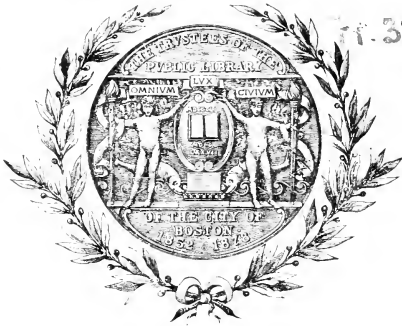


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**INVESTIGATION OF IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD**

*U.S. Congress Senate
investigation of improper
management of funds*

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**

AUGUST 21, 26, 27, 28, AND 29, 1958

PART 38

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



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1958

May 11, 1959
* 100-315
pts. 38-40

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INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, AUGUST 21, 1958

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

The select committee met at 10:30 a.m., pursuant to Senate Resolution 221, agreed to January 29, 1958, 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 Frank Church, Democrat, Idaho; Senator Karl E. Mundt, Republican, South Dakota; Senator Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adleman, assistant chief counsel; Paul J. Tierney, assistant counsel; John J. McGovern, assistant counsel; Carmine S. Bellino, accountant; Pierre E. Salinger, investigator; Leo C. Nulty, investigator; James P. Kelly, investigator; Walter J. Sheridan, investigator; James Mundie, investigator; John Flanagan, investigator, GAO; Alfred Vitarelli, investigator, GAO; 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, and Goldwater.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Baker.

TESTIMONY OF ROBERT BERNARD BAKER, ACCOMPANIED BY HIS COUNSEL, GEORGE FITZGERALD

The CHAIRMAN. All right, Mr. Kennedy, will you proceed?

Mr. KENNEDY. Mr. Baker, we were talking yesterday about your being registered at the Shoreland Hotel. I would like to ask you some questions about the bill there.

The CHAIRMAN. The Chair presents to you a photostatic copy of a bill of the Shoreland Hotel, dated June 25, 1957, and asks you to examine it and state if you can identify it.

(A document was handed to the witness.)

The CHAIRMAN. Do you identify the photostatic copy?

Mr. BAKER. I do, Senator.

The CHAIRMAN. It may be made exhibit No. 66.

(Document referred to was market "Exhibit No. 66," for reference, and will be found in the appendix on p. 14533.)

Mr. BAKER. What date was that, Senator?

The CHAIRMAN. June 25, 1957.

Mr. KENNEDY. It has here "November 6, 1956, cash advanced, \$1,200."

Mr. BAKER. Yes, sir.

Mr. KENNEDY. What were you doing with \$1,200?

Mr. BAKER. I was organizing in the Chicago area at that time, and assigned to some companies and in the line of organizational work I had visitations with many of the workers and bought dinners and gave out money here and there where it was needed, where they asked for support, and along that line I used that money at that time.

Mr. KENNEDY. Where are your supporting vouchers for \$1,200?

Mr. BAKER. Excuse me; I wanted to complete the answer. I believe that some might have been a carryover, too, sir, on that \$1,200.

Mr. KENNEDY. Where are your supports for that cash advance of \$1,200 of union funds?

Mr. BAKER. Well, I make my report to my conference of just what I do, and how I spend the money, sir.

Mr. KENNEDY. How did you spend this money, or where are the vouchers showing specifically how you spent \$1,200 of union funds?

Mr. BAKER. Well, many people that I organize, I don't go into restaurants and coffee places and ask for a voucher, sir, and I don't ask a man if he asks me for \$10 or \$20 to meet the rent—

Mr. KENNEDY. You were getting your regular salary and expenses in addition to that. Over this period, starting November 6, 1956, through April 4, 1957, at the Shoreland Hotel, in addition to your hotel bill, your regular charges, and your telephone bill which we discussed yesterday, and your regular expenses, you had cash advances of \$1,850. What I am trying to find out is whether you have any vouchers or any support for those payments whatsoever?

Mr. BAKER. I might have sent some vouchers in, and I don't recollect. I might have sent to the conference some vouchers, and I don't recollect.

Mr. KENNEDY. Do you have any now, or can you produce any? We have gone through the records and there are no vouchers whatsoever for this.

Mr. BAKER. I haven't any, and I don't believe I have any. I don't believe I had any. I might have some, and I don't know. I don't send every one of them in.

Mr. KENNEDY. Didn't the hotel management complain about the fact that this bill was so high?

Mr. BAKER. No, sir.

Mr. KENNEDY. Didn't you start to choke the hotel manager, and did you get into a fight with him?

Mr. BAKER. I don't recollect any big choking department.

Mr. KENNEDY. Did you get into a fight with him?

Mr. BAKER. A fight?

Mr. KENNEDY. Yes.

Mr. BAKER. We might have argued over different things, but I never fought with him.

Mr. KENNEDY. Didn't you grab him by the neck?

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

Mr. BAKER. I don't recollect grabbing him by the neck.

Mr. KENNEDY. This is 1957, and do you deny that you grabbed him by the neck because he had been complaining about your bill?

Mr. BAKER. I don't recollect grabbing him by the neck.

Mr. KENNEDY. Did you grab him at all?

Mr. BAKER. I don't recollect grabbing him at all.

