizations.

I am hopeful that as we proceed and this record is made, that the country will become sufficiently alerted and alarmed to this condition, and that the Congress, responding to public sentiment and popular will, will proceed and be able to enact legislation that will go a long way toward cleaning up this situation, and also to preventing its recurring.

This is not a pleasant task this committee has, but we are going to pursue it and let the record be made. It seems at times we should be discouraged in this effort, but the fight has got to be made, and the committee will continue, even though we may have a continuation of the privilege claimed, the claimed privilege, I think there are implications from it that cannot escape the attention of the American people and of the Congress.

All right. You may stand aside.

The Chair would suggest that the witness remain here for the present. He will be excused later.

Mr. KENNEDY. Mr. Chairman, we have had a witness from California regarding the situation from the west coast. I would like to now call Mr. Dan Sullivan, from Miami, Florida.

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

Mr. SULLIVAN. I do.

TESTIMONY OF DANIEL P. SULLIVAN

The CHAIRMAN. Mr. Sullivan, state your name, your place of residence and your business or occupation, please, sir.

Mr. SULLIVAN. My name is Daniel P. Sullivan. I am the operating director of the Crime Commission of Greater Miami, and I reside in the Miami area.

The CHAIRMAN. Do you waive counsel, Mr. Sullivan?

Mr. SULLIVAN. I do.

The CHAIRMAN. The committee appreciates your willingness to come here and give your testimony. Since I have not interviewed you, I will ask Mr. Kennedy to proceed with the interrogation.

Mr. KENNEDY. Mr. Sullivan, you are director of the Greater Miami Crime Commission?

Mr. SULLIVAN. Yes, I am.

Mr. KENNEDY. How long have you held that position?

Mr. SULLIVAN. Since practically its organization in 1948.

Mr. KENNEDY. What did you do prior to that time?

Mr. SULLIVAN. I was an agent of the FBI from 1932 until late 1942. I was in charge of protection for Consolidated Vultee Aircraft Corp. in Miami from 1942 to 1945. I was chief investigator for the Florida State Racing Commission in 1945 and 1946. I was employed by a group of outstanding citizens in Miami in 1947 to make an investigation of the infiltration of gangsters into the Miami area.

Mr. KENNEDY. Mr. Sullivan, have you found through the work that you have done, that this is a major problem in your section of the country?

Mr. SULLIVAN. We found in the Miami area the concentration of nationally known gangsters from practically all parts of the country, particularly east of the Mississippi River, from St. Paul down through Chicago, across the Lakes to Cleveland, Detroit, Buffalo, Youngstown, Warren, into New England, and down through the Central States, practically all the eastern part of the United States east of the Mississippi River.

Mr. KENNEDY. Are there frequent meetings of these individuals in the Miami area?

MR. SULLIVAN. Well, I think it goes beyond meetings. In 1948, when we were organized as a citizens effort, an organized citizens effort to stop this gangster infiltration, they controlled three hotels in Miami Beach, and they not only met together but they lived together. They were in daily contact with one another.

The Wofford Hotel was leased by the gangsters. The managing director was Anthony Carfono. In the crime hearings in 1950 there were some 40 major criminals who were identified as guests of that hotel, including starting with Frank Costello and running down the line through Joe Adonis and Longy Zwillman and many of the names mentioned here today, Jerry Catena, Joe Adonis, the DeCarlos from Buffalo and Youngstown, Joe Massei, from Detroit, and various other so-called topnotch gangsters. They associated intimately. I mean it was not just a casual association. It indicated that they had a common interest, and that it was more than a business acquaintance or casual personal acquaintance.

MR. KENNEDY. You mentioned there were three hotels. Hotel Wofford was one of them?

MR. SULLIVAN. The Wofford was one of them. The second hotel was called the Grand Hotel. It was a piece of property located diagonally across the street from the Roney Plaza Hotel in the central part of Miami Beach, and included the hotel itself, proper, which has connected with it a barbershop called the Grand Barbershop, then a restaurant called the Maxwell Restaurant, on the corner, Tahiti Bar, and around the corner a restaurant which has had different names through the years, such as the New Italian Restaurant and the Chez Paree. These were all controlled through a lease in the name of a man by the name of Angersola, a man from Cleveland, Ohio. Later the family bought the property. It is now in the name of John Angersola. It is still the major headquarters for the gangsters that come to the Miami area, particularly Joe Massei, who practically lives there all the time, and that is more or less their meeting place, and place where they receive messages, telephone calls, and join and meet one another.

MR. KENNEDY. Is there any specific place in the hotel where they go to meet?

MR. SULLIVAN. They meet in the hotel, on 23d Street in front of the hotel and in the barbershop, immediately next to the hotel.

MR. KENNEDY. Mr. Chairman, I might say in the course of our investigation in some of these other cities, in Cleveland and Detroit particularly, we have found, from many of the individuals that we are investigating, telephone calls to the barbershop at this hotel, and that they are telephone calls sometimes person to person, but often telephone calls just station to station to this barbershop, which, after investigation and study down there and conferences with Mr. Sullivan, there is some explanation for it.

They just receive telephone calls in the barbershop, is that correct?

MR. SULLIVAN. That is where they more or less hang out, and that is right outside this hotel, which has been more or less a meeting place for them since they took it over in the early 1940's. They have since changed the name of the hotel to the Carib Hotel.

MR. KENNEDY. What is the name now?

MR. SULLIVAN. Carib, C-a-r-i-b. The bar on the corner, which is the Tahiti Bar, has successively been controlled by gangsters, racketeers, and criminals, practically for the last 15 years. Among the

various persons that operated it were a couple named Pete and Ollie Ornstein out of Chicago. She was the prime vice suspect on the near northside of Chicago.

Dave Yaris, who is a former pinball, slot machine operator from the West Side of Chicago, who is very close to Joe Massei and very close to the Cleveland and Detroit crowd, close to the old Capone mob, and, himself, a prime jewel thief.

Mr. KENNEDY. Wasn't he a suspect in a murder also?

Mr. SULLIVAN. He was indicted, he and Lonnie Patrick and Willie Block, were indicted for the murder of James Ragan, who was then the president of the Continental Press Service, which was the national bookie wire service. There were three witnesses to that murder.

One was wiped out and one disappeared, and, as I remember it, the third one refused to testify, as a result of which the charges against the three men were dismissed.

Mr. KENNEDY. Had Mr. Ragan gone to the authorities before and said he expected to be killed?

Mr. SULLIVAN. He had made a lengthy statement to the State attorney in Chicago some time before his death in anticipation of trouble.

Mr. KENNEDY. We also have many telephone calls to this Tahiti Bar, Mr. Chairman, from various cities and various individuals.

Was there a third hotel?

Mr. SULLIVAN. The third hotel was the Santos Hotel, which was leased by two men, Bennie Street and Dave Glass, who are more or less minor racket figures from Philadelphia. They were employed by Angersola and the Cleveland and Detroit crowd to run the Grand Hotel at the time they leased it. Subsequently in 1946 they took the lease on the Sands Hotel, and they put up \$90,000 in advance rental on the hotel, of which \$50,000 was supposed to have been put up by Joe Massei, who is probably the major criminal figure in Detroit, but who has resided permanently in Miami for the past 10 or 15 years.

Street and Glass have run the hotel since that time.

Mr. KENNEDY. Speaking of Joe Massei what is his business interest in Miami, now that he lives there?

Mr. SULLIVAN. For some years he has been a partner in the Miami Provision Co., which is a provision company providing very high-quality meats and provisions for restaurants and hotels.

Mr. KENNEDY. Does that give him a very important position as far as the economy of the hotels of Miami is concerned?

Mr. SULLIVAN. Well, it gives him a front, a legitimate front of respectability. As a matter of fact, I do not know that Mr. Massei does anything illegal in the Miami area. As a matter of fact, at this time and for the last 6 or 7 years since we in the crime commission and the citizens in conjunction with the paper were finally able to close down major gambling in the town, there is little opportunity for any large sources of income to these gangsters, who come there more or less as vacationers.

Massei, however, still, at least up to about a year or 2 ago, had large interests, and probably is the most powerful man in the lottery business in Detroit, although he probably never leaves the Miami area, excepting when they have trouble, when they have a raid on a numbers house that upsets the status quo in Detroit, Massei and others will go there.

Mr. KENNEDY. Is there much contact between these individuals in Miami and the group down in Habana, Cuba?

Mr. SULLIVAN. Several of the individuals that used the headquarters in Miami have moved into Habana. A number of them moved originally from Miami into Las Vegas, when the county closed down.

Santo Trafficante, who is the key figure in the Mafia circles of Tampa, is the operator of the Sans Souci Casino in Habana. Tampa has a fairly large Sicilian population, and there has been a series of gangland slayings in Tampa, I guess in the last 25 years.

Up until 1953 there were 21 gang killings in the 20-year period, none of which I believe were ever solved. Trafficante succeeded his father of the same name, Santo Trafficante, Sr., as a major underworld racket figure in Tampa.

The narcotics unit has found in the past that Tampa was intimately associated in the smuggling of narcotics with individuals in Kansas City. There was a large investigation made in 1943 which resulted in the conviction of a man named Paul Antonori, a Tampa figure. In the early months of 1953, Antonori was shot at with shotgun blasts from a moving car and was wounded, in about August of 1953. In November of 1953 he was killed. A few months before the first attack upon him, Trafficante was himself the victim of a shotgun attempted murder, and escaped from it. These killings that have taken place have been typical gangland type of killings, generally with shotgun blasts from moving automobiles, and from ambush. Trafficante moved into Habana about 3 or 4 years ago and took over the operation of this casino. He visits the Miami area from time to time, apparently on his trips between Tampa and Habana. When he took over this casino, he took it over from some people who have been mentioned in testimony here, one of whom is one of the Mannarino brothers, Sammy Mannarino, of New Kensington, Pa. This is a family of racketeers who are considered to be the bosses in gambling, horse books, slot machines, in the New Kensington area. They came down to Miami in about 1949, moved in on a night club called Mother Kelly's nightclub, and from Mother Kelly's they moved to San Souci, and Sans Souci, in turn, was handed over to Trafficante.

Mr. KENNEDY. Both Trafficante and one of the Mannarinos attended the meeting in Apalachin?

Mr. SULLIVAN. I think Gabriel, known as Kelly, attended.

Mr. KENNEDY. You say in the Tampa area there have been 21 gangland murders over the period of the past 20 years?

Mr. SULLIVAN. Yes. But there have been several since that time. That was 1953.

Mr. KENNEDY. I understand from a telephone call I got last night there was another one yesterday, so that raises the total. Did many of these individuals become active in the labor field or try to move in as labor-management consultants?

Mr. SULLIVAN. We have had several attempts to move in on labor in our area. We had one attempt made 2 years ago, 3 years ago now, by a fellow named Charles Karpf. He came out of jail, came to Miami, and started to organize the jukebox business, and went through the usual routine of setting up, first of all, an association representing employers and then going along with setting up a union representing the employees or the maintenance men, the electrical maintenance men, that maintain these music boxes.

In a matter of about 5 or 6 months he just about organized 60 percent of the industry and I think in a matter of 2 or 3 more months would have organized the entire coin machine industry.

He put on the payroll a racket figure from Cleveland named Anthony Randazzo, as a public relations man.

Mr. KENNEDY. He also brought in an individual named Joseph Delicato, who is a major racket figure in this Sicilian group.

Mr. SULLIVAN. Yes, he is known as Joe Scootch.

Mr. KENNEDY. S-c-o-o-t-c-h?

Mr. SULLIVAN. Yes. It was only by virtue of the help and cooperation of the labor representative of the International Brotherhood of Electrical Workers who already were representing these maintenancemen, that we were able to get the information and finally expose him in the press, with the help of the press, and knock this fellow out of the box.

Mr. KENNEDY. And he himself came right out of jail and he had the help and assistance of other racketeers; is that right?

Mr. SULLIVAN. That is right.

With this collusive agreement between the operators themselves to use him as their representative in the employers association, at the same time setting up a phony union.

He just took over one local there without any permission or authority of any kind. He took over the Bedding Workers Local of the Upholsterers International Union. When Mr. Sol Hoffman from Philadelphia found out about it, he ordered that local to cease and desist from any efforts to organize the coin-machine industry, because they had no jurisdiction. Then he turned around and used the miscellaneous Textile Local of the Textile Workers Union to represent these electrical maintenancemen.

Mr. KENNEDY. Where did they carry on their negotiations, the employers, with this union?

Mr. SULLIVAN. They carried on a lot of their negotiations in a place called the Painted Doll, a night club, which was then controlled and was supposed to be owned by Joe Scootch.

Mr. KENNEDY. Where did Joe Scootch come from originally, do you know?

Mr. SULLIVAN. I think he came from New York. He is very close to the New York crowd.

Mr. KENNEDY. Is he related to Salvatore Falcone, do you know?

Mr. SULLIVAN. We have received information from a reliable source that he is a cousin of Falcone, and he is married to a woman named Gussie Siller, who was employed by Falcone.

Mr. KENNEDY. And Falcone originally came out of Utica down to Miami?

Mr. SULLIVAN. Falcone came to Miami and opened up a wholesale Italian grocery store.

Mr. KENNEDY. He was at Apalachin, was he not?

Mr. SULLIVAN. Yes, he was.

Mr. KENNEDY. Now, we had a witness on the stand just prior to your testimony, James Plumeri. Do you know anything of him in Miami?

Mr. SULLIVAN. He has a home in Miami area, and he lives on Harding Avenue, 8819 Hardin Avenue, and he is supposed to have an interest in a restaurant called Angelo Palange's, with the Dioguardis

and Joe Spasodo. Joe Spasodo who also, I believe, was at the Apalachin meeting was also supposed to be a part owner of it, and he goes by the name of Joe Palisades.

Mr. KENNEDY. Palisades?

Mr. SULLIVAN. Yes, sir.

Mr. KENNEDY. I don't believe he was at Apalachin but he has a long criminal record, does he not?

Mr. SULLIVAN. Yes, sir.

Mr. KENNEDY. I understand he was at the meeting at Apalachin.

Mr. SULLIVAN. I might mention that Trafficante was at that meeting at Apalachin, and on the day that Anastasia died suddenly, Anastasia had a room reserved at the Warwick Hotel in New York City, and had had that room reserved. It was occupied by Trafficante who moved out of the hotel an hour or two after Anastasia was murdered.

At that time apparently there were negotiations going on between representatives of the Habana Hilton Hotel and certain people in New York, Hilton Hotel representatives of the Gastronomic Union of Cuba for leasing the gambling concession at that hotel.

It is not at all unbelievable to think that Trafficante probably was up there with the idea in mind of taking over the gambling concession at the Hilton Hotel. Anastasia apparently also had some interest in this particular concession or trying to obtain it. At any rate, Trafficante from Tampa was at Apalachin on the day of this meeting and he was also in New York City just 15 days difference on the day Anastasia was murdered.

Mr. KENNEDY. What about "Trigger Mike" Capolo? Has he been active down there?

Mr. SULLIVAN. Mike Capolo has been in the Miami area for 15 years, I suppose. He is probably a major racket figure in the East. He associates with practically all of the known racketeers that come into the Miami area and he is looked up to as an important, prominent underworld figure by the lesser lights.

Mr. KENNEDY. And Joe Rivers?

Mr. SULLIVAN. Joe Rivers has been in and out of there for some years, and he books horses on the racetracks, and he has taken part in floating crap games and he is believed to have an interest in some of the casinos in Habana.

Mr. KENNEDY. Is he also known as Joe Selisi?

Mr. SULLIVAN. Yes, sir.

Mr. KENNEDY. Would you say, based on your experience, Mr. Sullivan, that this is a national problem, or a local problem?

Mr. SULLIVAN. There is no question about it. It is a national problem.

Mr. KENNEDY. Would you say that these people were organized?

Mr. SULLIVAN. Highly organized.

Mr. KENNEDY. In their operations?

Mr. SULLIVAN. Yes, sir. Nobody, for instance, like Massei, could control the apparently tremendous lottery operations that he has in Detroit and be able to sit outside a barbershop in Miami Beach day after day, week in and week out, and month in and month out, and not have a tremendous organization to carry on his work for him. No businessman could do it unless he had a tremendous organization behind him.

Certainly, we find this: When these people come there, they are very close. For instance, Massei arranged to have a boat slip back about 7 or 8 years ago for Tony Accardo, who is a topman of the Capone mob in Chicago. He was intimately acquainted with Charley Vicetti, who is now dead, of the Capone mob. He is very close to the Cleveland crowd, and very close to the Buffalo crowd, and the New York and New Jersey crowd. All of these people are very intimately associated with one another, and there is no question in my mind that they are operating on a national level, and that they are highly organized.

Mr. KENNEDY. What part would the control of the teamsters, by this group, have in your area?

Mr. SULLIVAN. Well, I couldn't say.