Mr. KENNEDY. Now, this is less than a year and a half ago, and didn't you grab him by the neck and choke him because you thought he complained about your bill?

Mr. BAKER. I do not recollect, Mr. Kennedy.

Mr. KENNEDY. Do you deny that you did it?

Mr. BAKER. I do not recollect, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, another thing of interest about this payment, it says, "Payment has been O. K.'d by J. H." And who is J. H.?

Mr. BAKER. You would have to ask the person who put that down.

Mr. KENNEDY. Do you know anybody by the name of J. H. in the Teamsters Union?

Mr. BAKER. I do, and you do, too, Mr. Kennedy.

Mr. KENNEDY. Who is it then?

Mr. BAKER. Well, I don't know, it could be different names, and it could be John Hanna, and it could be any name. I know Jim Hoffa, if you want to know. That is J. H. I am sorry, Mr. Kennedy, I am not in the initial department.

Mr. KENNEDY. You know it is James Hoffa of the Central Conference of Teamsters, don't you?

Mr. BAKER. Yes, sir, Mr. Kennedy.

Mr. KENNEDY. Why don't you answer that?

Mr. BAKER. I don't know what you are trying to lead to.

Mr. KENNEDY. Would you look at these documents, please?

The CHAIRMAN. I hand you here a series of the receipts that you have given to the International Brotherhood of Teamsters, Joint Council 43, I believe most of them are joint council 43, and one may be to the local. I believe there are 34 in this package that I hand to you, and I ask you to examine them and state if you identify them.

(Documents were handed to the witness.)

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

Mr. BAKER. I recognize them, Mr. Senator, sir.

The CHAIRMAN: I hand you another group of six, I believe. That first group may be made exhibit No. 67.

(Documents referred to were marked "Exhibit No. 67," for reference and may be found in the files of the select committee.)

The CHAIRMAN. I show you another group of these documents.

(Another group of documents were shown the witness.)

Mr. BAKER: I recognize that, Senator, sir.

The CHAIRMAN. All right, they may be made exhibit No. 67-A.

(Documents referred to were marked "Exhibit No. 67-A," for reference and may be found in the files of the select committee.)

The CHAIRMAN. In the first group I handed you, they range in date, I believe, from the 1st of January, or January 8, 1954, through August 26, 1954.

Mr. KENNEDY: Before I ask you about these, I want to go back a second to the Shoreland Hotel. You said you couldn't remember about

choking the owner. I have his name here, and I wonder if that might refresh your recollection. It is Mr. Bellows. Does that refresh your recollection?

Mr. BAKER: I had an argument with him.

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

Mr. KENNEDY: And that you started to choke him near the cashier's cage; is that correct?

Mr. BAKER: I don't recollect that, sir.

Mr. KENNEDY: Wasn't it a fact that you were kicked out of the hotel, and his wife said at that time she wouldn't have you in the hotel because you were a killer?

Mr. BAKER: I was never kicked out of that hotel, sir.

Mr. KENNEDY: You didn't stay in the hotel after you started to choke the owner, the manager of the hotel, did you?

Mr. BAKER: I had an argument. I don't recollect choking that man.

Mr. KENNEDY: Did you grab him?

Mr. BAKER: I don't remember that at all. I had an argument with him.

Mr. KENNEDY: You don't deny that you grabbed him and somebody separated you?

Mr. BAKER: I do not recollect that at all.

Mr. KENNEDY: You do not deny it?

Mr. BAKER: I can't admit it either, Mr. Kennedy. I don't recollect that. I know we had an argument.

Mr. KENNEDY. According to her report, you grabbed the husband by the throat and started to choke him near the cashier's cage. Somebody came along and pulled you apart, or otherwise there would have been very severe damage to the husband. She stated to you at that time that you were a killer and you were not allowed to stay in the hotel.

Is that correct? That is the information we have.

Mr. BAKER. I do not recollect anything along them lines.

Mr. KENNEDY. But you don't deny it. I want to ask you about this: What are these vouchers that you submitted, miscellaneous incidental expenses, Pontiac, \$100; miscellaneous incidental expenses, Pontiac, \$100, January 8, January 14, January 16, another \$100; February 5, \$100? It continues during the year, almost every week, for \$100. What were you doing with this money?

Mr. BAKER. Mr. Kennedy, I was organizing. Taxicab strikes up there—we had a strike with a company; we had all the people out in the street. We organized a new industry up there at that time. It was the trash industry, scrap metal.

Mr. KENNEDY. Where are the vouchers—

Mr. BAKER. And I took all that money that you see there, that \$100 a week, or whatever it may be—I didn't watch every figure—and used that for the members to be in that local union to see that they had a few dollars in their pocket, a few dollars to take home, to put on the table for the wife and kids, the ones that might be striking, and others that I took out and dined, to talk to them and give them the benefits of what the union can do for them, and what we have done for them in the past in that particular industry, and showed the advantages of union organization, sir.

Mr. KENNEDY. Is that what you were doing with the money down with Miss Brougher in Miami?

Mr. BAKER. That is another question I will answer when we come to it, Mr. Kennedy.

Mr. KENNEDY. I am coming to it. To keep a little food on the table for her; is that right?

Mr. BAKER. Partly so.

Mr. KENNEDY. Union funds were used for that purpose?

Mr. BAKER. No, sir.

Mr. KENNEDY. Where did you get the money that you used for that purpose? She said between \$20,000 and \$25,000.

Mr. BAKER. I know. It was nothing like that. You have, Mr. Kennedy—you have bills there of what she says, the hotel, the house rental. You add them up and that is it, plus the fact that \$500 or \$2,500 might have been given to the attorney for—what does he call it? An appeal on her case. And to help her out I went and got the money and sent to her and gave to her.

Mr. KENNEDY. Where did you get the money?

Mr. BAKER. And supported her.

Mr. KENNEDY. Where did you get the money you gave to her to support her?

Mr. BAKER. I borrowed money and held it in my pocket and doled it out as I needed it.

Mr. KENNEDY. Who did you borrow the money from?

Mr. BAKER. I borrowed around \$4,000, I believe, Mr. Kennedy, to the best of my recollection it was 4, from Mr. Mert Wortheimer, sir.

Mr. KENNEDY. That is the fellow we discussed yesterday?

Mr. BAKER. I don't remember, sir.

Mr. KENNEDY. Wortheimer? Who is he?

Mr. BAKER. Mr. Mert Wortheimer was one of my bosses down in the Colonial Inn, in Hollywood, Fla.

Mr. KENNEDY. He is the partner of Mr. Lansky?

Mr. BAKER. I don't know if he is a partner of Mr. Lansky, sir, but I do know he was one of the bosses down there.

Mr. KENNEDY. You borrowed how much money from him?

Mr. BAKER. The best I can recollect near \$4,000.

Mr. KENNEDY. When?

Mr. BAKER. In a period of time when Miss Brougher was in trouble.

Mr. KENNEDY. When did you borrow it from him?

Mr. BAKER. I don't remember the day or the year, Mr. Kennedy. I am trying to be exact, the best I know how, and give you a truthful answer. I am not going to perjure myself, sir. I don't know exactly what day it was.

Mr. KENNEDY. You wouldn't perjure yourself if you tell the truth.

Mr. BAKER. I am telling the truth. If you try to make me answer, Mr. Kennedy, and I can't truthfully answer, I don't remember the date—

Mr. KENNEDY. Did you borrow the money in 1954 or 1955?

Mr. BAKER. When was Miss Brougher first in trouble, sir?

Mr. KENNEDY. When did you first meet Miss Brougher?

Let's start there.

Mr. BAKER. Well, I met her—I don't remember the exact year. I met her down in Hollywood, Fla.

Mr. KENNEDY. When?

Mr. BAKER. I can't recollect now exactly when.

Mr. KENNEDY. During the 1940's?

Mr. BAKER. No.

Mr. KENNEDY. When she was in trouble, after she had been convicted of manslaughter?

Mr. BAKER. After she was convicted, sir.

Mr. KENNEDY. You became friendly with her after she became convicted of manslaughter?

Mr. BAKER. I met her. Was introduced to her after that.

Mr. KENNEDY. That was 1955.

Mr. BAKER. Is that the year?

Mr. KENNEDY. Yes; she was convicted in November 1954.

Mr. BAKER. Well, if you have that date, that is what it is.

Mr. KENNEDY. Then you started supporting her after that?

Mr. BAKER. Well, it does not happen that fast, sir. It did not happen that fast. There was a lot of—a meeting, an introduction.

Mr. KENNEDY. Who introduced you?

Mr. BAKER. Mr. Tom Burke.

Mr. KENNEDY. Of the Teamsters Union?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. O.K. What happened?

Mr. BAKER. I met her, and I came down there for other purposes than to meet Miss Brougher.

Mr. KENNEDY. What did you come down there for?

Mr. BAKER. A survey on front doors of hotels that lease cars and also the taxi industry in the greater Miami area, which isn't organized, and I was to get sort of a survey to find out the worth of a taxi union charter being put there.

Mr. KENNEDY. Who sent you down there?

Mr. BAKER. I asked Mr. Gibbons at that time, and I believe—this is to the best of my recollection, now. I don't know whether it was he or someone else in the central office. But I got it through the central office, sir.

Mr. KENNEDY. Was it Mr. Hoffa that sent you down there to Miami?

Mr. BAKER. I believe this was Mr.——

(The witness conferred with his counsel.)

Mr. BAKER. I believe it was Mr.—— I can't. I got the memo to go down there on the job, and I got it through the central office, sir.

Mr. KENNEDY. Who sent you down there? You had some discussions with somebody before you went down. Did you talk to Mr. Hoffa about it?

Mr. BAKER. Not necessarily, Mr. Kennedy.

Mr. KENNEDY. Who was giving you your orders in 1955?

Mr. BAKER. Well, I had taken mine from Mr. Gibbons or Mr. Hoffa, I believe, when I was in the central conference then. But I believe—to the best of my recollection, Mr. Kennedy, I can't tell you exactly how it was done. There is sometimes a notation left on your desk.

Mr. KENNEDY. "Go to Miami"?

Mr. BAKER. That is right, and it mentions what for, what purpose.