Mr. KENNEDY. What would be the effect of the control of the trucking in Miami in the wrong hands?

Mr. SULLIVAN. Miami is a long way from the general sources of supply for practically all products, and all of that stuff has to be shipped in there, and most of it is shipped in by bus and van.

It would probably paralyze the hotel industry there, if there was a strike of truckers. We have about 450 or 500 hotels in Miami Beach.

Mr. KENNEDY. Would the control of the union by the underworld have a great effect on the economy of Miami?

Mr. SULLIVAN. There is no question about it. That is very much so.

Mr. KENNEDY. It could paralyze the whole city?

Mr. SULLIVAN. It certainly could.

Mr. KENNEDY. And in the hands of the wrong people, it could cause great havoc?

Mr. SULLIVAN. That is right.

Mr. KENNEDY. Would you have any suggestions as to how to deal with these problems, Mr. Sullivan?

Mr. SULLIVAN. Well first of all, there is a very obvious defect, noted I guess by all investigators who have run into this mob. That is that there is no agency on a city, county, State, or Federal level whose job it is primarily to dig in and dig out these characters and find out who they are and where they are and what they are doing. It is unfortunate in this regard that even in our Federal setup, each of your investigative agencies has a distinct but limited jurisdiction.

Therefore, there is no one agency that is interested and has the jurisdiction to find out everything there is about these people. I think we need on a Federal level what the Los Angeles Police Department has on the local level. We need a general racket intelligence squad. In other words, it is not particularly interested or concerned or responsible for prosecution of a specific offense, and not necessarily concerned with or responsible for any court actions to be taken, but just a general Federal intelligence agency to do nothing but collect information on these gangsters from a national level.

We need it badly. It has to be on a Federal level because no one small agency can, on a local level, dig these fellows out.

Mr. KENNEDY. Would you say to understand and deal with these people that you have to know all about their front organizations, and their businesses, as well as their illegitimate operations?

Mr. SULLIVAN. You have to know everything about them. I think probably the chart that Mr. Martin got together will wind up to be

one of the most valuable things that has ever been done in connection with this group, the Mafia. I take my hat off to the committee in that regard. This is a step in the right direction, but it should be extended out to cover the whole United States, showing the relationship of these people, one to another. And then the same thing ought to be done on a business level and on the social level. It should be done by an outfit that has no responsibility to investigate and no responsibility to prosecute. It should be done as a research organization, and possibly in Justice.

Mr. KENNEDY. Would you say there was a major effort on the part of these people to infiltrate into the businesses and into labor unions?

Mr. SULLIVAN. There is no question about it. They infiltrated into the Miami area in large numbers, particularly during the time when the gambling was open and they were able to get into the gambling setup. We had the whole New York mob—Jake Lausky, and Meyer Lansky, Joe Adonis, and Jimmy Blue Eyes, and Frank Erickson—and they control all of the gambling in the county next to us where there is wide-open gambling.

They had the Club Green Acres, and the Colonial Inn, and they had the Club Bohemia.

Then we had the Chicago mob that muscled in on the S. and G. Bookmaking Syndicate, which is the largest bookmaking syndicate, I guess, in the history of the United States, and the Capone mob moved in and took over that syndicate.

When we were successful in closing down the county, it cut off that source. A lot of these fellows moved out, and for instance, Anthony Carfano, he hasn't been down there to any extent in the last 5 or 6 years, and fellows like Poggi Torello, a well-known hoodlum out of New York, he is no longer down there. And a lot of them moved into Las Vegas and took jobs in these gambling casinos, and some moved to Habana. But certainly in order to get to the root of this situation, you cannot do it on a local level. It has to be done on a nationwide basis.

The CHAIRMAN. We heard some testimony yesterday from Captain Hamilton of the Los Angeles Police. As I understood from his testimony, it is somewhat the same as yours with respect to how this problem may be handled and solved. Would you say that there should be established what might be termed a "national crime commission" vested with powers to investigate, subpoena, and compel testimony, and to investigate something comparable to what this committee has as a legislative committee, and then make available, to expose and collect and disseminate factual information regarding organized crime in this country, and make that information available to all law enforcement agencies throughout the country?

Mr. SULLIVAN. I think it should be something along that line, Senator. The question of whether or not they should have subpoena powers is a question that has a lot of problems thrown around them. But I think the idea of having some central agency, whatever you want to call it, possibly it should come under Justice, with the responsibility for prosecuting all Federal law, and they have a much broader jurisdiction than any other department.

There should be some kind of a commission or an intelligence unit in Justice that has nothing to do with prosecutions but merely a collection of evidence and transmission of that evidence to the respective

Federal agencies and where it might be advisable to pass on down to local agencies.

The CHAIRMAN. My thinking about it at the moment is that I think it deserves the best thought and judgment of the Congress as this information comes to us, if we are able to develop it, and point up the need for some action to be taken. I am thinking that a committee such as this, a permanent congressional committee is not necessarily the right answer to it, because those of us in the Congress have other responsibilities and this job if it is to be done properly, those who direct it and have the responsibility for it will not have, in my opinion, time to do anything else.

There should be full time given to it. I was thinking in terms of some kind of a national commission empowered and invested with authority to do something comparable to what this committee is doing in the way of exposing and in the way of getting the factual information. Then the proper dissemination of it would be reporting to the Justice Department and to any law enforcement agency in the United States having jurisdiction of any information or any crime or any activity that it may expose.

In other words, if it is on a national scope, and if it is organized crime on a national scope, you can only compete with it by an organization to combat it on a national scope. That is my thinking about it at the moment. Do you agree?

Mr. SULLIVAN. I certainly agree with you very heartily, Senator.

The CHAIRMAN. And maybe if nothing else constructive comes out of these hearings, and I hope much more will, we will find that this is a problem of such national scope and of such magnitude as a threat and a challenge to our society that the Congress will act in this field and take some steps, the best we can determine, to combat this growing organized crime in this country.

I would appreciate it and I know the committee will, as long as we continue, those of you who have this broad experience and who have followed this development in this country of this criminal underworld element and its activities, we will appreciate your recommendations along these lines. I think it is becoming evident that we are now approaching the time when we have to consider how to act and what to do about it.

I think we are establishing beyond any doubt that the condition prevails, and the evil is there and it is a challenge to this country of ours, and we have to take some action.

Suggestions and recommendations from people who are in positions such as yours and who have had this tremendous experience can be very helpful to us. I personally wish to thank you for the cooperation you have given the committee. I think that you are rendering not only the committee and the Congress but your country a great service in your cooperation with us in helping us to try to find the answers.

Senator Church, do you have any comment?

Senator CHURCH. I would just concur in what you have said, and also I would like to convey to the witness my appreciation for his helpfulness and for his testimony this morning.

Senator CURTIS. I have no questions.

The CHAIRMAN. Is there anything else?

Mr. KENNEDY. Mr. Sullivan's Bureau has been of great help to us in the Florida area during this period of time.

Mr. SULLIVAN. We are grateful to this committee and we think you are doing a fine public service in the work you have done so far, and I think if anything you are getting into the most serious phase of it right now when you get into this gangster problem. We are behind you 100 percent, and I can assure you on behalf of the Commission that we will continue to give your committee every possible cooperation.

The CHAIRMAN. Thank you.

Senator CURTIS. Mr. Chairman, I do have one question. Why does this gangster element move into the field of unions?

Mr. SULLIVAN. Well, we had a representative of one of the Senate committees attend one of our annual conventions, and he spoke about a man who moved into the union welfare business. They asked this man who had been in some other type of business why he had moved into this type of business, and he said:

"Well first of all, when you have a checkoff system, you have a foolproof system of collections. It doesn't cost you any money to operate. Secondly, if you run into one of these insurance companies or welfare outfits, you don't pay any money out and you take it all in. And thirdly, you have no inspection on the local, county, State, or Federal level. So your funds are not audited.

What it amounts to here is that you have a kind of a vacuum in our political economy whereby a great mass of money can flow into the hands of individuals where no accounting and no inspection of any kind.

Senator CURTIS. And there is a situation created under existing laws and circumstances that gives an opportunity for blackmail and extortion too, isn't there?

Mr. SULLIVAN. That is right.

Senator CURTIS. And there is also an area where fear can be an important factor both in dealing with employers, both large and small, as well as with the membership, isn't that right?

Mr. SULLIVAN. That is right, and not only that, you also have this situation, which you have seen develop here in this committee, where you have these same individuals on both sides of the fence. They can control the workers and they control a phase of management.

Senator CURTIS. Well, I think in your last remarks here you have made a very definite and specific contribution to the work of this committee, because while we are very much interested in the crime element, it is a labor-management inquiry that we are conducting, and I am so thoroughly convinced that unless we have some basic changes in laws in regard to union membership and the control of members over their officers and the freedom of members to get out that we are going to have these things go on. I thank you very much.

Mr. SULLIVAN. Thank you.

Mr. KENNEDY. Mr. Chairman, we have had the situation now in California and Florida. We have had some representatives from unions, from trucking in New York, Mr. Plumeri, and also from some textile interests in New York and in Pennsylvania.

Now I would like to call as a witness a major truckowner, an individual who has some interests with certain union officials in the Midwest, and I would like to call Mr. Buster Wortman, of St. Louis. mittee, shall be the truth, the whole truth, and nothing but the

Mr. Frank "Buster" Wortman.

Senator CHURCH. Will the witness please come forward?

Do you swear that the evidence, given before this Senate select committee, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WORTMAN. I do.

**TESTIMONY OF FRANK WORTMAN, ACCOMPANIED BY HIS COUNSEL,
MORRIS A. SHENKER**

Senator CHURCH. Are you represented by counsel this morning?

Mr. WORTMAN. Yes, sir.

Senator CHURCH. Will counsel identify himself?

Mr. SHENKER. My name is Morris A. Shenker. I am a lawyer from St. Louis, and my office address is at 408 Olive Street.

Senator CHURCH. All right.

Mr. KENNEDY. Would you identify yourself?

Mr. WORTMAN. Frank Wortman.

Mr. KENNEDY. And your address?

Mr. WORTMAN. 421 Broadway, East St. Louis, Ill.

Mr. KENNEDY. And your business?

Mr. WORTMAN. I claim my privilege on that.

Mr. KENNEDY. What privilege?

Mr. WORTMAN. Under the fifth amendment.

Mr. KENNEDY. You refuse to answer what your business is?

Mr. WORTMAN. Yes, sir.

Mr. KENNEDY. On what grounds?

Mr. WORTMAN. It may tend to incriminate me.

Mr. SHENKER. Mr. Chairman, at this time I should like to make a short statement pertaining to the situation that exists insofar as Mr. Wortman is concerned, which I think this committee might be interested in.

I think it might cast some reflections and reasons why his fear is well substantiated insofar as declining to answer any questions pertaining to certain matters.

The CHAIRMAN. Counsel may make a very brief statement.

Mr. SHENKER. If it please, Mr. Chairman, Mr. Wortman has been the subject of a grand-jury investigation beginning with the early part of 1954, which began originally in the eastern district of Missouri and then was picked up by the grand-jury investigations in East St. Louis, which is in Illinois where Mr. Wortman resides.

Continuously since 1954 he has been the subject of investigation by various Government agencies, the FBI, and the Bureau of Internal Revenue, as well as continuous grand jury investigations.

No later than this morning there is an article which appeared in the usually reliable Globe-Democrat, a daily newspaper in the city of St. Louis, wherein it is stated that a new grand jury in the city of St. Louis is to be impaneled on July 15 wherein the activities of Mr. Frank Wortman are under investigation by a Federal grand jury in Illinois, but that the new grand jury that is to be impaneled will also be interested in investigating and to continue to investigate his activities in Missouri.

The article states they will watch carefully the scrutinizing testimony of this honorable committee for the purposes of determining as to whether they can connect Mr. Wortman with any possible criminal conspiracy or any possible criminal action.

The CHAIRMAN. Is he under indictment at the present time?

Mr. SHENKER. He is not.

The CHAIRMAN. Thank you very much. He has a constitutional right in the fifth amendment, if he honestly believes that a truthful answer to the questions might tend to incriminate him.

Senator CURTIS. I have listened attentively to the counsel's statement that the witness has been under investigation since 1954 by local, State, and Federal authorities. I gathered from his statement that this has been in reference to a number of matters. We are charged with securing information for legislative purposes in the field of labor and management. I have a question that couldn't possibly incriminate him, and I hope that counsel will advise him to answer.

My question is, Is the witness an officer or employee or agent of any labor union at this time and has he been during the time since 1954?

(The witness consulted with counsel.)

Mr. SHENKER. Prior to the answer of this question, Senator Curtis, may I enlighten you on the type of investigation that has been going on pertaining to this witness?

Senator CURTIS. I have no objection, if it is brief.

Mr. SHENKER. One of the facets of the investigation of Mr. Wortman deals as to his possible connections with labor unions or as to his possible connection with employers insofar as influencing labor unions. This committee as a matter of fact knows there were numerous indictments and convictions in the St. Louis area of labor leaders and labor representatives, and labor agents, or agents of various unions, and in that connection one of the matters that official bodies were concerned with was to see if Mr. Wortman had any influence or any connection with any of those labor agents or labor representatives, I thought that the Senator should be aware of that prior to the answering of that question.

In fact, as recently as April 22, 1958, and I have the newspaper here with the headlines of the East St. Louis Journal reading "Bricklayers Wortman's Aids", and then it says "Judge Wants Jury To See Rackets."

I am familiar with that personally because I represented one of the persons that was subpoenaed. One of the things that they were attempting to do was to find out if there was any connection between Mr. Wortman, and whether he had exerted any influence in connection with the businesses being investigated in connection with labor. So that is actively under investigation by the grand jury now.

Senator CURTIS. Well, I am not going to premise that all unions are corrupt or all union members are corrupt. For very valid legislation purposes I would like to know if this man who has been under all sorts of investigations as you say, is an officer in a labor union.

Mr. SHENKER. Are you limiting it to an officer?

Senator CURTIS. An officer or employee or an agent.

Mr. SHENKER. Those are broad terms.

Senator CURTIS. I know they are.

Mr. SHENKER. If you are limiting it to an officer, I will advise this witness to answer, frankly. But when you take in such a catchall phrase—

Senator CURTIS. That is not a catchall phrase. I want to know if he is running a labor union. These people that come before us here, a

lot of them have never been duly elected officers. I think this committee is entitled to know that and it can't possibly incriminate him, and there is nothing incriminating, per se, about a labor union.

Mr. SHENKER. Of course, when you pose the question in this manner, there being such a broad question, in view of the investigations, I would say that a witness should and would have some fears that any answer he may give may tend to incriminate him, in view of the extent and scope of the grand-jury investigations that are in process.

I would have no objection in all frankness, and I certainly want to be fair with this committee, I would have no objections, if he were to answer the strictly legal question or strict question, if he is an officer of a labor union and I would have no objection to him answering that question.

Senator CURTIS. Is he refusing to answer?

Mr. WORTMAN. Yes; I decline to answer.

(At this point, the following members were present: Senators McClellan, Church, and Curtis.)

The CHAIRMAN. The Chair is going to require you, now. You have counsel present. If you are going to decline to answer, you are going to decline in the proper way. Bear that in mind. Your counsel can give you such advice as he thinks proper.

All right, proceed, Mr. Kennedy.

Mr. KENNEDY. Are you an officer of any labor union?

(The witness conferred with his counsel.)

Mr. WORTMAN. No, I am not.

Mr. KENNEDY. Do you run any labor unions?

(The witness conferred with his counsel.)

Mr. WORTMAN. I decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Do you receive money from certain labor unions in St. Louis?

(The witness conferred with his counsel.)

Mr. WORTMAN. I decline to answer on the ground it may incriminate me.

Mr. KENNEDY. You are a member, are you not, of local 562 of the steamfitters union?

Mr. WORTMAN. I didn't hear that.

Mr. KENNEDY. You are a member, are you not, of local 562 of the steamfitters?

Mr. WORTMAN. I respectfully decline to answer on the ground it may incriminate me.

Mr. KENNEDY. How long have you been in that union?

Mr. WORTMAN. I respectfully decline to answer.

Mr. KENNEDY. What did you give as your residence, Mr. Wortman?

Mr. WORTMAN. 421 Broadway, East St. Louis.

Mr. KENNEDY. Is that a hotel?

Mr. WORTMAN. Yes, sir.

Mr. KENNEDY. You have a suite in the hotel, do you?

Mr. WORTMAN. Yes, sir.

Mr. KENNEDY. Who pays for that?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may incriminate me.

Mr. KENNEDY. You don't pay for that out of your own money, do you, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer.

Mr. KENNEDY. Isn't that suite paid for by a man by the name of Sam Magin?

Mr. WORTMAN. I respectfully decline to answer. It might tend to incriminate me.

Mr. KENNEDY. Could you tell us who Sam Magin is?