Mr. KENNEDY. Did it have any name on it?

Mr. BAKER. I imagine it did.

Mr. KENNEDY. Whose name was on it?

Mr. BAKER. I cannot recollect. It is easy for me to tell you it has been authorized. It doesn't make a bit of difference. There is nothing wrong with it. But I don't remember.

Mr. KENNEDY. You went down there to Florida and worked on the taxicabs?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. Tom Burke introduced you to Miss Brougher?

Mr. BAKER. Yes.

Mr. KENNEDY. And then you started supporting Miss Brougher?

Mr. BAKER. Well, I met Miss Brougher and we got talking, and I found out through her about her troubles.

Mr. KENNEDY. That she had been convicted of manslaughter?

Mr. BAKER. All of that. And that she was not guilty. There was a lot of circumstances involved, so forth and so on.

I told her, I said, "I will try to do whatever I can do to help you. I haven't got too much money, but it might be I could."

It went on that way. She needed \$500, so forth and so on, she was sick and she could not stay at a certain motel, she needed a different environment. I got to liking the woman and I went for the money.

Mr. KENNEDY. And you borrowed \$4,000 at that time?

Mr. BAKER. Well, I don't know if it was at that period of time, sir, or if it was later.

Senator IVES. May I interrupt there a moment?

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to ask the witness if he in any way doubts the word of Miss Brougher.

Mr. BAKER. Her statements that she made?

Senator IVES. Yes. Do you have any occasion to doubt her?

Mr. BAKER. Certainly.

Senator IVES. Is there anybody you don't doubt?

Mr. BAKER. I don't doubt a lot of people that I don't doubt, sir. But I am just saying I do doubt. You asked the question. I do doubt her word.

Senator IVES. Did you doubt her word as to when you became acquainted with her?

Mr. BAKER. Women do funny things to people.

Senator IVES. Well, I wouldn't get into that.

Mr. BAKER. And she did funny things with me, making me think along her line.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Did you borrow the money during the period you were down there and she was in difficulty?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. You did?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. That was during 1955?

Mr. BAKER. I imagine so. She was out on appeal for a year.

Mr. KENNEDY. You had to get the money to support her and pay these bills. Did you go to Wortheimer and get the money from him then?

Mr. BAKER. Yes, I met Mr. Wortheimer and got the money from him, Mr. Kennedy.

Mr. KENNEDY. During this period of time, you were paying her bills?

Mr. BAKER. That is right, sir.

Mr. KENNEDY. Who else did you get the money from?

Mr. BAKER. I don't remember, but I borrowed money from a few people.

Mr. KENNEDY. Who else did you get money from?

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

Mr. BAKER. I can't recollect. Have you got something there to refresh my memory, Mr. Kennedy?

Mr. KENNEDY. No, I am asking you. This is 1955. I want to find out from you who you got the money from.

Mr. BAKER. I don't remember. I don't remember, Mr. Kennedy.

Mr. KENNEDY. How did you support her, then, with these bills?

Mr. BAKER. Well, there wasn't no \$11,000 that they mentioned. It was money. But it wasn't any \$11,000. I borrowed money. I borrowed some from a bank, I think. I believe I also took some money from a bank up in the St. Louis area.

The CHAIRMAN. You say you took some money?

Mr. BAKER. Yes. Borrowed. Loaned, Senator. I borrowed. You know. Make application for a loan.

Mr. KENNEDY. You would know what bank?

Mr. BAKER. Yes. Manchester Bank. I believe that was it at that time. I am not sure.

Senator MUNDT. Did you have a cosigner to the note?

Mr. BAKER. I don't know. I think I was good for it.

Senator MUNDT. Well, you ought to know. You were good for how much?

Mr. BAKER. I don't know. I don't remember the exact amount.

Senator MUNDT. You surely remember whether you had anybody cosign the note or not.

Mr. BAKER. No. I don't, Senator.

Senator MUNDT. You do not?

Mr. BAKER. I really don't.

Senator MUNDT. You don't know?

Mr. BAKER. I said to the best of my knowledge I don't know. I mean I don't really remember, sir.

I can't recall it, Senator.

Senator GOLDWATER. Mr. Chairman?

The Chairman. Senator Goldwater.

Senator GOLDWATER. Before you leave this subject, Mr. Counsel, I have a question.

Mr. Baker, you took an interest in this lady because you wanted to help her; is that correct?

Mr. BAKER. Help her and like her.

Senator GOLDWATER. Help her and like her?

Mr. BAKER. I liked her.

Senator GOLDWATER. During the course of your liking her, you gave her \$2,500 for her attorney; is that correct?

Mr. BAKER. I believe also that is correct, sir. I believe so. To the best of my recollection, I don't remember, but I believe so. It could be.

Senator GOLDWATER. Have the Teamsters ever been active in the elections in Florida?

Mr. BAKER. Not that I know of, sir.

Senator GOLDWATER. Have they ever been active in the election of judges?

Mr. BAKER. Not that I know of.

Senator GOLDWATER. Did you ever have it in your mind that you might be able to fix this case for her?

Mr. BAKER. I never had in mind I could fix a case for her.

Senator GOLDWATER. You did not think—

Mr. BAKER. No; just the attorney telling me that he could probably do her some good.

Senator GOLDWATER. The attorney thought he could fix it with money?

Mr. BAKER. I don't know if he said "fix it," but that he could get an appeal; it takes money to get an appeal. You have to make a trip to Tallahassee, the capital, see people there, to get this appeal, and he believed that if the right was done he could get her out.

Senator GOLDWATER. How much money would it take to do right?

Mr. BAKER. Well, he kept asking for trip money, \$500 a trip to Tallahassee. He made a few of them. I don't know about how many he made.

Senator GOLDWATER. You don't know how many he made?

Mr. BAKER. Maybe one. Two or three, I believe.

Senator GOLDWATER. How much more than \$2,500 did you give him?

Mr. BAKER. Well, I mean, Miss Brougher, she had some money, too, and she often told me that if she didn't have it, she can always get it, and help out with her own case as well. She had some friends.

Senator GOLDWATER. If you wanted to fix a case like that in Florida, who would you go to?

Mr. BAKER. Senator, I don't know a thing about the fixing of cases, and I wouldn't know nothing about whom to go to. But, Senator, in all due respect to the judicial bodies, I never had or never did ever know how to approach anything like that, or if there would be acceptance to anything along them lines. I never tried and I never will.

Senator GOLDWATER. Did the attorney think that he could get it done?

Mr. BAKER. He said that on its merits, that this girl is innocent, that this girl actually was innocent of the crime.

Senator GOLDWATER. So you had no idea at any time that either your influence or your money might have an effect on this case?

Mr. BAKER. Money? Given to the lawyer. Influence I don't know about, Senator, but the money could help. I was impressed that it could help in writing briefs and what not to prepare the case, along those lines of conversation, Senator.

Senator GOLDWATER. You were going to write the briefs?

Mr. BAKER. No. The lawyer. The attorney.

Senator GOLDWATER. You don't understand a "fix"?

Mr. BAKER. You read the paper about fixes here and fixes there. I mean, Senator, in all due respect, I read papers. I am not that dumb, where I don't know what they mean about fixes and things like that. The baseball scandal back a year ago—the fix. You read papers. You know what it means.

Senator GOLDWATER. But you don't know anything other than what you read in the papers about a fix?

Mr. BAKER. That is right, because I am not a fixer, Senator.

Senator GOLDWATER. How about your money? Money can be a fix?

Mr. BAKER. Well, I will tell you how I laid this money down to this attorney in an honest manner, in which he was going to do a job for this lady who he believed was innocent, and it would take money to do it.

Senator CURTIS. How long did you know that attorney?

Mr. BAKER. I met the attorney through Miss Brougher.

Senator CURTIS. What was his name, Everett?

Mr. BAKER. I believe that is the name, Everett.

Senator CURTIS. Had the first trial or the trial already transpired when you came into the picture?

Mr. BAKER. There was no trial when I met her. It was all over with, the trial.

Senator CURTIS. Did you ever learn who secured Attorney Everett for her?

Mr. BAKER. No; I imagine she might have herself, and I don't know. All I know is that they knew one another.

Senator CURTIS. Have you seen him lately?

Mr. BAKER. No, sir.

Senator CURTIS. Where is he?

Mr. BAKER. I don't know, Senator, outside of what I have heard in testimony, but I personally don't know.

Senator CURTIS. You have heard the testimony that he was later convicted?

Mr. BAKER. Or jailed or something.

Senator CURTIS. For some misconduct with his own clients?

Mr. BAKER. That is right, Senator.

Senator CURTIS. Was he the attorney who tried the case, did you learn that?

Mr. BAKER. I never was in the courtroom, and I don't know.

Senator CURTIS. From your discussions?

Mr. BAKER. I really don't know, Senator, and I don't recollect anything along those lines.

Senator CURTIS. That is all.

Mr. KENNEDY. His name was George Everett, was it not?

Mr. BAKER. George Everett, yes.

Mr. KENNEDY. Did you state to anyone that you were going to kill George Everett because he was unsuccessful in trying to get the appeal for Miss Brougher?

Mr. BAKER. Mr. Kennedy, I never made that remark.

Mr. KENNEDY. You never made any remark similar to the fact that you were going to kill him?

Mr. BAKER. No, sir.

Mr. KENNEDY. You never did?

Mr. BAKER. No, sir.

Mr. KENNEDY. We have some information to the contrary, and there will be testimony about it.

Mr. BAKER. That is all right. Absolutely, I never did that, and I never said that.

Mr. KENNEDY. Or did you say anything like that, in substance?

Mr. BAKER. What?

Mr. KENNEDY. About killing Mr. Everett.

Mr. BAKER. In substance, what do you mean?

Mr. KENNEDY. Did you say anything similar to the fact that you were going to kill Mr. Everett for being unsuccessful in his appeal?

Mr. BAKER. I don't recollect saying anything like that.

Mr. KENNEDY. Well, now you don't recollect, but do you think that you might have?

Mr. BAKER. In substance, you say.

Mr. KENNEDY. Well something like "I am going to kill him," or "break his back," or "break his neck"?