Mr. WORTMAN. I decline to answer.

Mr. KENNEDY. Isn't it correct that you also have another residence at Morris Hills, which is a suburb of East St. Louis?

Mr. WORTMAN. I respectfully decline to answer on the ground it may incriminate me.

Mr. KENNEDY. Aren't some of your assistants and aids also with residences there: Dutch Dowling, Sam Magin, your brother Ted Wortman, and a nephew, Gordon Foster? Is that correct?

Mr. WORTMAN. I respectfully decline to answer on the ground that it might tend to incriminate me.

Mr. KENNEDY. Isn't that area called Hoodlum Hill, in East St. Louis?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. How many times have you been arrested, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. I don't know if we have a complete record here, but we have you down here as arrested 38 times. Is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. That includes 20 times as a robbery suspect, 2 times carrying concealed weapons, and you were questioned in 3 different killings.

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Can you tell us anything about that at all?

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. You were sentenced in 1933 to 10 years at Leavenworth and Alcatraz. Is that right?

Mr. WORTMAN. I respectfully decline to answer on the grounds it might tend to incriminate me.

Mr. KENNEDY. You were sentenced along with Blackie Armes to the Federal penitentiary for assault on a prohibition agent, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. You served part time in Alcatraz and you were released in 1941, according to our information, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. Then after release you were brought into the southern Illinois part of the old Capone mob. You were brought into that group by Armes himself, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Arnes passed away in 1945, did he not?

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. He was killed in a gun fight in southern Illinois?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Prior to joining the Capone group, you were a member of the Shelton gang, is that correct?

Mr. WORTMAN. I respectfully decline to answer on the ground it might tend to incriminate me.

Mr. KENNEDY. And you had, during the period of time after 1945, some financial dealings with Orville Hodge, did you not, up in Illinois?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what your financial arrangements have been with Orville Hodge?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. According to the information that we have, you were active in gambling, you own some gambling casinos around St. Louis, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And you ran the racetrack wire service for a period of time?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You ran the Reliable News Service of Fairmount City, Ill., and the Pioneer News Agency of St. Louis, Mo., is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And the Pioneer controlled the handbooks in Illinois?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Or part of Illinois, you might say. And then also controlled a good number of the handbooks in the greater St. Louis area, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And from that you received at least \$25,000 a week, did you not, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And the gambling establishments that you have or have had, are the Terrace Lounge, the Red Rooster, the Club Preview, the Paddock, the Empire Club, 7800 Club, the RR Club, and the Junction T Club, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. These clubs were operated in the names of other individuals, were they not?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You state, do you not, that you have no bank accounts of your own? Is that right, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And that you used Ted Wortman and Sam Magin and George Frank as some of the fronts for these organizations?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You also have an interest in trucking with one of the big truckers in that area, is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. The trucking company that you control was the Chicago and St. Louis Express Co., is that right?

Mr. WORTMAN. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what your relationship is with Stephen Gorman, of the Stephen Gorman Bricklaying Co.?

Mr. WORTMAN. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. The Stephen Gorman Bricklaying Co. owns the terminals in both St. Louis and Chicago, out of which your express company operates, does it not?

Mr. WORTMAN. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. According to an affidavit we have here, or it is a statement rather than an affidavit, from the accountant, you owe the Stephen Gorman Bricklaying Co., which owns these terminals, \$67,300, as of June 30, 1958. Is that correct?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why they have not attempted to collect over the period of the last 3 or 4 years from you?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that this Stephen Gorman Bricklaying Co. did some work on your home?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. According to the statement of the accountant, records of the Gorman Bricklaying Co., show that in 1952 work was performed on the homes of Frank "Buster" Wortman and Elmer Dowling. These jobs were known as the Morris Hills job and the Hilltop job. Work on Wortman's house amounted to \$8,057 and work on Dowling's house amounted to \$9,761, for a total of \$17,818 for the 2 jobs.

As of June 30, 1958, no payment has been received for this work. Could you explain that to us?

Mr. WORTMAN. I respectfully decline to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. Is it correct that the reason that they have not billed you in any of these matters is that you bring labor peace to them in their work?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what your relationship has been with the Bricklayers' Union in the St. Louis area?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know Leo Havey, of local 1?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Hasn't it been because of the assistance you have given to the Stephen Gorman Bricklaying Co., that they have procured or secured practically a monopoly on all the public housing projects in the St. Louis area?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Hasn't it been arranged for the Gorman Bricklaying Co., to take on a public relations man and a labor relations man, who are close associates of yours?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The payroll records and the cash receipts records of that company have disappeared. Do you know what happened to them?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. But it has been established, Mr. Wortman, that they had placed on their payroll 12 of your associates with criminal records. Could you tell us how that happened to come about?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And they received a total of \$35,000 on 4 jobs, is that right?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Sam Magin, who went on as a public relations man, and Jimmy Michaels, who went on as a labor relations man, received, out of that amount, \$22,000 for their labor relations services. Is that right?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Michaels also has a record consisting of about 25 arrests. He served 13 years in Joliet, in 1938, is that right?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. He was arrested in connection with several killings and involved in a number of gang fights, rival mobs in St. Louis?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Can you tell us why Mr. Gorman would place all those people on the payroll?

Mr. WORTMAN. I respectfully refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Another one was Joe Yanco, with a long police record, who served 10 years for robbery, 2 years for burglary and assault to kill.

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Horace Love, also known as Frank Brown, sentenced to 15 years in 1931 for the possession of burglary tools?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And then about 6 or 8 handbook operators and gamblers who were also placed on the payroll.

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Out of all of those individuals, there was only one individual, Robert Phelps, who held a union card. Can you explain that to us?

Mr. WORTMAN. I respectfully decline to answer on the ground that it may tend to incriminate me.

Mr. KENNEDY. You also operate a good number of the juke boxes, in that area, don't you?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And that is done through the Plaza Amusement Co.?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know John Scalish, of Ohio, also in the jukebox business?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Joey Glimco, of Chicago?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. The stockholders in your Plaza Amusement Co. were Louie "Red" Smith, convicted of mail robbery and tax violation; "Dutch" Dowling, your enforcer, with a long criminal record; and Barney Barts, who is a well-known hoodlum. Can you tell us how you got all of those people on your payroll, why you put all of those people on your payroll?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. What about the C. & W. Loan Co. of St. Louis. Is that also operated by you?

(The witness conferred with his counsel.)

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And the Madison Investment Co.?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what your relationship has been with the Mullen Trucking Service?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And the assets of that company were taken over ultimately by the Acme Motor Co. Could you tell us your relationship with that company?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The records of the Mullen Co. are missing, so there was no evidence of any payment for the assets of Mullen, when Acme took it over. Can you explain that to us?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Mullen is related to you, is he not?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The present president of Acme is John Saica, who was a Teamster official.

Can you explain to us how he was set up in business?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And Mr. Mullen was related to you, and Saica also took over the Daisy Express Co. and F. M. Freight Lines. Can you tell us about that?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. The construction company whom we understand you are associated with, is the GB Realty Co., where Sam Magin is a front for you. Is that correct?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Cascade Hills Construction Co., for which Magin again is a front for you?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Could you tell us your relationship with the Gormco Construction Co.?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. There was a castle with a moat built around it out in East St. Louis, on which work was done by the Gorman Construction Co. Could you tell us what you had to do with that?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. What was the purpose of building the castle with the moat around it?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that free labor was supplied in connection with that building?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. What were you going to do in that building, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. When it was being put up, you said it was going to be used as a boys' club; is that right?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Wasn't it in fact going to be used as a gambling place by you, Mr. Wortman?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we have a telegram here from Mr. Gorman. I don't think we will probably have time to hear every one of the witnesses in connection with Mr. Wortman, but he has sent a telegram. We have Mr. Magin here, who perhaps will throw some light on this situation.

The CHAIRMAN. The Chair will read this telegram just for information; it is not evidence. It is dated St. Louis, June 30, 1958, addressed to Mr. Kennedy as counsel of the committee.

It says:

Matters pertaining to financial transactions of Gorman Bricklaying Co. and Stephen Gorman are presently under Federal grand jury and Internal Revenue Service investigation. In view of this, I have advised Gorman to invoke constitutional privilege against self-incrimination when appearing before your committee. Under these circumstances, may his appearance be excused.

It is signed Daniel B. Reardon.

Do you know anything about Mr. Gorman's connection and his activities with this Gorman Bricklaying Co., Stephen Gorman?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. May I ask you are you now engaged in, or have you been engaged in, any legitimate business at all during the past dozen years, about which you can testify without the risk of self-incrimination?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Can't you tell us one single thing you have done that you would defend as being decent and honorable, one single thing?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Have you any questions, Senator Church?

Senator CHURCH. No questions.

The CHAIRMAN. Senator Curtis?

Senator CURTIS. I have no questions.

Mr. KENNEDY. Mr. Wortman, can you tell us what your relationship was with Laurence Callanan, who was the former business agent of local 562?

Mr. WORTMAN. I respectfully decline to answer on the ground it would tend to incriminate me.

Mr. KENNEDY. He was convicted and is presently serving time for violation of the Hobbs Antiracketeering Act. Can you tell us what you know about that?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Is it correct that Mr. Callanan is presently on, or was as of a year ago, still on the payroll while he was in prison, still on the payroll of local 562?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. According to our information, you also have a close relationship with Paul Hoolihan, who was former head of local 42 of the Construction Laborers Union; is that correct?

Mr. WORTMAN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And he is also serving time for violation of the Hobbs Act.

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Do you know Mr. Harold Gibbons of the Teamsters Union?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. Do you know Mr. Barney Baker of the Teamsters Union?

Mr. WORTMAN. I respectfully decline to answer on the ground it may tend to incriminate me.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Obviously, this witness is not in a position to answer any questions without possible self-incrimination, according to his own judgment of his own activities and his own conduct. So in view of that, we will let the record stand as it is.

Do you want him any more?

Mr. KENNEDY. We will need him back some other time, Mr. Chairman.

The CHAIRMAN. The Chair will place you under recognizance to return to the committee and give testimony at such time as it may further desire to interrogate you without the necessity of another subpoena. Do you accept such recognizance?

Mr. SHENKER. That is correct, Mr. Chairman, providing only one thing, that the appearance shall not be considered voluntary, that it will be considered as though he is appearing under subpoena.

The CHAIRMAN. It will be under subpoena. He will remain under the present subpoena subject to being recalled.

Mr. SHENKER. The witness will so conduct himself.

The CHAIRMAN. And, of course, subject to reasonable notice of time and place either to you as his counsel or to himself.

Mr. SHENKER. Yes, sir.

The CHAIRMAN. All right. Stand aside.

Mr. KENNEDY. Mr. Sam George Magin is the next witness.

The CHAIRMAN. Come forward, Mr. Magin.

Do 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. MAGIN. I do.

TESTIMONY OF SAM MAGIN, ACCOMPANIED BY COUNSEL, MORRIS A. SHENKER

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

Mr. MAGIN. My name is Sam Magin, 140 Hillcrest Drive, Collinsville, Ill.

The CHAIRMAN. Collinsville, Ill.?

Mr. MAGIN. Yes, sir.

The CHAIRMAN. Did you finish your answer?

Mr. MAGIN. Yes, sir.

The CHAIRMAN. Are you going to answer as to your present business or occupation?

Mr. MAGIN. I respectfully decline to answer on the grounds it might tend to incriminate me.

Mr. SHENKER. Mr. Chairman, may I make a statement insofar as this witness is concerned, a short statement?

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

Mr. MAGIN. Yes, sir.

The CHAIRMAN. Let the record show the same counsel appears for this witness as for the preceding witness.

Counsel, we will hear a brief statement.

Mr. SHENKER. The record may show that I am appearing for Mr. Sam Magin in a special capacity, that I am not his counsel in the case which is pending but that his counsel could not appear today, and asked me since I was here that I participate in these hearings.

The CHAIRMAN. Will you identify his counsel?

Mr. SHENKER. Ray M. Foreman and he is from Illinois.

The CHAIRMAN. His address, if you can give it.

Mr. SHENKER. 41 North Vermilion, Danville, Ill. I conferred with him Wednesday evening pertaining to this matter. The statement, Mr. Chairman and members of the committee, that I wish to make pertaining to Mr. Magin—

The CHAIRMAN. Have you submitted that statement to the committee?

Mr. SHENKER. It is not a written statement. It is just a document to refresh my memory.

The CHAIRMAN. I thought you were going to read a long statement.

Mr. SHENKER. No, Mr. Chairman, I wouldn't do that. Mr. Magin is presently under indictment in the District Court of the United States for the Eastern District of Illinois, and that is on criminal information charging the violation of section 1621 and section 10001 of title 18 of the United States Code.

This indictment was returned some time ago. Motions on the matter were heard yesterday, and the matter, as of yesterday, was set for trial for July 15, this year.

Furthermore, Mr. Magin has been and is the subject of an extensive investigation that has been carried on and is being carried on in the eastern district of Illinois insofar as his activities as allegedly being connected with persons of bad reputation and persons who are generally, according to the press at least, considered as being engaged in unlawful occupations.

The CHAIRMAN. What is the charge in the indictment?

MR. SHENKER. The indictment specifically charges on four counts, and charges perjury before the grand jury in 1956. The perjury stems, apparently, according to the indictment, from allegations that in answering his questions pertaining to his associations and business affairs, that is, as to his associations in business and business affairs, that he did not truthfully, according to the charge, state or reveal to the grand jury his associations; that Mr. Magin has also been the subject of the investigation since about 1955 in connection with many of the matters about which this committee sought information just a few minutes ago from Mr. Frank Wortman, and his income-tax matters are also being under investigation.

THE CHAIRMAN. We are not excusing people from testifying just because there may be some investigation pending against them. Where there is an indictment that is specific with regard to some offense we have generally not interrogated them about the subject matter of the indictment. I think, maybe, that if you have a copy of the indictment, you might pass it up to us and let us see it.

MR. SHENKER. I shall be glad to. I have only one copy.

MR. KENNEDY. We have one.

THE CHAIRMAN. We have a copy. Thank you.

If the witness will not tell his business or occupation, I conceive he is going to talk less about any other things, or certainly not any more.

MR. COUNSEL, you can proceed the best you can.

MR. KENNEDY. Mr. Magin, have you got some interests in certain of the gambling clubs around St. Louis?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. According to the information we have, you have at least a front interest in the R. R. Club, the Junction T Club, the Cash Sales Co., the Empire Club, and the 7800 Club. Is that correct?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. Isn't it a fact that you are holding Mr. Wortman's interests in those various gambling and other kinds of clubs?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. Could you tell us what your relationship has been with Mr. Wortman?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. Then would you tell us what your relationship has been with Mr. Gorman?

MR. MAGIN. I respectfully refuse to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. What about the GB Realty Co., one of Gorman's companies? Can you tell us what your relationship has been with that?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

MR. KENNEDY. And the Cascade Hills Development Co., another company?

MR. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Gormco Construction Co.; can you tell us about that?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. We understand that Mr. Gorman has placed you on the payroll as a labor-relations expert. Can you tell us what your experience has been in that field?

Mr. MAGIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Have you ever had any labor-relations experience?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that you were just placed on the payroll as a means of making payoffs to Mr. Wortman?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And wasn't that part of the agreement between Mr. Gorman and Mr. Wortman, whereby Mr. Wortman would not charge Mr. Gorman for these various expenses?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Have you ever been a member of any labor union?

Mr. MAGIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Can you tell us about this castle around which the moat was built?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

(At this point, Senator McClellan left the room.)

Mr. KENNEDY. Supposedly that was built by you and for you. Can you tell us what the situation was?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. What was the reason for putting the moat around the building?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Can you tell the committee how you were able to obtain free labor on that operation?

Mr. MAGIN. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Can you tell us about the Madison Investments Co?

Mr. MAGIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Can you tell us why you pay the expenses for Mr. Wortman's hotel suite at the Broadview Hotel?

Mr. MAGIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Can you tell us what the relationship is between you, Wortman, and Gorham, Mr. Magin?

Mr. MAGIN. I respectfully decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. That is all.

Senator CHURCH. The witness may stand aside.

Are there any other questions?

Mr. KENNEDY. I would like for him to remain under the same subpena.

Mr. SUECKER. The situation is that he will be available at the call of the committee upon reasonable notice, providing, however, that it is understood that any answer will be considered as replying to a subpena.

Senator CHURCH. The present subpena will continue under those arrangements, then.

Mr. KENNEDY. Mr. Chairman, we have had a compilation made of the number of arrests charged to persons who appeared on the relations chart. Can we put that into the record through Mr. Martin?

Senator CHURCH. Yes.

TESTIMONY OF GEORGE H. MARTIN—Resumed

Senator CHURCH. Mr. Martin, I understand you have been sworn in connection with the testimony given on the relations matter.

Mr. MARTIN. That is correct.

Senator CHURCH. Would you identify yourself for the record, please?