Mr. BAKER. I might of said something like that, and I can't recall, and I might have said he deserves a punch in the nose or something, and I don't know.

Mr. KENNEDY. This goes a little further, "I will put him in concrete blocks," or "I will break his back or kill him," or something like that?

Mr. BAKER. That is not my expressions, and that is not the way I talk.

Mr. KENNEDY. What expression did you use when you wanted to kill someone?

Mr. BAKER. Mr. Kennedy—

Mr. KENNEDY. What?

Mr. BAKER. I don't use any expressions, Mr. Kennedy, and I don't do the things that you are trying to put me in mark that I do, and you are trying to accuse me of things that are not right.

Mr. KENNEDY. Do you know Tom Douglas?

Mr. BAKER. I don't recall the name, sir.

Mr. KENNEDY. Did you state to Tom Douglas in Miami that you were going to kill George Everett? Did you tell him that you were going to kill him for being unsuccessful in the appeal?

Mr. BAKER. I don't even remember Tom Douglas' name, sir. I might remember him if I saw him, but I don't remember the name.

Mr. KENNEDY. Do you deny that you made such a statement?

Mr. BAKER. I don't recall ever saying that.

Mr. KENNEDY. Now, you say you don't recall and before you said you denied it.

Mr. BAKER. Mr. Kennedy, you have had some witnesses here, Mr. Kennedy, that have lied in this courtroom.

Mr. KENNEDY. Yes; we have.

Mr. BAKER. You have, where I am concerned and talked on me.

Mr. KENNEDY. Just answer the question.

Mr. BAKER. It is not true.

Mr. KENNEDY. Just answer the question, did you state to Tom Douglas or anyone else that you were going to kill George Everett for his being unsuccessful in the appeal?

Mr. BAKER. I don't recall, Mr. Kennedy, ever saying anything like that, and I just don't recall.

Mr. KENNEDY. You denied it at the beginning and now you say you can't remember.

Mr. BAKER. I do not recall.

Mr. KENNEDY. First you can't remember choking or trying to choke to death the man in the hotel in 1957 and now you can't remember whether you said you were going to kill this man.

Mr. BAKER. I do not recall, Mr. Kennedy.

Mr. KENNEDY. Did you get any of the money, or do you know Mike Capola in Miami?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. Did you arrange for him to put up any of the money for Miss Brougher?

Mr. BAKER. I did not arrange for him to put up any money for Miss Brougher.

Mr. KENNEDY. Did he put up any money for Miss Brougher?

Mr. BAKER. I don't know.

Mr. KENNEDY. You don't know anything about that?

Mr. BAKER. I don't know if he did.

Mr. KENNEDY. How long have you known "Trigger Mike" Capola?

Mr. BAKER. Mike Capola, and I don't know about the "Trigger." It is Mike Capola, Mr. Mike Capola.

Mr. KENNEDY. Who has been identified as one of the most notorious gangsters in the United States.

Mr. BAKER. Well, Mr. Kennedy, that is paper talk.

Mr. KENNEDY. One of Albert Anastasia's best friends.

Mr. BAKER. All right, fine. I want to answer your question. I knew Mr. Mike Capola back when I was working at the inn, in 1945 or 1946, I believe, to the best of my recollection, and he was a patron there, and also, I believe, and I am not sure, where I met him, in a restaurant in New York, when I was living in New York.

Mr. KENNEDY. When you used to talk to him on the telephone, what would you talk to him about?

Mr. BAKER. I told him about—the only time I called him was in reference to trying to help Ruth Brougher financially, as she needed some money to put up for an attorney.

Mr. KENNEDY. You did suggest that to him, then?

Mr. BAKER. I didn't mention any money, sir, and I said, "Can you do something for Ruth Brougher," and he said, "What is the matter?" I said, "She needs some money, and could you help her," and he said, "I haven't any money myself," and I said, "Why don't you let me send Ruth over to your house and talk to her?" And he said, "Send her over and I will talk to her," and so she went over to his house and that is all I know.

Mr. KENNEDY. Then you did make the arrangements?

Mr. BAKER. You said for money, Mr. Kennedy. You said arrangements for moneys.

Mr. KENNEDY. That is what you said.

Mr. BAKER. And she more or less, you see, I take it for granted that she received it, and I don't know if she received any money.

Mr. KENNEDY. You called him and made the appointment and said she was in difficulty with money, and made the arrangements for her to go over there?

Mr. BAKER. For the visitation?

Mr. KENNEDY. I hate that name, but a visit.

Mr. BAKER. All right, visit.

Mr. KENNEDY. What about the jewelry that you had down there? Did you have a lot of jewelry?

Mr. BAKER. I didn't have, I don't know about a lot of jewelry.

Mr. KENNEDY. Were you selling stolen jewelry, or what?

Mr. BAKER. Miss Brougher had jewelry in a pawn shop.

Mr. KENNEDY. What about other jewelry? Did you handle any other jewelry?

Mr. BAKER. I don't handle jewelry.

Mr. KENNEDY. Did you sell any other jewelry?

Mr. BAKER. I don't sell no jewelry, and I am not a jewelry salesman, Mr. Kennedy.

Mr. KENNEDY. You never did?

Mr. BAKER. I don't know, I might have had a ring of my own.

Mr. KENNEDY. I am not talking about that, I am talking about in 1955, were you, Tom Burke, and Miss Brougher dealing in jewelry, stolen jewelry, or other kind of jewelry?

Mr. BAKER. I never dealt with Miss Brougher or Mr. Tom Burke, whose name was mentioned, in the selling of jewelry.

Mr. KENNEDY. You did not?

Mr. BAKER. No.

Mr. KENNEDY. All right, now yourself, did you ever handle the sale of jewelry?

Mr. BAKER. I handled jewelry that belonged to Miss Brougher.

Mr. KENNEDY. Just those four pieces?

Mr. BAKER. Four pieces.

Mr. KENNEDY. Those are the only four pieces that you handled?

Mr. BAKER. Now, you are telling me four pieces and it could be more than four pieces, and I don't know. I want to be up and above board, and I want to answer these questions, and I don't want to be steered into something here. If you have the facts, tell me and I will answer them truthfully, and I am not going to hide anything, and I am not here to disguise anything, and if I can remember I will tell you.

Mr. KENNEDY. The reason, Mr. Baker, that I said 4 pieces is that you said 4 pieces yesterday, and that is the only reason I used that figure. You said you handled four pieces for her.

Mr. BAKER. Well, we had better correct it, and maybe it could be a little more, and I don't know. I don't know what you mean by pieces, and if you take a chain off a lavalere, it becomes two pieces, and I don't know, and I don't want to get hurt here. I want to give you the right answer.

Mr. KENNEDY. Did you transport any jewelry from Miami up to New York for instance?

Mr. BAKER. Not to New York.

Mr. KENNEDY. Where did you transport jewelry to?

Mr. BAKER. I didn't transport it. I took the jewelry that I took out of the pawnshop.

Mr. KENNEDY. What did you take out of the pawnshop?

Mr. BAKER. The jewelry that Miss Brougher and her husband or ex-husband, I found out later—

Mr. KENNEDY. How many pieces were there?

Mr. BAKER. The jewelry that they had pawned.

Mr. KENNEDY. How many pieces?

Mr. BAKER. Excuse me, can I talk to my attorney?

The CHAIRMAN. Perhaps he can tell you.

(Witness consulted with his counsel.)

Mr. BAKER. As far as I can recall it was four pieces.

Mr. KENNEDY. Now, did you handle any other jewelry other than those four pieces?

Mr. BAKER. As far as I can recall, it is all it was, four pieces, as far as I can recall.

Mr. KENNEDY. Did you handle any other jewelry other than the jewelry of Miss Brougher that you got out of the pawnshop?

Mr. BAKER. I don't recall handling any other jewelry?

Mr. KENNEDY. Did you transport or take any box of jewelry up to New York, for instance?

Mr. BAKER. Mr. Kennedy, I don't recall doing anything like that.

Mr. KENNEDY. You don't recall, and isn't this something that you would remember as a Teamster official dealing in jewelry? Isn't this outside of your ordinary duties and responsibilities?

Mr. BAKER. Mr. Kennedy, I ain't as bad as it sounds, the way you are laying it down.

Mr. KENNEDY. I just want to find out.

Mr. BAKER. I respect you very much in the way you ask me these questions and I want to answer them, and I feel at home answering the questions here and I am not excited and it is nice and easy and I want to keep myself feeling that I can answer and not get excited and make mistakes.

The CHAIRMAN. Just don't get excited, and answer the questions.

Mr. BAKER. Yes, sir.

Mr. KENNEDY. Did you make any trips up to New York from Miami in 1955?

Mr. BAKER. I believe I did.

Mr. KENNEDY. When you went up from Miami to New York at that time, did you carry jewelry with you?

Mr. BAKER. It might have been, it could have been the same things that I took out of the pawnshop, it could have been.

Mr. KENNEDY. Could there have been any additional jewelry other than the jewelry that you took out of the pawnshop?

Mr. BAKER. I don't recall any other.

Mr. KENNEDY. Well, can you say or give me an unequivocal answer regarding the handling of jewelry?

Mr. BAKER. I don't recall any.

Mr. KENNEDY. You just couldn't recall whether you were handling jewelry down there; dealing in or selling jewelry?

Mr. BAKER. I wasn't selling any jewelry, I don't believe. Of course, outside of Miss Brougher, and probably I would want to get rid of something for money that she might have needed for her case, and along that line, it could have happened, and I don't know. I might have tried to help her in that instance when she needed money with a piece of jewelry and that I don't recall, but it could have happened.

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

The CHAIRMAN. You testified to it yesterday. Today you say you don't recall. You testified yesterday that you tried to help her and dispose of her jewelry.

Mr. BAKER. I didn't say exactly that, Senator.

The CHAIRMAN. What did you say, exactly?

Mr. BAKER. The jewelry that I took out of the pawnshop, the two rings I disposed of, and the other pieces I gave to her daughter to hold for her, for when she came out of jail.

The CHAIRMAN. You said you did not remember just a moment ago, what you did. But that is what you testified yesterday.

Mr. BAKER. You are a gentleman, Senator. At least you bring it to me so I can understand it. I am very happy that you corrected it. Believe me.