Mr. MARTIN. George Martin, investigator for the committee.

Mr. KENNEDY. Could you tell us, Mr. Martin, if you have made a compilation of the number of arrests charged to persons who appear on the relationship chart?

Mr. MARTIN. Yes. There was a total of 741 arrests. In the category involving crimes where firearms or the use of firearms appears, such as carrying concealed weapons, armed robbery, assault with intent to kill, felonious wounding, et cetera, the total was 212. In the category of suspicion of murder, attempted murder, conspiracy to commit murder, murder, the total was 97. Violations of the prohibition law and since repeal, the alcohol tax laws, such as possession of untaxed liquor, operation of unregistered stills, the total was 86.

Violations of various Federal statutes, such as the wage and hour laws, OPA regulations, internal revenue, tariff, pure food and drug, tax laws, the total is 52.

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

Mr. MARTIN. There were 21 arrests for kidnaping and attempted kidnaping. There were 112 arrests on gambling charges. In the category of extortion, blackmail, and coercion there were 39 arrests. In the category which includes burglary, grand larceny, larceny, breaking and entering, and forgery there were 78 arrests. There were 32 arrests for violations on narcotics charges, 11 arrests on charges of counterfeiting, and there was 1 charge of impersonating an officer.

Mr. KENNEDY. Thank you.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. The next witness will be Mr. Chait.

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. CHAIT. I do.

**TESTIMONY OF ABRAHAM CHAIT, ACCOMPANIED BY COUNSEL,
SEYMOUR WALDMAN**

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

Mr. CHAIT. My name is Abraham Chait. I live at 720 Fort Washington Avenue, New York City.

The CHAIRMAN. What is your business or occupation?

Mr. CHAIT. I decline to answer on the grounds that it might tend to make me a witness against myself.

Mr. WALDMAN. May I make a brief statement in that connection?

The CHAIRMAN. Do you have counsel with you?

Mr. CHAIT. I do.

The CHAIRMAN. Counsel, identify yourself for the record.

Mr. WALDMAN. Seymour Waldman, 305 Broadway, New York, N. Y.

May I make a brief statement, Mr. Chairman?

The CHAIRMAN. You may make a brief statement.

Mr. WALDMAN. Mr. Chairman, Mr. Chait is presently under investigation by the Intelligence Unit of the Treasury Department, by the United States grand jury for the southern district of New York, and by the New York State grand jury impaneled in the county of New York.

In connection with the impaneling of the Federal grand jury for the southern district of New York, Mr. Chait was one of the persons singled out for special mention by the United States attorney.

In the light of these investigations, we have advised Mr. Chait to avail himself of his privileges under the fifth amendment to the United States Constitution.

The CHAIRMAN. Proceed, Mr. Kennedy. He is not under indictment.

Mr. KENNEDY. Mr. Chait, do you have a trucking interest?

Mr. CHAIT. I decline to answer on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. Isn't it a fact that you are the major trucker in the garment area in New York City?

Mr. CHAIT. I decline to answer on the grounds that it might tend to make me a witness against myself.

(At this point Senator Curtis left the hearing room.)

Mr. KENNEDY. Could you tell us when you were born?

Mr. CHAIT. I decline to answer on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. Even the time of your birth would make you a witness against yourself if you gave that information to the committee?

Mr. CHAIT. I decline to answer that question on the grounds that I stated.

Mr. KENNEDY. Mr. Chait, we have information you were born in either 1902 or 1899. Could you straighten that out for us?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. What did you give as your residence?

Mr. CHAIT. 702 Fort Washington Avenue, New York City.

Mr. KENNEDY. That is apartment 6-K?

Mr. CHAIT. That is correct.

Mr. KENNEDY. And do you have any other residences?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Your residence, according to our information, is R. F. D. 1, Peekskill Hollow Road, Putnam Valley, N. Y.; is that right?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. Your wife's name is what, Mr. Chait?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Your wife's name is Sarah, and you have a son by the name of Burton, do you not?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And isn't it correct that these individuals act as fronts for you in many of your organizations?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Could you tell us what your police record is, Mr. Chait?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. You were arrested on January 25, 1917, in Manhattan for grand larceny and received a suspended sentence; is that right?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. In 1918, concealed weapons, grand larceny second degree, and you received a sentence of 6 to 11 years in Sing Sing?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And in 1933 you were arrested in connection with the fact that you assisted in securing license plates for the car which a Vern Miller, a South Dakota killer, used to evade arrest in fleeing from the law?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me testify against myself.

Mr. KENNEDY. The trucking company that you operate is the Champion Trucking Co. of 217 West 36th Street, is it not?

Mr. CHAIT. I refuse to answer that question on the grounds it might tend to make me a witness against myself.

(The witness conferred with his counsel.)

Mr. KENNEDY. And the owner of those companies is your wife Sarah Chait, and Edwin Alexander, who is related to you by marriage; is that right?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

(At this point Senator Curtis returned to the hearing room.)

Mr. KENNEDY. In our investigation of Johnny Dio and the paper locals in New York, we found that Mr. Tony Ducks, the associate of Johnny Dio, used that Champion Trucking Co. as his headquarters on many occasions. Could you tell us about that?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And also that individuals who were there almost every day were Dick Kaminetsky and Carmine Tramunti, who was the chief lieutenant of "Tony Ducks" Corallo. Could you tell us about that?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Could you tell us what your relationship has been with these underworld figures?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. You also have an interest in the Burton Transportation Co. of 217 West 36th Street?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. This company is located, on the same premises as Champion Trucking Co., is it not?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And then the J. B. Express Co., is that another company of yours?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Does Joseph Berger, the associate of Johnny Dio, have anything to do with that company?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Would you tell me what relationships you have had with the Friedman's Express, of Wilkes-Barre, Pa.?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And the Faultless Trucking Co. of 31st Street?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. You still have a financial interest in that company, do you not?

Mr. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. That is 29 East 31st Street. Was there ever a firm called the Abraham Chait Co. of West 36th Street?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And for a while you had an interest in the Algam Corp.; did you not?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. That was a holding company for the Yonkers Raceway; is that correct?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And could you tell us about the horses and stables that you own, Mr. Chait?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. We have information that the Putnam Stables was operated by your wife and your son; is that correct?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And the Good News Stables, of Wilkes-Barre, Pa.?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And also you have an interest in Smart Sue, Inc., of 1375 Broadway?

Mr. CHAIT. I decline to answer that question on the grounds it might make me a witness against myself.

Mr. KENNEDY. Isn't this the real key shop in the New York area, Mr. Chait?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Is this the jobbers shop for all your enterprises and operations?

Mr. CHAIT. I decline to answer the question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And don't you have an interest in Citation Frocks, Inc., of 225 West 35th Street, New York City?

Mr. CHAIT. I decline to answer the question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. And Prestige Frocks, Inc., at 240 West 35th Street?

Mr. CHAIT. I decline to answer the question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Isn't it a fact that Sarah Chait appears as the treasurer of that company?

Mr. CHAIT. I decline to answer the question on the grounds that it might make me a witness against myself.

Mr. KENNEDY. How about Madison Wearing Apparel, of Wilkes-Barre, Pa.? Can you tell us if you have a financial interest in that?

Mr. CHAIT. I decline to answer the question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. The Miracle Dress Co., of Pennsylvania?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Jackie Kay, Inc., of 237 West 35th Street, New York City?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Anita Dress Co., of Kingston, Pa.?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Sandra Joyce, Inc.?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. Standard Dress Co., of 260 West 39th Street, New York City?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

MR. KENNEDY. And isn't it correct that you are a partner in the Tri-Lex Pawn Shop, Inc., and the Tri-Lex Check Cashing Service, Inc., New York City, 104 East 125th Street?

MR. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

MR. KENNEDY. As far as your associates, isn't Joey Palisades, known also as Joseph Rosato, an associate of yours?

MR. CHAIT. I decline to answer that question on the grounds it may tend to make me a witness against myself.

MR. KENNEDY. And we spoke about Dick Kaminetsky. Also Sam Kaminetsky. Isn't he a strongarm man for you, Mr. Chait?

MR. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

MR. KENNEDY. And Anthony Strollo, who is also known as Tony Bender, one of the most important narcotic traffickers in the United States? Isn't he a close associate of yours?

MR. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

MR. KENNEDY. And "Tony Ducks" we spoke of. And Benjamin Levine, also a narcotics violator in New York City, and an associate of Frank Costello. Isn't he a close associate of yours?

MR. CHAIT. I decline to answer that question on the grounds it may tend to make me a witness against myself.

MR. KENNEDY. Sydney Ellis, of Connecticut, a garment manufacturer; isn't he a close associate of yours?

MR. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

MR. KENNEDY. And Edwin Alexander, isn't he used by you as a front?

MR. CHAIT. I didn't hear the question.

MR. KENNEDY. Isn't Edwin Alexander used by you as a front for your various operations?

MR. CHAIT. I decline to answer that question on the grounds that it may tend to make me a witness against myself.

MR. KENNEDY. And Sam Berger, formerly head of Local 102 of the ILGWU; isn't he a close associate of yours?

MR. CHAIT. I refuse to answer that question on the grounds it might tend to make me a witness against myself.

MR. KENNEDY. Can you tell us what the relationship has been that has existed between you and Harry Toffel, who owns the Balmoral Hotel in Miami?

MR. CHAIT. I decline to answer that question on the grounds that it might tend to make me a witness against myself.

MR. KENNEDY. He owns and operates two dress companies, does he not?

MR. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

MR. KENNEDY. Aren't you in business with Mr. Toffel in Florida?

MR. CHAIT. I refuse to answer that question on the grounds it might tend to make me a witness against myself.

MR. KENNEDY. Isn't it correct that you are in the Charlotte County Land & Title Co., Punta Gorda, Fla.?

MR. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And isn't it a fact that you and Mr. Toffel and certain others were the ones that were responsible for keeping the employees in Pennsylvania nonunion?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. That is, the various employees of these dress shops, and wasn't it you, through your efforts, that kept the manufacturers from signing a contract with the ILGWU this year?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And hasn't it been a fact that you have done that because of the key position that you hold in controlling the trucking in the garment area?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. Mr. Chairman, this witness is an extremely important figure in New York, and an extremely important figure in the underworld, because of his key position in the garment industry. He controls this trucking. And as "Buster" Wortman operates in the Midwest, Mr. Chait operates in the East.

He has control over the lives of many, many individuals. He is a close associate and has a close relationship with many underworld figures who are in unions, such as "Tony Ducks" Corallo, and Sam Berger, formerly with Local 102 of the ILGWU, and a number of others.

Mr. CHAIRMAN. Do you want to comment on that statement?

Mr. CHAIT. No, sir.

The CHAIRMAN. Sir?

Mr. CHAIT. No, sir.

The CHAIRMAN. Have you got any legitimate business whatsoever about which you could talk, give testimony, without the risk of self-incrimination?

Mr. CHAIT. I refuse to answer that question, sir, on the grounds that it might tend to make me a witness against myself.

The CHAIRMAN. I wouldn't be reckless at all in assuming that if you did answer truthfully, it would possibly be self-incriminating; is that correct?

Mr. CHAIT. Well, you can assume what you please.

The CHAIRMAN. I know I can. I just asked you if I would be correct.

Mr. CHAIT. I wouldn't know.

The CHAIRMAN. You wouldn't know? Don't you know what kind of businesses you are in?

Mr. CHAIT. Well, I don't know what you want to assume.

The CHAIRMAN. I will do the assuming. I ask you, do you know what kinds of businesses you are in?

Mr. CHAIT. I refuse to answer on the grounds that if I do, it might tend to make me a witness against myself.

The CHAIRMAN. I think it would, to that extent. The question is, are they legitimate businesses or are they something you can talk about? Which do you say they are?

Mr. CHAIT. I decline to answer on the grounds that it might tend to make me a witness against myself.

The CHAIRMAN. I believe you said you are married?

Mr. CHAIT. I decline to answer on the grounds it might tend to make me a witness against myself.

The CHAIRMAN. Do you have children?

Mr. CHAIT. I decline to answer that question on the grounds it might tend to make me a witness against myself.

The CHAIRMAN. You think it might tend to incriminate you?

Mr. CHAIT. I gave the answer to the question, sir.

The CHAIRMAN. I asked you another one. Do you think it might tend to incriminate you?

Mr. CHAIT. I said it might tend to make me a witness against myself.

The CHAIRMAN. And making you a witness against yourself might tend to incriminate you?

Mr. CHAIT. It might make me a witness against myself.

The CHAIRMAN. Will you answer or are you refusing to answer whether it might tend to incriminate you?

Mr. CHAIT. I am answering the question in my own way and saying what I mean to say. What I mean to say is that it might make me a witness against myself.

The CHAIRMAN. And if it did make you a witness against yourself, you think it might incriminate you?

Mr. CHAIT. We are going a little further now than I want to go.

The CHAIRMAN. I am going further than you want to go?

Mr. CHAIT. You are making me go further than I want to go.

The CHAIRMAN. I am making you go further than you want to go?

Mr. CHAIT. I went as far as I want to go.

The CHAIRMAN. You don't want to say that it might incriminate you?

Mr. CHAIT. I don't think it is necessary.

The CHAIRMAN. You think you are just staying right up to the borderline of whatever is necessary to keep you from testifying; is that it?

Mr. CHAIT. I don't know about the borderline.

The CHAIRMAN. I am asking you these questions just to show the character of people we are dealing with, and we are showing it.

Mr. CHAIT. I know what you are trying to show.

The CHAIRMAN. If you want to take that position, and let the record stand, I am going to help you do it.

Mr. CHAIT. You are an experienced and highly educated man, and you are no fair match for me. I only went to public school. I am not here matching wits with you. I went as far as I intend to go, Senator.

The CHAIRMAN. I am not talking about matching wits. I am just trying to—

Mr. CHAIT. I am not going to attempt it.

The CHAIRMAN. Just a moment. When I am talking, you listen. I am not trying to match wits with you. I am simply trying to ascertain of this group of you and who have been up here before us, and you are one of them, whether there is anything in your activities, in your business or profession, about which you can talk without running the risk of self-incrimination.

Mr. CHAIT. I refuse to answer that question on the grounds that I have previously stated.

The CHAIRMAN. Is there anything further?

Senator CURTIS. Mr. Chairman—

The CHAIRMAN. Senator Curtis?

Senator CURTIS. What connection, if any, have you had with unions?

Mr. CHAIT. I decline to answer on the grounds it might tend to make me a witness against myself.

Senator CURTIS. Have you received any income from union sources?

Mr. CHAIT. I decline to answer on the grounds it might tend to make me a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. Just to indicate or show the effect some of these individuals can have through their union connections, we have some definite information, on which I will base a question, as well as some questions which preceded this.

You interceded with Dick Kaminetsky in late 1955 to have him use his influence to delay a strike at the Balmoral Hotel in Miami; isn't that correct?

Mr. CHAIT. I decline to answer on the grounds it might tend to make me a witness against myself.

Mr. KENNEDY. You had been contacted by Mr. Harry Toffel, of that hotel, and he explained to you that he wanted to get the strike delayed until the first of the year, after the holidays, after the New Year holidays, and that you then interceded with Dick Kaminetsky to get that strike delayed. Isn't that correct?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. And you wanted the strike delayed from December to early 1956?

Mr. CHAIT. I refuse to answer that question on the grounds that it might tend to make me a witness against myself.

Mr. KENNEDY. Mr. Chairman, we have presented a subpoena to this witness to bring all of his personal books and records. I would like to have him turn those over to the committee at the present time.

The CHAIRMAN. The Chair has before him a subpoena issued on the 16th day of May 1958 which appears to have been served, according to the return thereon, on June 17, 1958, on the witness Abraham Chait.

The subpoena calls for you to produce, bring with you, any and all personal records for the period of January 1, 1950, to the present date, but not limited to Federal and State income-tax returns, bank statements, check stubs and check stub books, canceled checks, records of stocks and corporations, partnership agreements, loan agreements, realty mortgages, chattel mortgages, records of rentals of bank vaults and safe-deposit boxes, bank-deposit records, business correspondence, and memorandums and other related documents.

Did you receive this subpoena?

Mr. CHAIT. Yes, I have.

The CHAIRMAN. A copy of it?

Mr. CHAIT. What is that, sir?

The CHAIRMAN. This subpoena was served on you?

Mr. CHAIT. Yes, it was.

The CHAIRMAN. On the date indicated. Have you complied with the subpoena?

Mr. CHAIT. No, I have not. I decline to comply with the subpoena, sir, on my rights under the fifth amendment. I refuse to produce any of the records sought under that subpoena.

The CHAIRMAN. On the basis of the fifth amendment?

Mr. CHAIT. On the basis of it being my personal records and my personal property, and, as such, that I feel that I have the right to keep them and not to produce them.

Mr. WALDMAN. Under the fifth amendment, sir. I think we have written to the chairman.

The CHAIRMAN. I thought he said the fifth amendment. I asked him that. He can answer.

Mr. CHAIT. Well, I don't know the number of the amendments.

The CHAIRMAN. You don't know the number of the amendments?

Mr. CHAIT. No, sir.

The CHAIRMAN. The question is whether you have brought them here and produced them.

Mr. CHAIT. No.

The CHAIRMAN. You failed and refuse to bring the records as ordered by the subpoena?

Mr. CHAIT. Yes, sir.

The CHAIRMAN. You do not have them here now?

Mr. CHAIT. No, I do not.

The CHAIRMAN. You have had plenty of time to bring them since the subpoena was served on you, have you?

Mr. CHAIT. Yes, I have.

The CHAIRMAN. Do you still intend to refuse to comply with the subpoena?

Mr. CHAIT. Yes, I do.

The CHAIRMAN. You have no intention of complying with the directions in the subpoena to produce the books, the records, the documents, and so forth, that it calls for?

Mr. CHAIT. I intend to stand on my rights under the fifth amendment.

The CHAIRMAN. You have no intention now of presenting them?

Mr. CHAIT. No, sir.

The CHAIRMAN. I am trying to settle it insofar as the committee is concerned, and your attitude toward the committee and your attitude toward the order and directive of the committee by way of subpoena to you.

You have not complied with the subpoena up to now; is that correct?

Mr. CHAIT. That is right, sir.

The CHAIRMAN. You have no intention of complying with the subpoena?

Mr. CHAIT. That is right, sir.

The CHAIRMAN. You are refusing to bring the books and records to the committee as required by the subpoena, and as you are ordered to do by the subpoena?

(The witness conferred with his counsel.)

Mr. CHAIT. I am refusing, sir, to produce them by advice of counsel and under the protection of the fifth amendment.

The CHAIRMAN. The question is whether you have brought them or whether you intend to bring them. The question of producing is whether you have brought them with you or whether you intend to bring them in response to the subpoena. I wanted to settle that. I wanted the record very clear.

Mr. CHAIT. I decline to answer the question, sir, under the protection of the fifth amendment.

The CHAIRMAN. Did you bring these records to Washington with you when you came here in response to the subpoena?

(The witness conferred with his counsel.)

Mr. CHAIT. I decline to answer on the grounds that it may tend to make me a witness against myself.

The CHAIRMAN. You will not state whether you brought them, although you have stated already that you do not have them with you now, and that you do not intend to present them or to carry out the orders and directions to you in the subpoena?

Mr. CHAIT. On the advice of counsel, sir, I decline to answer on the grounds that it might tend to make me a witness against myself.

The CHAIRMAN. Counsel, of course, is your source of advice, and he may advise you as he may desire. There is a question arising in my mind, and I think I am correct about it, whether, when you fail to bring the records as ordered by the subpoena, you may be in contempt of the committee.

Counsel, of course, can advise you regarding that, if he wants to.

With the record as it is, I am willing to let it stand that way.

Do you have any further questions?

Mr. KENNEDY. No, Mr. Chairman.

The CHAIRMAN. Senator Church?

Senator CHURCH. No questions.

The CHAIRMAN. Do you want this witness to remain under subpoena?

Mr. KENNEDY. Yes.

The CHAIRMAN. You will remain under your present subpoena and be under recognizance to reappear before this committee at such time as the committee may wish to interrogate you further, subject to your being given reasonable notice of the time and place when the committee desires to hear you. You understand it will not be necessary for another subpoena to be served on you?

Mr. CHAIT. Yes, I understand.

The CHAIRMAN. And you accept that arrangement?

Mr. CHAIT. Yes sir.

The CHAIRMAN. You understand that you are under continuing orders to produce the books and records called for in this subpoena? You understand that, do you?

Mr. CHAIT. Yes, sir; I understand.

The CHAIRMAN. All right. You may stand aside. Is there anything further this morning? Let this subpoena be printed in the record at this point. (The document referred to is as follows:)

UNITED STATES OF AMERICA
CONGRESS OF THE UNITED STATES

To: ABRAHAM CHAIT
Peckskill Hollow Road
Putnam Valley, New York,

GREETING:

Pursuant to lawful authority, you are hereby commanded to appear before the Senate Select Committee on Improper Activities in the Labor or Management Field of the Senate of the United States, on Forthwith, 1958, at o'clock m., at their committee room, 101, Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you any and all personal records for the period from January 1, 1950 to the present date, including but not limited to Federal and State income tax returns, bank statements, check stubs and check stub books, cancelled checks, records of stocks in corporations, partnership agreements, loan agreements, realty mortgages, chattel mortgages, records of rentals of bank vaults and safe deposit boxes, bank deposit records, business correspondence and memoranda and any other related documents.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To United States Marshal to serve and return.

Given under my hand, by order of the committee, this 16th day of May, in the year of our Lord one thousand nine hundred and fifty-eight.

JOHN L. McCLELLAN,
Chairman, Select Committee on Improper Activities in the Labor or Management Field.

Received this writ at New York, N. Y., on May 21, 1958, and on June 17, 1958, at 305 Broadway, New York, N. Y., I served it on the within-named Abraham Chait by leaving a copy thereof or a subpoena ticket with Paul Waldman, attorney, authorized to accept.

THOMAS J. LUNNEY,
U. S. Marshal, SDNY,
By: JOSEPH E. TORRENS,
Deputy U. S. Marshal, SDNY.

The CHAIRMAN. The committee will stand in recess until 2 o'clock. (Members of the select committee present at time of recess: Senators McClellan and Church.)

(Whereupon, at 12:30 p. m. the select committee recessed to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION

(At the reconvening of the session, the following members were present: Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order. Call the next witness.

MR. KENNEDY. Mr. Chairman, this morning there was some discussion about Mr. Gorman and the telegram that he sent requesting postponement. I want to make sure that the record is understood, that he was not released from the subpoena; but he was informed that, although his testimony would be postponed at this time, it would be expected that he would appear at a later time.

His attorney has agreed to produce him on 48 hours' notice.

The CHAIRMAN. All right.

The Chair would make this observation: We subpoena witnesses and sometimes we have good reason to believe that they will not cooperate and that they will resort to the fifth-amendment privilege. But the fact that a witness may intend to do that, or his counsel advises the committee that the witness, when interrogated, will fail to cooperate, and will invoke the privilege, does not mean that we will excuse him from attendance. If we happen to do so in one instance or another, it does not set a precedent by which the committee is bound.

Each such case and instance of that nature will stand upon its own circumstances. We are trying to operate this committee as economically as possible. If we find that it is not worth the expense that the Government would be put to to bring a witness here, we do not bring them.

If we think that the witness, even though he does not testify, his appearance here reflects some information or the refusal to give information the committee may need, and we can justify the expense of bringing him, we will do so.

Call the next witness.

Mr. KENNEDY. The first witness this afternoon, Mr. Chairman, is Russell J. Bufalino.

The CHAIRMAN. Come forward, Mr. Bufalino.

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. BUFALINO. I do.

TESTIMONY OF RUSSELL J. BUFALINO, ACCOMPANIED BY COUNSEL, ETTORE AGOLINO

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

Mr. BUFALINO. My name is Russell Bufalino. I reside at 304 East Dorrance Street, Kingston, Pa.

Mr. AGOLINO. Mr. Chairman, at this time I would like permission to address the chair.

The CHAIRMAN. Just one moment. I was trying to get the witness identified. I asked him about his business, profession, or occupation. Did you answer that part of the question?

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

The CHAIRMAN. Do you have counsel?

Mr. BUFALINO. I do.

The CHAIRMAN. Counsel, identify yourself for the record, please.

Mr. AGOLINO. My name is Ettore S. Agolino, with offices in the Kehoe Building, Pittson, Pa.

The CHAIRMAN. Thank you very much. You say you have a brief statement you wish to make, Mr. Counsel?

Mr. AGOLINO. Yes, sir.

The CHAIRMAN. All right.

Mr. AGOLINO. Mr. Chairman, Russell Bufalino is at present a respondent in an action brought by the United States Immigration and Naturalization Service under deportation proceedings, and his

case has not yet been disposed of. For this reason, he desire to avail himself of the privilege afforded him by the fifth amendment of the United States Constitution.

The CHAIRMAN. All right. We understand that he will do that. You may proceed, Mr. Kennedy.

Mr. KENNEDY. Would you tell me where you were born?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Bufalino, our interest in you centers around your attending the meeting at Apalachin and also your union contacts.

I think that we have some information that would indicate that you played a very prominate role in setting up the meeting at Apalachin; that you did it with the assistance of Mr. Barbara.

I wonder if you would make any comments on that before we start to develop the facts that we have.

Mr. BUFALINO. I respectfully decline to answer the question on the ground that the question may tend to incriminate me.

Mr. KENNEDY. According to our information, you were born on October 29, 1903, in Montedoro, Italy. That is in Sicily. Is that correct?

Mr. BUFALINO. I respectfully decline to answer the question on the ground that the question many tend to incriminate me.

Mr. KENNEDY. And yet despite that fact, the records at Luzerne County in Wilkes-Barre, Pa., show that you were born October 29, 1903, in Pittston Township, Pa.

Mr. BUFALINO. Is that a question?

Mr. KENNEDY. Yes.

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

Mr. KENNEDY. Could you explain to the committee how it is that these records show that you were born in Pittston, Pa., when, in fact, you were born in Italy?

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

Mr. KENNEDY. Is Mary Bufalino any relation to you?

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

Mr. KENNEDY. Isn't it a fact that Mary Bufalino worked in the records office in Wilkes-Barre, Pa?

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

Mr. KENNEDY. Are you related to Mr. William Bufalino?

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

Mr. KENNEDY. Isn't it correct that William Bufalino, who is secretary-treasurer of Local 985 of the Teamsters, is a cousin of yours?

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

Mr. KENNEDY. Isn't it correct also that Mr. William Bufalino is an attorney?

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

Mr. KENNEDY. Did Mr. William Bufalino play any part in altering the records at the Wilkes-Barre Records Office?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Wasn't it the purpose of getting the records altered so that it would appear that you were born here in the United States, and, therefore, could not be deported to Italy?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Can you tell us what companies you own or operate in the Pittston-Wilkes-Barre-Scranton area?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Do you own and operate the Penn Drape & Curtain Co., of South Main Street, Pittston, Pa.?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Are the Sciandras of Pittston, Pa., in business with you?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to degrade or incriminate me.

MR. KENNEDY. What was your wife's maiden name?

MR. BUFALINO. Carolina Sciandra.

MR. KENNEDY. Isn't it a fact that Angelo Sciandra attended the meeting at Apalachin?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Could you tell us if you have ever been arrested, Mr. Bufalino?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. Isn't it a fact that you have been arrested some 7 or 8 times?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. And that you have not been convicted on any of those charges?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. We have a number of companies with whom we believe you are connected, starting with the ABS Contracting Co., of Pittston, Pa. Is it correct that you are associated with them?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to incriminate me.

MR. KENNEDY. The Penn Drape & Curtain Co., in Pittston, Pa.?

MR. BUFALINO. The same answer.

MR. KENNEDY. Would you answer the question?

MR. BUFALINO. I respectfully decline to answer the question on the grounds that it may tend to incriminate me.

MR. KENNEDY. And you were associated with Bonnie Stewart, Inc., of New York City, N. Y.

MR. BUFALINO. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

MR. KENNEDY. Isn't it correct that Dominic Alaimo and James Plumeri both had financial interests in that company also?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Claudia Frocks of 224 West 35th Street, New York?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds that the question may tend to degrade or incriminate me.

Mr. KENNEDY. Isn't it correct that Angelo Sciandra also has an interest in that company?

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

Mr. KENNEDY. And isn't it correct also that he pays you a certain amount of money each week for the work that you do for that company?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. You are on the payroll as an expediter.

Could you tell us what an expediter does?

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

Mr. KENNEDY. Do you in fact do any work for this company, or are you on the payroll because of your connections, Mr. Bufalino?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. You receive from that company \$105 a week gross, is that right?

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

Mr. KENNEDY. And you were put on the payroll back in 1953, were you not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Then also you are on the payroll of the Fair Frox as an expediter.

You are on their payroll also?

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

Mr. KENNEDY. That is F-a-i-r F-r-o-x, and you are on their payroll as expediter at \$125 a week, are you not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Could you tell us what you do to earn that money?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that part of the money you receive is to handle labor relations for those companies, and to prevent any trouble difficulties with the union?

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

Mr. KENNEDY. Aren't you able to do that because of the contacts and associates that you have, Mr. Bufalino?

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

Mr. KENNEDY. And they include such people, do they not, as Johnny DiGuardi?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. John Ormento?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Nig Rosen?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Dominick Alaimo?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. John Charles Montana?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Vito Genovese?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. James A. Osticco?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Frank Carbo?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. James Plumeri?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Thomas Lucchese?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. We have telephone calls from you, Mr. Bufalino, to L. G. Carriers, which is James Plumeri's company.

Could you tell us what you discussed with them?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. What do you discuss with Charles Bufalino?

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

Mr. KENNEDY. The Tri-City Dress Co., owned by Anthony Guarneri, can you tell us about that?

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

Mr. KENNEDY. The Vic Vera Sportswear Co., New York City, which is owned and operated by a close friend of James Plumeri?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that James Plumeri set this lady up in the Vic Vera Sportswear Co.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Harvic Sportswear, of Scranton, Pa. Can you tell us what you called them about?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. That is a shop, is it not, that is owned by Thomas Lucchese?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Have you also had other sources of income from gambling, Mr. Bufalino?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. You have taken a great interest in basketball games, have you not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And when you go to New York, you stay at the Hotel Forrest in New York City, is that correct, Mr. Bufalino?

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

Mr. KENNEDY. Why is it that you and the individuals with police records very often stay at the Hotel Forrest in New York City?

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

Mr. KENNEDY. Isn't it correct that you arranged with Mr. Barbara to set up the meeting at Apalachin in November 1957?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that you were talking by telephone with Mr. Barbara frequently just prior to the meeting at Apalachin?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. According to the information that we have, you made long distance telephone calls to Barbara on June 8, 11, 23, two on the 28th, July 23, July 27, September 4, September 11, September 12, October 6, October 13, and October 26, is that correct?

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

Mr. KENNEDY. And he called you on June 5, 10, 24, July 20, August 9, and October 23?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And isn't it correct that you in fact made hotel reservations for some of these individuals attending the meeting at Apalachin?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that you made a hotel reservation at the Casey Hotel in Scranton, Pa. for November 13, 1957?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you made hotel reservations for an individual by the name of J. Cerrito, of Los Gatos, Calif.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And that another reservation for the same night was made for J. Civello of Dallas, Tex.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And this individual did, in fact, attend the meeting at Apalachin, is that correct?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Scozzari, from San Gabriel, Calif.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. While he was there, Mr. Scozzari put in two telephone calls to you, isn't that correct?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And isn't it a fact that Mr. Scozzari attended the meeting at Apalachin?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Frank DeSimone, you also made a reservation for him?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Scozzari, when he was arrested, or stopped by the police, had \$10,000 on him, but listed himself as unemployed.

Can you give us any explanation for that?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. All these hotel reservations that were made for these 5 individuals, of which we can show that 3 actually attended the meeting in Apalachin, were all charged to you personally, isn't that correct, Mr. Bufalino?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Did these other two individuals, Lanza and Scozzari, attend the meeting but were not caught?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. When you came to the meeting, you came, did you not, with DeSimone, Civello and Scozzari?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. That automobile that you drove was owned by William Medico, was it not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And he owns the Medico Electric Motor Co. in Pittsburgh, Pa.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Excuse me. That should be in Pittston, Pa. He owns the Medico Electric Motor Co. in Pittston, does he not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

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

Mr. KENNEDY. This is the same individual that Mr. Montana stated that he was driving down to see, to find out how his compressor was coming?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

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

Mr. KENNEDY. And you in fact were driving an automobile belonging to one of his companies up to the meeting at Apalachin, were you not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. At the time that the New York State troopers checked your car, you had Vito Genovese with you, did you not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Gerardo Cateno?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Dominick Olivetto?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And Joseph Ida?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you stayed, when you were in Binghamton in March—you made another visit to Joseph Barbara in March 1957, did you not, Mr. Bufalino?

Mr. BUFALINO. I respectfully decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And at that time, you were with Vincenzo Osticco? Isn't that right?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And also with you was Angelo Sciandra, and you stayed at the Arlington Hotel, in Binghamton, N. Y.?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. And the bill was charged to the Canada Dry Beverage Co., of Endicott, N. Y., was it not?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. What were you there for?

What business were you there on?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know how your cousin, William Bufalino, was made head of Local 985 of the Teamsters?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. James Hoffa?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Santo Volpe, from Pennsylvania?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Mr. Chairman, we consider that this individual is a very important figure. He has a number of the dress companies that operate in Pennsylvania. He also played an important role in the labor negotiations that took place at the beginning of this year. He is a close associate of Mr. Chait and it would appear that he was the one, together with Barbara, who set up and made the appointments and arrangements for setting up the meeting at Apalachin.

He is a man of considerable importance and a man of great contacts throughout the United States and the underworld.

The CHAIRMAN. Do you want to comment upon those statements?

Mr. BUFALINO. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

The CHAIRMAN. Is there anything further?

Have you any questions, Senator?

Senator MUNDT. I have no questions.

The CHAIRMAN. Stand aside.

Call the next witness.

Mr. KENNEDY. Thomas Lucchese.

The CHAIRMAN. Just one moment, please. The witness will continue under the same subpoena, subject to being recalled, if and whenever the committee desires to further interrogate him.

If you will acknowledge the recognizance so to appear—

Mr. BUFALINO. Yes, sir.

The CHAIRMAN. Reasonable notice, of course, will be given to you.

Mr. BUFALINO. O. K. Thank you.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Lucchese.

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. LUCCHESE. I do.

TESTIMONY OF THOMAS LUCCHESE, ACCOMPANIED BY COUNSEL, RICHARD J. BURKE

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

Mr. LUCCHESE. My name is Thomas Lucchese. I am a dress contractor.

The CHAIRMAN. You're what?

Mr. LUCCHESE. I am a dress contractor. My residence is 74 Royale Street, Lido Beach, Long Island.

The CHAIRMAN. And your business or occupation?

Mr. LUCCHESE. A dress contractor.

The CHAIRMAN. A dress contractor?

Mr. LUCCHESE. Yes, sir.

The CHAIRMAN. Thank you very much. You have counsel with you.

Mr. Counsel, will you identify yourself?

Mr. BURKE. My name is Richard J. Burke, 60 Wall Street, New York.

The CHAIRMAN. Thank you.

Proceed, Mr. Kennedy.

Mr. BURKE. Mr. Chairman, may I make a request of the committee?

The CHAIRMAN. You may.

Mr. BURKE. May I ask that no cameras or lights be directed at the witness while he is testifying, on the ground that they will distract and confuse him.

Senator MUNDT. Mr. Chairman, before granting that request, I think we should find out whether the witness is going to answer questions or not.

The CHAIRMAN. The Chair always does that. We are not about to give any favors to people who take the fifth amendment.

Mr. BURKE. Senator, the witness will decline to answer certain questions, and will answer others. I can say that.

Senator MUNDT. Let's give him a trial and see what happens.

The CHAIRMAN. The Chair has previously ruled, and I think we have been forced to rule, that if a witness makes this request, under the rules of the committee, the request will be granted, provided he is going to cooperate.

If the witness' purpose is simply to take the fifth amendment, we do not think that lights, cameras, or much else detracts from his ability to do that, even consistently. For the moment, the lights will be turned off of the witness.

You can show up the committee all you want to. If and when the witness elects to exercise a privilege, then the committee will elect also to exercise its prerogative.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Lucchese, could tell us where you were born?

Mr. LUCCHESE. I was born in Italy, in Palermo, Italy.

Mr. KENNEDY. What was the date?

Mr. LUCCHESE. I don't recall. Some time around about 1912.

(The witness conferred with his counsel.)

Mr. LUCCHESE. Did you say when I was born?

Mr. KENNEDY. Yes.

Mr. LUCCHESE. I am sorry.

Mr. KENNEDY. When were you born?

Mr. LUCCHESE. 1899.

Mr. KENNEDY. When did you come to the United States?

Mr. LUCCHESE. About 1912.

Mr. KENNEDY. And you got your American citizenship when?

(The witness conferred with his counsel.)

Mr. LUCCHESE. 1943, I believe.

Mr. KENNEDY. January 25, 1943?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. What did you say your present address was?

Mr. LUCCHESE. 74 Royale Street.

Mr. KENNEDY. Long Island, N. Y.?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. Could you tell us names of the dress companies that you have an interest in?

Mr. LUCCHESE. On advice of my counsel, I respectfully decline to answer, exercising my right not to be a witness against myself under the fifth amendment.

The CHAIRMAN. Well, there is no reason to assume that the lights or cameras will further detract from the witness' testimony.

Mr. KENNEDY. Could I ask on another line?

The CHAIRMAN. All right. If counsel wants to ask one more question, he may, if he thinks he will answer it.

Mr. KENNEDY. The dress business that you are in, your employees are unionized, are they?

Mr. LUCCHESI. On advice of counsel, I decline and exercise my right—

The CHAIRMAN. All right. We will not tolerate that any further. Proceed with the usual procedure.

Mr. KENNEDY. Could you tell us whether any of the employees that you have in your various dress shops are members of unions, Mr. Lucchese?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. They are?

Mr. LUCCHESI. They are.

Mr. KENNEDY. What union are they members of?

Mr. LUCCHESI. The ILGWU.

Mr. KENNEDY. Are they all unionized?

Mr. LUCCHESI. I decline to answer and exercise my right to not be a witness against myself.

Mr. KENNEDY. Could you explain to the committee how it is that some of your employees are unionized and some of your employees are not?

Mr. LUCCHESI. I decline to answer the question on the right not to be a witness against myself in the fifth amendment.

Mr. KENNEDY. Could you tell the committee how you have been able to keep some of your employees from being organized by labor unions?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Mr. Lucchese, we understand that you were connected with Braunnell, Ltd., of 225 West 37th Street, New York, is that correct?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. How long did you have a financial interest with them?

Mr. LUCCHESI. From 1947 to 1951.

Mr. KENNEDY. Who else was interested in that company other than yourself?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. How did you happen to get into that company, Mr. Lucchese?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. How did you happen to give up your interest in that company?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Did you have an interest in the Budget Dress Corp?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. Now as to this Budget Dress Corp., of 462 Seventh Avenue, we have information that you have a financial interest in that company; is that correct?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. And most of the work is sent out from that company into some of these dress shops in Pennsylvania, is that not right, Mr. Lucchese?

Mr. LUCCHESI. On advice of counsel I would respectfully decline to answer and exercise my right not to be a witness against myself under the fifth amendment.

Mr. KENNEDY. By the way, are you known by any other name?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Do you have any other aliases?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Have you ever been known as "Three-finger Brown"?

Mr. LUCCHESI. In 1915 I lost my finger in an ammunition plant. The newspapers referred to me by that name, and I don't know anyone else that ever called me that.

Mr. KENNEDY. Do you know how you got the name "Brown"?

Mr. LUCCHESI. I believe it was from the newspapers or the police department, and I don't know, sir.

Mr. KENNEDY. But you never used the name yourself?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Did they start calling you "Brown" back in 1917?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. When did they start calling you "Brown"? I can see calling you "Three-Finger Lucchese," but why did they take the "Brown"?

Mr. LUCCHESI. I don't know.

Mr. KENNEDY. You have no explanation?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. It started back in 1917?

(The witness conferred with counsel.)

Mr. LUCCHESI. Sometime in 1920, the first time I was arrested, and I don't know whether it was 1920 or 1921, when I was first arrested by the police department, two detectives were talking to one another, and one said "What do you have," and he said, "this Three-Finger Brown," and it was just a pitcher around that time, or a discussion they were having.

Mr. KENNEDY. That was used by the police after someone else who happened to be in the news at the time?

Mr. LUCCHESI. That was in the news 35 years ago.

Mr. KENNEDY. There was a baseball player, was there?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. That is how the name grew up but you never used the name yourself?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. How many times have you been arrested, Mr. Lucchese?

Mr. LUCCHESE. About 5 or 6 times, sir.

Mr. KENNEDY. Have you ever been convicted?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. For what was that?

(The witness conferred with counsel.)

Mr. LUCCHESE. As a boy I was arrested for stealing automobiles, and I was tried and convicted and sentenced to 3 years 8 months to 10 years, when I was 20 years old.

Mr. KENNEDY. That was in 1921?

Mr. LUCCHESE. Yes, sir, I don't recall.

Mr. KENNEDY. And then you were arrested in 1927 for receiving?

Mr. LUCCHESE. If you have it there, sir, it is right.

Mr. KENNEDY. It said the name at that time was Thomas Arra; is that correct? Did you use that name?

(The witness conferred with counsel.)

Mr. LUCCHESE. I didn't give the name, sir, but a cop put the name down.

Mr. KENNEDY. What is that?

Mr. LUCCHESE. The police officer put the name down, and it was just a plain pickup.

Mr. KENNEDY. He put your name down as "Arra," although that wasn't your name?

Mr. LUCCHESE. That is right.

Mr. KENNEDY. You didn't give him your name as "Arra"?

Mr. LUCCHESE. He never asked me for the name, but it was supposed to be a pickup at the time.

Mr. KENNEDY. And he just gave you the name?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. And in 1928, for homicide; is that right?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. Who was the man that was murdered at that time?

Mr. LUCCHESE. I don't recall, sir.

Mr. KENNEDY. Louis Cerasulo. Do you remember that name?

Mr. LUCCHESE. I don't remember.

Mr. KENNEDY. You don't remember the name?

Mr. LUCCHESE. No, sir.

Mr. KENNEDY. Did you know or did you remember that they identified you and Joseph Rosato who was your brother-in-law, as the ones who had committed the murder?

Mr. BURKE. Mr. Chairman, may I ask that counsel state for the witness' benefit, what the pertinency of this question concerning this arrest in 1928 is to the authorized subject matter of this inquiry.

The CHAIRMAN. Well, the Chair will make the statement that in laying the foundation for the investigation we are now conducting, to determine if and to what extent criminal elements have infiltrated labor-management relations, it is quite proper to ask the question because there will be further testimony and we are giving this witness a chance to answer it.

Mr. KENNEDY. I might say that we have had some testimony before the committee that witnesses in cases such as this have been intimidated to such an extent that they refuse to testify and cooperate with law-enforcement agencies. According to the information that we have,

and Mr. Lucchese can straighten it out, the wife and daughter of the murdered man identified Mr. Lucchese and his brother-in-law as the ones who had committed the murder, and when they were finally brought into trial or brought into court they refused to affirm the identification.

Now, that is the situation that existed, and I want to find out what Mr. Lucchese knows about it.

Mr. LUCCHIESE. I decline to answer under the fifth amendment. I decline to answer on the ground it is not pertinent.

Mr. KENNEDY. Mr. Lucchese, if you couldn't even remember the name of the individual, Louis Cerasulo—do you know how to pronounce his name?

Mr. LUCCHIESE. No, sir. I decline to answer under the fifth amendment.

Mr. KENNEDY. You won't give us any information about that?

Mr. LUCCHIESE. What is that?

Mr. KENNEDY. You won't give us any information about what happened back in 1928 regarding the murder of this man?

Mr. LUCCHIESE. I decline to answer under the fifth amendment, and I decline to answer on the ground it is not pertinent.

Mr. KENNEDY. In 1930 again you were charged with homicide, were you not, Mr. Lucchese?

Mr. LUCCHIESE. Yes, sir.

Mr. KENNEDY. What happened to that?

Mr. LUCCHIESE. I don't recall. I will have to look at the record. It was dismissed.

Mr. KENNEDY. Now, when did you start going into the dress business, Mr. Lucchese?

Mr. LUCCHIESE. In 1945.

Mr. KENNEDY. What had you been in prior to that time?

Mr. LUCCHIESE. I didn't hear you, sir.

Mr. KENNEDY. What had you been in prior to that time.

(The witness consulted with counsel.)

Mr. LUCCHIESE. Prior to that time, Grand View Construction Co.

Mr. KENNEDY. How long had you been in the construction business?

(The witness consulted with counsel.)

Mr. LUCCHIESE. Two years, sir.

Mr. KENNEDY. What kind of construction work were you doing?

Mr. LUCCHIESE. Construction work on building.

Mr. KENNEDY. Whereabouts?

Mr. LUCCHIESE. In New York.

Mr. KENNEDY. Just in New York?

Mr. LUCCHIESE. Yes, sir.

Mr. KENNEDY. Was it heavy construction work?

Mr. LUCCHIESE. No, sir.

Mr. KENNEDY. Just small jobs, was it?

Mr. LUCCHIESE. Yes, sir.

Mr. KENNEDY. Who was in business with you?

Mr. LUCCHIESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. How many employees did you have working for you at that time?

Mr. LUCCHIESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Were any of the employees organized?

Mr. LUCCHESE. I decline to answer under the first amendment.

Mr. KENNEDY. Could you tell us why you went from the construction business to the dress business, Mr. Lucchese?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. What were you in prior to 1942 or 1943?

Mr. LUCCHESE. The Fordham Hoisting Co.

Mr. KENNEDY. How long were you in that business?

Mr. LUCCHESE. About 3 or 4 years.

Mr. KENNEDY. What kind of work did they do?

Mr. LUCCHESE. They lift or hoist things such as bricks and mortar and cement.

Mr. KENNEDY. Where did that company operate?

Mr. LUCCHESE. In the Bronx.

Mr. KENNEDY. Was that just in New York City?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. Who were you in business with in that company?

Mr. LUCCHESE. I decline to answer under the fifth amendment and I decline to answer on the ground it is not pertinent.

The CHAIRMAN. The reference to pertinency of the question is overruled.

Mr. KENNEDY. How many employees did you have?

Mr. LUCCHESE. I decline to answer under the fifth amendment and I decline to answer on the ground it is not pertinent.

The CHAIRMAN. The Chair will make this observation: For 4 or 5 questions he has answered on the ground of the fifth amendment and on the ground it is not pertinent. The failure to answer on the ground that these questions are not pertinent is overruled, but of course the fifth amendment is a privilege that he can exercise. I didn't want the record left bare on the question of the pertinency.

Proceed.

Mr. KENNEDY. Were the employees you had at that time organized or unorganized?

Mr. LUCCHESE. I decline to answer under the fifth amendment, and decline to answer on the ground it is not pertinent.

The CHAIRMAN. The reference to pertinency of the question is overruled.

Mr. KENNEDY. What business were you in prior to the hoisting company?

(The witness consulted with counsel.)

Mr. LUCCHESE. I decline to answer under the fifth amendment, and I decline to answer on the ground it is not pertinent.

The CHAIRMAN. The reference to pertinency of the question is overruled.

Mr. KENNEDY. Could you tell me at least what year we are at now? When did you go into the hoisting business?

Mr. LUCCHESE. In 1938.

The CHAIRMAN. Mr. Reporter, let your record show in each instance where he answers on the ground that it is not pertinent, that the objection is overruled, unless the Chair indicates otherwise.

Mr. KENNEDY. Can you tell us what business you were in prior to 1938, Mr. Lucchese?

Mr. LUCCHESE. I decline to answer under the fifth amendment, and I decline to answer on the ground that it is not pertinent.

The CHAIRMAN. The reference to pertinency of the question is overruled.

Mr. KENNEDY. Will you tell us any business you were in prior to 1938, if not the one at 1938, any of the businesses you were in prior to 1938?

Mr. LUCCHESI. In 1934 and 1935.

Mr. KENNEDY. What were you in?

Mr. LUCCHESI. The Interborough Window Cleaning Co.

Mr. KENNEDY. Could you tell us how many employees you had with them?

Mr. LUCCHESI. I decline to answer under the fifth amendment, and I decline to answer on the ground it is not pertinent.

The CHAIRMAN. The reference to pertinency of the question is overruled.

(The witness consulted with counsel.)

Mr. LUCCHESI. I was just employed there.

Mr. KENNEDY. Were you a member of a union while you were employed?

Mr. LUCCHESI. Not I, sir, I was not.

Mr. KENNEDY. Were the other employees?

Mr. LUCCHESI. I believe they belonged to the union.

Mr. KENNEDY. Who owned that company?

Mr. LUCCHESI. Hyman Stern, and he is dead now.

Mr. KENNEDY. How did you get that job?

Mr. LUCCHESI. Through Mr. Stern.

Mr. KENNEDY. Had you known him for a long time?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. Did anybody recommend you?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. What did you do prior to that time?

Mr. LUCCHESI. It is going too far back, and I don't remember.

Mr. KENNEDY. That is all of the record you have?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. That is a lot more information than we have gotten from many witnesses.

Mr. LUCCHESI. Thank you.

Mr. KENNEDY. It is almost a pleasure. Now, according to the information that we have, Mr. Lucchese, coming up to the present time, you also have an interest in the Sano Textiles, Inc., of 204 East 107th Street. Do you have any interest in that company?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. And we understand that you have an interest in a ball-bearing factory in New Jersey; do you?

Mr. LUCCHESI. What is that?

Mr. KENNEDY. A ball-bearing factory.

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Are you in business at all with "Longy" Zwillman?

(Witness consulted with counsel.)

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Do you know Mr. Zwillman?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. You never met him?

Mr. LUCCHESI. I don't recall if I did or not.

Mr. KENNEDY. Do you know Mr. Michael Coppola?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Do you know Joseph Rao?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. We have information that you know Joseph Rao and Michael Coppola. Do you know Andino Papadino?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. I guess it is Papadio.

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Tony Bender, do you know him?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. We have information that you know Tony Bender.

How about Frank Carbo?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. James Plumeri?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Johnny Dioguardi?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Tommy Dioguardi?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Vito Genovese?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Did you know that Vito Genovese was helping Mussolini during the war?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. We have information that you know "Tony Ducks."

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. And that is "Tony Ducks" Corallo, is it not?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. And Abe Chait?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. John Ormento?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Profaci?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. Joe Stretch?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. How about "Lucky" Luciano?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. We have information that you do know "Lucky" Luciano; is that correct?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

The CHAIRMAN. Are you a member of the Mafia?

Mr. LUCCHESE. No, sir.

Mr. KENNEDY. Do you operate any of the illegal enterprises in New York City, such as illegal gambling, or narcotics, or anything like that?

Mr. LUCCHESE. Definitely not, sir.

Mr. KENNEDY. Do you have any illegal activities in New York City at all?

Mr. LUCCHESE. No, sir.

Mr. KENNEDY. None at all?

Mr. LUCCHESE. No, sir.

Mr. KENNEDY. Can you explain at all to the committee why some of these dress shops that are operating in New York City and Penn-

sylvania, why some of them are organized and some of them aren't organized?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. Is it necessary to make any kind of a payoff in order to keep a shop unorganized?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. Or is it just a question of contacts and knowing somebody?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. Do you meet very often with these individuals, such as Ormento, Abe Chait, and Vito Genovese?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

The CHAIRMAN. It would be very helpful if you could cooperate with us with respect to any payoffs or any practices regarding the unionization of these dress factories. We have information, and I think we probably already have established by some proof, at least, that in some instances they are able, either by knowing the right people or by payoff, to prevent a shop from being organized, and thus the workers in that shop are paid less and the cost of producing is therefore less, and that particular shop or that management or ownership then can very successfully compete with competitors and sometimes even drive them out of business by reason of their being able to prevent organization through the method I have suggested.

Now, can you be helpful to us and tell us anything about it?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

The CHAIRMAN. In other words, you maybe could be helpful, but if you gave the information it might be self-incriminating, is that what you mean to say?

Mr. LUCCHESI. Yes, sir.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Do you know of any criminal acts or conspiracies on the part of any of these other individuals in New York City, such as Ormento or Abe Chait?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Do you know of any of these individuals who are engaged in importing narcotics from Europe?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. You do not know of any of them?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Do you know of any of them that are engaged in any illegal gambling in New York City?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. What about the Harvic Sportswear Co.? Do you have any interest in the Harvic Sportswear Co.?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. Do you own that yourself?

Mr. LUCCHESI. I am not the sole owner.

Mr. KENNEDY. Who else is in it with you?

Mr. LUCCHESI. Me and my son.

Mr. KENNEDY. Is there just one company or a number of them?

Mr. LUCCHESI. There are 2 factories, under 1 name.

Mr. KENNEDY. Where are they located?

Mr. LUCCHESI. Both of them are in Pennsylvania.

Mr. KENNEDY. They are both in Scranton, are they?

Mr. LUCCHESI. No, sir; 1 is in Scranton, and 1 is in Sweet Valley, Pa.

Mr. KENNEDY. Now, how much do you own and how much does your son own?

Mr. LUCCHESI. Half and half.

Mr. KENNEDY. Did he put up half of the money and you put up half of the money?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. Did you lend him the money?

Mr. LUCCHESI. I gave my son a half interest.

Mr. KENNEDY. How many employees do you have in those two shops?

(Witness consulted with counsel.)

Mr. LUCCHESI. In both shops, you mean?

Mr. KENNEDY. Yes.

Mr. LUCCHESI. I would say about 100.

Mr. KENNEDY. In both of them?

Mr. LUCCHESI. About 110.

Mr. KENNEDY. Are they organized?

Mr. LUCCHESI. They are organized; yes, sir.

Mr. KENNEDY. They are members of the union?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. Those two shops are operating at the present time?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. They are shut down, are they?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. By whom were they shut down?

Mr. LUCCHESI. Ever since the strike came on.

Mr. KENNEDY. Did you have any discussions with Mr. Abe Chait regarding the strike?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Could you tell us with whom you discussed the fact of what your policy would be toward the ILGWU?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. What about the Bob-France Coat Co.? Do you have an interest in that?

(Witness consulted with counsel.)

Mr. KENNEDY. Have you had an interest in that?

Mr. LUCCHESI. To my recollection, it is very vague, and I don't remember. I remember something about it and I might have had some interest there, but it is only a small place, and I think it was only about 6 months.

Mr. KENNEDY. That was back in 1951, was it?

Mr. LUCCHESI. Maybe, you might be right.

Mr. KENNEDY. How about Monica Modes, Inc., of 225 West 37th Street, New York City?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. We understood that in 1953, you were vice president of that corporation, do you know that?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. Could you tell us whether the employees of that company are organized or unorganized?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. How about the Grand View Construction Corp.? Do you have a financial interest in it?

Mr. LUCCHESI. What is the question?

Mr. KENNEDY. Do you have a financial interest in the Grand View Construction Corp.?

Mr. LUCCHESI. Did I have a financial interest?

Mr. KENNEDY. Yes.

Mr. LUCCHESI. I must have.

Mr. KENNEDY. What do you mean, you must have?

(The witness consulted with counsel.)

Mr. LUCCHESI. I was interested in it.

Mr. KENNEDY. When were you interested in that, and when did you have a financial interest?

Mr. LUCCHESI. While I was there.

Mr. KENNEDY. When you were where?

Mr. LUCCHESI. In the Grandview Construction Co.

Mr. KENNEDY. We discussed that, did we? When was that active?

Mr. LUCCHESI. In 1942 or 1943.

Mr. KENNEDY. You haven't had an interest since 1943?

Mr. LUCCHESI. That is all.

Mr. KENNEDY. What is the answer?

Mr. LUCCHESI. No, that is all. It was 1943 and it went out.

Mr. KENNEDY. Have you had any interest in any construction company since 1943?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. What about the World Warehouse & Service Corp.?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Do they have any employees?

Mr. LUCCHESI. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Are they organized or unorganized?

Mr. LUCCHESI. I decline to answer under the fifth amendment.

Mr. KENNEDY. How about the Malba Park Development Co.? Did you ever have an interest in that?

(The witness consulted with counsel.)

Mr. LUCCHESI. I decline to answer on the fifth amendment, sir.

Mr. KENNEDY. Have you had any interest in the Hoisting & Equipment Co. since 1930's?

Mr. LUCCHESI. No, sir.

Mr. KENNEDY. V & L Hat Co., 22-24 West 39th Street? You wouldn't furnish us that list would you, and expedite this?

Mr. LUCCHESI. No, sir, that is all right, it is 1936.

Mr. KENNEDY. What is the answer?

Mr. LUCCHESI. Yes, 1936.

Mr. KENNEDY. In 1936?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. Did it go out of business then?

Mr. LUCCHESI. Yes, sir.

Mr. KENNEDY. How about Yennie Stern Commercial Attractions?

Mr. LUCCHESE. No; it went out of business.

Mr. KENNEDY. That is an old company, also?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. In the 1930's?

Mr. LUCCHESE. Yes, sir.

Mr. KENNEDY. What other sources of income do you have now, Mr. Lucchese?

Mr. LUCCHESE. I decline to answer on the fifth amendment, sir.

Mr. KENNEDY. It would be a big help to us to understand how this operates, if you could tell us what your sources of income are, Mr. Lucchese.

Mr. LUCCHESE. I decline to answer under the fifth amendment, sir.

Mr. KENNEDY. Will you tell us anything about the operation of Vito Genovese, or James Plumeri, or "Tony Ducks"?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. You don't want to help or assist the committee?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. You answered more questions than any of your associates, Mr. Lucchese, and you won't go on and answer a few more questions about their operations?

Mr. LUCCHESE. I decline to answer under the fifth amendment.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any further questions?

Mr. KENNEDY. That is all of this witness.

Mr. LUCCHESE. May I correct something, Your Honor?

The CHAIRMAN. You may.

Mr. LUCCHESE. When I said about the "Arra," I used the name "Arra" in the station house. I asked the police what he wanted to arrest me for, and I said, "You are going to spoil my name", and he said, "Use Arra or any name, or anything."

The CHAIRMAN. You think now that you did use the name "Arra" yourself?

Mr. LUCCHESE. Yes, sir; I mean as far as the policeman told me it was all right for me to use that.

The CHAIRMAN. Are there any other questions?

Mr. KENNEDY. I would like to have Mr. Lucchese remain under the subpoena, Mr. Chairman.

The CHAIRMAN. You will remain under your present subpoena, subject to returning and testifying whenever the committee and if the committee should want to interrogate you further. You will be placed under recognizance to appear at such time as the committee may desire you upon reasonable notice to you or your attorney of the time and place where the committee will desire to hear you. Do you agree to that?

Mr. LUCCHESE. Yes, sir; I will.

Mr. KENNEDY. Do you have any relatives by the name of "Arra"?

Mr. LUCCHESE. No, sir.

Mr. KENNEDY. You do not?

Mr. LUCCHESE. No, sir.

The CHAIRMAN. All right; thank you very much.

Mr. KENNEDY. Now, Mr. Chairman, we had expected Mr. Anslinger from the Bureau of Narcotics to be a witness. He became ill and so was unable to testify, but he submitted a statement to the committee. Can that be inserted in the record?

The CHAIRMAN. I will insert it in the record, and I would want it to be verified by affidavit. Upon this statement being verified, it may be placed in the record at this point.

(The statement is as follows:)

STATEMENT OF COMMISSIONER HARRY J. ANSLINGER, BUREAU OF NARCOTICS,
TREASURY DEPARTMENT

On June 4, 1958, agents of the Federal Bureau of Narcotics of the Treasury Department arrested 28 members of an international and national combine in New York City which smuggled and distributed throughout the United States millions of doses of heroin for resale by associated groups of hoodlums to adults and teen-agers. Three members of this gang had attended the notorious Mafia gathering at Apalachin, N. Y., in November 1957. Several are top gangsters on the Attorney General's list.

Only a few short weeks ago, 18 members of a similar gang apprehended by narcotic agents were tried and convicted by Hon. Paul Williams, United States attorney in New York City. Among those convicted was a man who has been fairly prominent in the garment industry. Also convicted in this same gang was John Buccelli, who was shot to death 2 weeks ago in Boston, Buccelli was known as a waterfront labor racketeer, who arranged to smuggle heroin shipments through the port.

It is of particular interest to note that some members of these mobs were engaged in labor racketeering, along with the business of slow murder of their fellow citizens by selling them a potent poison, physically and morally destructive, which made them abject slaves to these hoodlums. Top members of these groups are firmly entrenched in the profitable garment industry, exacting their tribute from management and labor alike.

The infiltration of the Mafia into legitimate business provides them with a cloak of respectability behind which they pursue their illicit activities. They have been found in almost every conceivable type of business. This underworld group has deep roots in certain waterfront labor organizations, since control of that area is essential to their smuggling operation, and at the same time is a source of financial tribute.

Several years ago we furnished the Senate Rackets Committee, headed by Senator Kefauver, a list of 800 members of this underworld association who were engaged in all kinds of criminal operations. If we brought the list up to date, several hundred names could be added. They have a monopoly of the illicit narcotic traffic. We have arrested and convicted some 300 of these gangsters, none of whom was addicted, for narcotic violations. Of these, about 150 have been deported.

The pattern of activity by this group of hoodlums can be seen in every city where there is a narcotic problem. They arrange for supplies of opium to be converted into heroin in clandestine laboratories of the Middle East; smuggle the narcotics to the United States and Canada, using France and Italy for in-transit operations; and also obtain large quantities of heroin from the Far East, from Communist China. Through close associates in the larger cities, they distribute their deadly wares to smaller groups for retail on the street level to drug addicts.

In 1956 Congress passed a Narcotic Control Act with teeth so sharp that, at long last, these hoodlums began to look elsewhere for rackets: it was not entirely unexpected that they would enter the orbit of rackets like those your distinguished committee is now investigating.

These gangsters are not welded into a single unit. They operate all over the United States in separate groups, but are so interwoven personally that any 1 of the 800 men can telephone any other member of the group—wherever located—and arrange for the accomplishment of unlawful activities.

I wish to point out quite emphatically that their business is all done by telephone, and they are so well insulated through this medium of communication that they are virtually immune from investigation by law-enforcement officers. Fortunately we manage to infiltrate by means of undercover operations, but these are long, tedious, and dangerous.

We are encouraged that Congress has provided a 5-year minimum penalty, with no probation or parole, for the unlawful sale of narcotics and very heavy penalties for subsequent offenses. This has given us a weapon with such powerful impact that in many sections of the country the narcotic traffic has been brought under control through cooperation with local authorities, prosecutors, and the courts.

There still remains much to be done to crush this hoodlum empire. We do believe, however, that the Attorney General's coordinated drive on racketeers in which all Federal enforcement agencies are participating will produce beneficial results. This has already been demonstrated, as I mentioned above, by the recent New York arrests of members of a vast narcotic combine.

The CHAIRMAN. There is no objection to the statement of Mr. Anslinger being made public, but for evidence we will have it verified and then insert it in the record. I am sure he will have no objection to doing that, but just as a matter of keeping the integrity of the record where we accept something as proof, I think that should be done.

(Shortly after these hearings were completed, the committee obtained the following affidavit of verification from Mr. Anslinger, to which was attached a copy of his statement as printed above in the record:)

DISTRICT OF COLUMBIA,
Washington, D. C., ss:

I, H. J. Anslinger, Commissioner, Bureau of Narcotics, Treasury Department, do hereby certify that the statement attached hereto is a copy of the statement which I gave before the Senate Select Committee on Improper Activities in the Labor or Management Field on July 3, 1958, at Washington, D. C.

H. J. ANSLINGER,
Commissioner of Narcotics.

Subscribed and sworn to before me this 31st day of July 1958.

[SEAL]

EDWARD S. SHANKLE,
Notary Public in and for the District of Columbia.

My commission expires September 30, 1962.

The CHAIRMAN. Are there any further witnesses?

Mr. KENNEDY. No.

The CHAIRMAN. The Chair makes this closing statement:

With this witness we close this week introductory hearings into racketeer and hoodlum infiltration into legitimate labor and management.

The testimony we have heard can leave no doubt that there has been a concerted effort by members of the American criminal syndicate to achieve legitimacy through association and control of labor unions and business firms. The extent of this infiltration poses a serious threat to the very economy of our country.

The criminal syndicate which we have identified here as the Mafia has revealed an arrogant challenge to the Government and to the decent people of this country. The contempt with which the leaders of the underworld, as they have displayed it here on the witness stand, regard both their Government and the citizens of this country has been demonstrated repeatedly during the past week by their refusal to cooperate, even in the slightest degree, with this committee, which has a mandate to carry out an important function of this Government.

The lack of regard which these racketeers and gangsters have for their country can be amply demonstrated by their extensive police records since arriving in the United States. In addition, it has been

demonstrated in the case of Vito Genovese that he actively collaborated with the Italian Government after receiving his American citizenship and while the United States was actively at war with Italy.

The committee proposes to continue its study into this important topic by taking a direct look at a number of industries and unions throughout the country where underworld elements have been particularly successful.

In this connection, we will open hearings next week into the successful infiltration of these elements into the Chicago restaurant industry and show how—through control of labor unions and business associations—they have fastened an almost unbreakable grip on this lucrative Chicago industry. During this hearing we intend to call some of the top underworld figures in the Midwest, including Anthony J. Accardo, who has long been reputed as one of the racket overlords of Chicago.

For some 2 months we have been privileged to have had the assistance of the criminal intelligence squad of the New York Police Department and 1 lieutenant and 3 detectives assigned to that section. This special squad of the New York Police Department has done excellent work in documenting and investigating the activities of some of the Nation's most important criminals. Their assistance to this committee, arranged through the cooperation of New York Police Commissioner Stephen P. Kennedy, has been invaluable. I would like to thank these men: Lt. James Mooney and Detectives Joseph Corrigan, Thomas O'Brien, and Cy Jordan for their wholehearted cooperation and help to this committee. We also wish to thank District Attorney Frank S. Hogan and his chief assistant Alfred Scotti for their help as well as for the continuing cooperation of Detective Natale Laurendi, assigned to the New York County district attorney's office. District Attorney Hogan has been of immense value to this committee during the entire time of its operations.

We also wish to thank the United States Bureau of Narcotics, its Commissioner Harry J. Anslinger and Agent Martin Pera for their assistance to the committee, not only during this hearing but in the past. Sgt. Edgar Crosswell of the New York State Police has also been most helpful.

The United States General Accounting Office, through Comptroller General Joseph Campbell, continues to be of great assistance to this committee. I may say that his Office has granted, I believe, every request for assistance that this committee has made of him. By reason of the help he has given, the work of the committee has been tremendously expedited. GAO personnel assigned to this investigation included Milton Morvitz and Stephen Conley, and also Mr. Marvin Gettle and Mr. Tom Hegmire, of the St. Louis office.

We also wish to thank the Wage and Hour Division of the United States Department of Labor for the untiring efforts of Miss Lee Weisner.

No hearing of this committee could be successful without the work of our staff. Participating in this hearing have been—under the supervision of Mr. Kennedy, the chief counsel—the Assistant Chief Counsel Jerome S. Adlerman, Assistant Counsels Walter May, John

Constandy and Paul Kamerick; and Investigators Sherman Willse, George Martin, and Pierre Salinger.

Is there any further statement, Mr. Counsel?

Mr. KENNEDY. No.

Senator MUNDT. Mr. Chairman, I would like to add that it seems to me that the two most significant points which this particular series of hearings has demonstrated and to which the general public and the Congress and our State legislatures might well devote their attention are the following: First, that the complete laxity which has been demonstrated by the parole and pardon procedures affecting habitual criminals has made it possible for the type of characters that we have called before this committee in the past few days to continue lives of crime in this country over generations of years and that it profits little to simply disclose this fact unless everybody in the country having a responsibility in this area learns something from these disclosures.

I would hope that all of those having anything to do with the business of pardoning and paroling criminals and the various legislative acts that deal with these problems and the judicial decisions which involve them would tighten up this procedure somewhat in the interests of law enforcement and the maintenance of decency in this country.

The second most important aspect of the hearing, as far as this Senator sees it, is the fact that so many of these criminals and characters we have had before us are immigrants who have come to this country and have been either naturalized or remained here as resident aliens, and violated every term and consideration by which they entered the country by engaging in lives of crime, and in some manner or other have been able to escape deportation. It seems to me that the whole process of deporting undesirable aliens and people who violate the terms by which they become naturalized citizens should be tightened up.

This is just another disclosure of what happens when people are faithless to the obligation they undertake when they come here as naturalized citizens. I would hope that the various nationality organizations in this country would make this a matter of imagination or concern. I would hope that all of those fine laudable groups pressing for a relaxation of immigration laws would make this a matter of imagination or concern. There surely is little inducement to encourage greater immigration into this country until and unless we find an effective procedure for deporting those who come here and violate the terms under which they come.

By cleaning up this type of situation we can provide a much more wholesome climate for a relaxation of immigration laws so we can encourage people of right disposition and proper character to come here as they always have, to develop in this great melting pot a fine high class citizenry.

But while we hear much from nationality groups urging that the immigration laws be changed to permit more people to come we hear discouragingly little from the same groups about what should be done to expedite the deportation of those coming here and violating the terms of citizenship which they undertake.

I would hope that the country as a result of these hearings learns something about what laxity there is in this business of deportation means, and what laxity and undue generosity in the field of pardons and paroles means. It is a terrible situation to realize that one witness testifies that after he had been out of jail for the third or fourth time he was returned to the penitentiary for shooting his parole officer and subsequently paroled again.

It seems to me that that demonstrates pretty clearly somebody, somewhere, has fallen down on the job. There isn't much use parading these characters before us and discussing their well-known backgrounds and have nothing happen to make a recurrence seem less likely in the future than the instances have developed in the past.

The CHAIRMAN. We will resume hearings next week beginning at 10 o'clock Tuesday morning. I am not sure yet what room the committee will occupy. Quite likely we will be able to return to this chamber.

The committee stands adjourned.

(Whereupon, at 3 :25 p. m., the committee adjourned, to reconvene at 10 a. m., Tuesday, July 8, 1958.)

APPENDIX

GRACE LINE INC.

THREE HANOVER SQUARE
NEW YORK 4, N. Y.SELECT COMMITTEE
ON LABOR - MANAGEMENTREC'D JUL 31 1958
ROUTED-----
INITIAL-----FILE NO.-----

OFFICE OF THE PRESIDENT

July 22, 1958

Dear Senator:

I have learned of the testimony recently given by Mr. Sherman Willse before your Committee with respect to cocaine being brought into this Country on Grace Line ships.

This testimony might create the inference that the Grace Line has been remiss in taking precautions with respect to the smuggling of cocaine. Any such inference would be directly contrary to the facts.

Grace Line is acutely aware of its responsibilities in this matter and over its long years of operation has adopted strict control procedures which are faithfully carried out.

Grace Line's record is one of complete cooperation with Federal and local authorities. Those with whom we deal in the United States for the most part are the Federal Bureau of Narcotics, the United States Customs Service and the Narcotic Squad of the New York Police Department. We also cooperate with the appropriate authorities in foreign countries.


In short, in the face of a problem that is admittedly difficult for all transportation companies, we are convinced that we have exercised every reasonable precaution and all possible diligence to eliminate the smuggling of this contraband.

I note that Mr. Willse also testified that it is his belief that a Carmine Lombardozi operated a mobile marine company whose equipment was leased to the Grace Line and that Mr. Lombardozi seemed to have a monopoly in that field particularly with one Line, i.e. Grace. This is simply not so. The Grace Line has never had any dealings with Mr. Lombardozi nor has it used his equipment.

I enclose a copy of my letter to the Waterfront Commission of New York Harbor dated May 1, 1958 and attachment referred to therein with the thought that it might be of interest to you. A copy of this letter and attachment was also submitted to the Maritime Administration.

I respectfully request that this letter and enclosure be incorporated at the proper point in the Committee's record with the appropriate cross reference.

Yours most faithfully,


Lewis A. Lapham
President

LAL:mm

The Honorable John L. McClellan
The United States Senate
Washington 25, D. C.

May 1, 1958

Waterfront Commission of New York Harbor
15 Park Row
New York 38, New York

Dear Sirs:

It has come to our attention that the Monti Marine Corporation, which performs certain maintenance and repair works on our ships, is under investigation by you. This was confirmed in a discussion had with Commissioner Rubino last Thursday by a Grace Line representative.

We, of course, will be interested in learning of any facts which would bear upon the desirability of Monti Marine as a contractor. If your investigation has come upon any fact that might lead to the conclusion that Monti Marine is undesirable, it would be most appreciated if you would so advise us.

With the thought that it might be of some assistance to your investigation, we are enclosing a memorandum setting forth the facts of our relations with Monti Marine. If there is any further information that you desire of us, we shall be glad to furnish it to you. If you prefer, we shall be happy to discuss the matter with you.

Yours most faithfully,

L. A. Lapham
PRESIDENT

LAL:cm

In 1953 Grace Line began a thorough analysis of its operating costs with a view to economizing wherever possible. The analysis covered, in addition to other aspects, the maintenance work which employees of its subsidiary performed on Grace Line ships.

As a result of the analysis, it was determined that substantial savings might well be effected if this maintenance work was contracted out. Accordingly, in August 1953, Grace Line invited various firms to bid on this work. Ten bids were received. The two lowest bids (substantially below the other bids) were submitted by Monti Marine Corporation and Kelmar Contracting Corporation, with indications that Monti Marine's bid was slightly lower. After an investigation of both these companies, which included a check with the Maritime Commission*, Grace Line awarded the contract to Monti Marine, effective October 1, 1953.

Some time later Monti Marine advised Grace Line that it was in financial difficulties and unless it obtained some financing would be obliged to cease operations. Grace Line advanced Monti Marine \$5,000. Grace Line then examined the financial situation of Monti Marine and, after considering alternative means of having its maintenance work done, decided to assist Monti Marine in obtaining the necessary financing. This assistance took the form of a guarantee by Grace Line of a bank loan by the Carn Exchange Bank and Trust Company to

*Captain F Taylor of the Maritime Commission, in answer to Grace Line's inquiry, advised that Monti had always given good service, got their vessels out on time, and appeared to be reputable.

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Monti Marine, originally in the amount of \$250,000. The loan was secured by a chattel mortgage on Monti Marine's assets. The loan was subsequently increased to \$400,000.

Monti Marine, by timely payments, has reduced this loan and at the present time it amounts to \$125,000. Grace Line, at the time it agreed to guarantee the loan, insisted that Monti Marine take various steps looking toward a more efficient operation. These steps included the following:

1. A Price Waterhouse accountant was employed by Monti Marine to supervise all accounting and financial details and to countersign all checks of the Corporation.
2. The services of one Sorrentino were terminated, since he had certain undesirable associations.
3. Monti Marine was required to submit to Grace Line periodic certified statements of the results of its operations.

At no time has Grace Line or any of its affiliated companies or any of its officers or directors had any interest in Monti Marine and to the best of its knowledge and belief none of its employees has or had any such interest. The only relationship between Monti Marine and Grace Line is that Grace Line engages the services of Monti Marine to do specified maintenance and repair work on its ships under a written contract and as the guarantor of the bank loan above referred to.

Monti Marine has performed its contractual relations under the contract to the entire satisfaction of Grace Line and Grace Line has effected substantial savings in maintenance through the employment of Monti Marine.

In 1955 a Brooklyn Grand Jury subpoenaed the books

- 3 -

and records of Monti Marine and those records of Grace Line relating to its contract with Monti Marine. No action was taken by the Grand Jury against Monti Marine or any of its officers, directors or employees.

Grace Line has no knowledge of any undesirable person associated with Monti Marine. It came to Grace Line's attention that Carmine Lombardozzi had been employed by Monti Marine and that he had a criminal record. Monti Marine terminated his services. Upon learning of this fact, Grace Line inquired of Monti Marine as to whether it had any other employees who had a criminal record, and was assured that there were none.

STATE OF NEW YORK)
COUNTY OF NEW YORK } ss':

LEWIS A LAPHAM, being duly sworn, deposes and says:

That he is the President of Grace Line Inc.; that he signed the foregoing letter and that he knows the contents thereof, and that he believes each and every statement therein contained to be true.

Deponent further says that the grounds of his belief are as follows: Interviews with other officers and employees of Grace Line Inc.; the results of an examination of the records of Grace Line Inc. which deponent caused to be made; and interviews with officers of Monti Marine Corporation who have represented to deponent that (1) Carmine Lombardozzi while in its employ at no time was concerned with that corporation's work for Grace Line Inc.; and (2) that machinery leased by Monti Marine Corporation from Marine Mobile Company was at no time used in connection with work done on vessels of Grace Line Inc.

Lewis A. Lapham
Lewis A Lapham

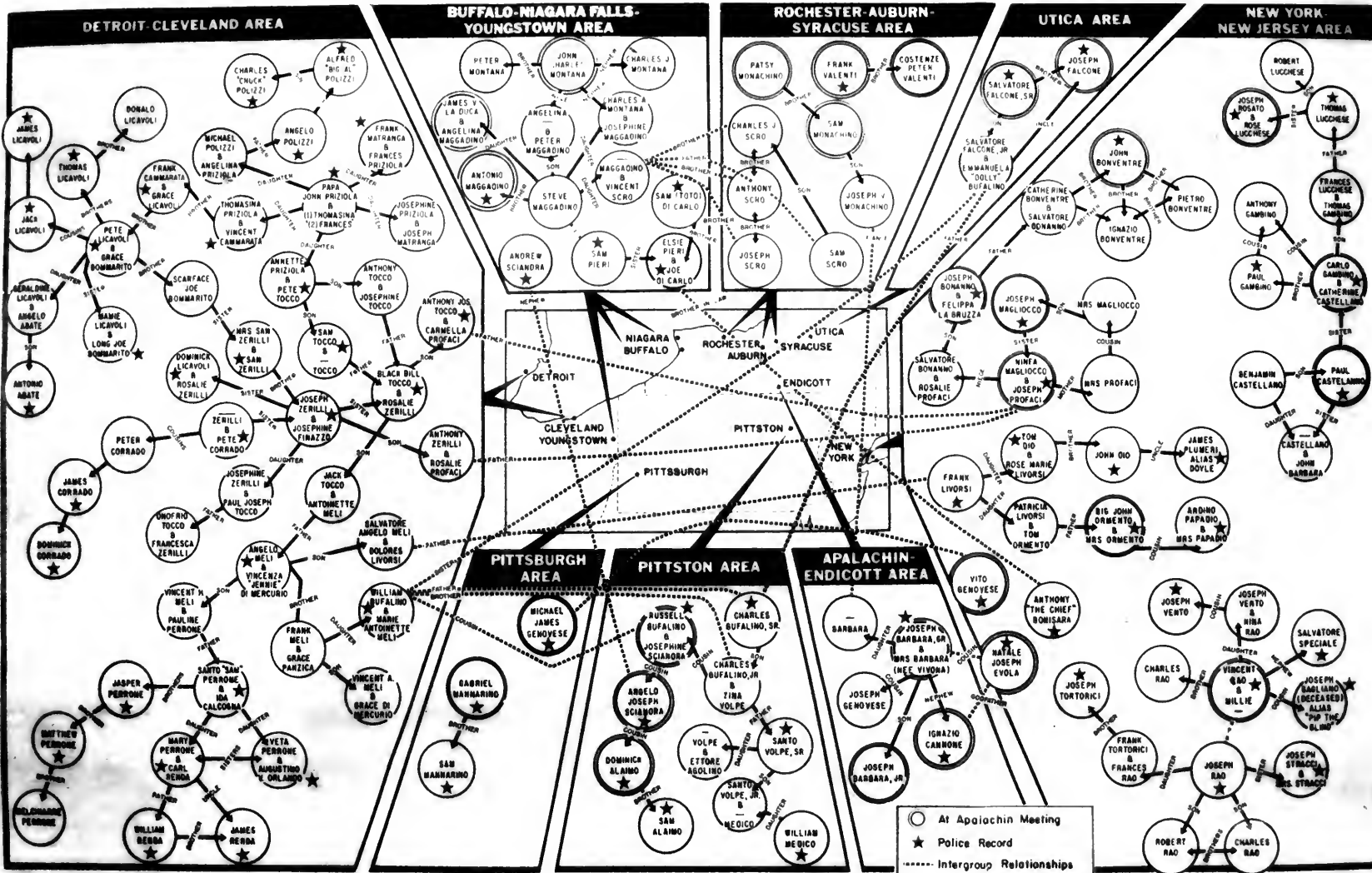
Sworn to before me this

22nd day of July, 1958.

Edward M. Keane

EDWARD M. KEANE
Notary Public, State of New York -
No. 03-7191500
Qualified in Bronx County
Certificate filed in New York County
Commission Expires March 30, 1960

PARTIAL MAFIA (SYNDICATE) RELATIONSHIP STUDY



/

EXHIBIT No. 10-A

CAB RESEARCH BUREAU, INC.

AFFILIATED WITH

NATIONAL ASSOCIATION OF TAXICAB OWNERS

803 LEADER BUILDING

CLEVELAND 14, OHIO



November 1, 1957

DM

Mr. John C. Montana,
Van Dyke Taxi & Transfer, Inc.,
New York Central Terminal,
Buffalo 12, New York

Dear John:

At the Bureau Trustees' Meeting in Washington, a Committee was appointed to complete an agenda for the Spring Meeting of the members of the Bureau which will be held at the Ambassador Hotel in New York on May 22nd and 23rd.

Mr. Viering has called a meeting of this Committee for November 15th in New York City. It will be a one day meeting to set up the agenda.

The reason for the early date -- many of our members go to Florida after the first of the year and also there is a desire on the part of the Committee for surveys to be made in sufficient time so that they can be discussed at the May meeting.

On the Committee are yourself, Mr. Sawyer, Mr. Viering, Mr. Dannemann and myself. You will be advised at a later date of the place of meeting and the exact time. If you want hotel accommodations and wish us to make them, we will be more than happy to do it. However, I think one day will be sufficient and if we all arrive early in the morning of the 15th, we could leave that evening (Friday).

I do hope that it will be possible for you to be in attendance as we are more than anxious to make the May meeting an outstanding success.

Kindest personal regards.

Sincerely,

EXHIBIT No. 10-B

CAB RESEARCH BUREAU, INC.
AFFILIATED WITH
NATIONAL ASSOCIATION OF TAXICAB OWNERS
803 LEADER BUILDING
CLEVELAND 14, OHIO



November 11, 1957

Mr. John C. Montana,
Van Dyke Taxi & Transfer, Inc.,
New York Central Terminal,
Buffalo 12, N. Y.

Dear John:

Just a note to confirm our telephone conversation about the meeting in New York on Friday, November 15th. We will meet in Mr. Darnemann's office at 1790 Broadway. Would appreciate having you arrive around twelve o'clock Noon or a little earlier, if possible.

This meeting is for the purpose of preparing an agenda for the Spring Bureau Meeting in New York on May 22nd and 23rd.

With kindest regards.

Sincerely,

H. I. Gwilym

X

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12/5/57
M.

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