The CHAIRMAN. Yes, sir. I will help you.

Mr. BAKER. Thank you.

The CHAIRMAN. Now, aside from those four pieces of jewelry that you got out of the pawnshop belonging to Miss Brougher, did you handle any jewelry for yourself or anyone else, in trying to sell it or dispose of it?

(At this point, the witness conferred with his counsel.)

Mr. BAKER. Senator, I absolutely don't recall anything along them lines. I can't recall it.

The CHAIRMAN. You just can't?

Mr. BAKER. Honestly.

The CHAIRMAN. Did you transport any? Did you take any with you from Miami to New York, or New Jersey, or anywhere in that area?

Mr. BAKER. I just can't recall, Senator.

The CHAIRMAN. You just can't recall?

Mr. BAKER. I just can't.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What about Tom Burke? Was he dealing in jewelry down there?

Mr. BAKER. I don't know about Tom Burke. You will have to ask Tom Burke.

Mr. KENNEDY. I want to know what you know about Tom Burke?

Mr. BAKER. I don't know about him with any jewelry, sir. To the best of my recollection, I do not know.

Mr. KENNEDY. Did you get \$1,500 for doping a racehorse?

Mr. BAKER. I don't know nothing about racehorses or doping racehorses, and I never received any \$1,500.

Mr. KENNEDY. According to Mollie Baker, she testified that you got \$1,500 for doping a racehorse. Is that correct?

Did you tell her that?

Mr. BAKER. Mollie Baker is a very vicious person. She tells lies.

Mr. KENNEDY. Did you tell her that?

Mr. BAKER. Sir?

Mr. KENNEDY. Did you tell her that?

Mr. BAKER. Did I tell her that?

Mr. KENNEDY. That you got \$1,500 for doping a racehorse?

Mr. BAKER. Mr. Kennedy—

Mr. KENNEDY. Yes?

Mr. BAKER. I did not tell her that.

Mr. KENNEDY. You did not?

Mr. BAKER. No, sir.

The CHAIRMAN. You remember that? You are positive about that?

Mr. BAKER. Why should I talk about horses? I don't know nothing about horses.

The CHAIRMAN. I say, you are positive about that?

Mr. BAKER. Senator—

The CHAIRMAN. Well, answer "yes" or "no."

Mr. BAKER. Let me speak to my lawyer, please.

The CHAIRMAN. Yes.

(The witness conferred with his counsel.)

The CHAIRMAN. Now, are you positive?

Mr. BAKER. Senator, may I put it in my own words?

The CHAIRMAN. Well, I know two words that will answer it, yes and no.

Mr. BAKER. Well, I never doped a horserace, or never doped a horse whatever. And as far as telling Mollie Baker anything along that line, it is incredible that she should even say that.

The CHAIRMAN. Did you tell her?

Mr. BAKER. There are so many lies that the woman says.

The CHAIRMAN. Did you tell her?

Mr. BAKER. Senator, there are a lot of things she told me, and I don't know—

The CHAIRMAN. I don't want to know what she told you. Did you tell her?

Mr. BAKER. Tell her about doping a horserace?

The CHAIRMAN. Yes.

Mr. BAKER. No, sir.

The CHAIRMAN. Why didn't you say so?

Mr. BAKER. Well, I mean, it irks me when I hear someone telling a lie about that.

The CHAIRMAN. I want you to keep calm, not hurried. Keep calm.

Mr. BAKER. Yes, sir, Senator. Yes, sir.

Mr. KENNEDY. Just going back for a moment to Ruth Brougher, did you arrange for her to get these two homes, the "Had Her Way," and the other one, "Lost Acres?"

Mr. BAKER. Miss Brougher, I believe, arranged herself to get the places.

Mr. KENNEDY. But you gave her the—

Mr. BAKER. I helped to take care of it.

Mr. KENNEDY. You financed it?

Mr. BAKER. I would help.

Mr. KENNEDY. Did you stay at these places, yourself?

Mr. BAKER. In the entire time that she was there, I think her daughter was there, too, and the children, and I would stay in a room in that particular apartment or house.

Mr. KENNEDY. So this was—

Mr. BAKER. But it wasn't any length of time, sir.

Mr. KENNEDY. This would be the Had Her Way and Lost Acres?

Mr. BAKER. No, there was only two places.

Mr. KENNEDY. Two places, Lost Acres and Had Her Way and then there was the Bal Harbor Hotel?

Mr. BAKER. I think Lost Acres and Had Her Way—

Mr. KENNEDY. Those are two places, two separate homes.

Mr. BAKER. No, I didn't—where is the Had Her Way at? Do you know? Do you have that address, Mr. Kennedy? I will tell you whether or not I did have anything to do with it. One was in North Miami, and the other one was the Bal Harbor. That is the only two I know.

Mr. KENNEDY. Its manager was Mr. Bowers, located at 9400 Southwest 67th Court, a house and one and a quarter acres of land, swimming pool, \$225 a month.

Mr. BAKER. I only know of one house rental, and the penthouse at the Bal Harbor. Them two places I know of. I don't know of the

other place, and I wouldn't remember which was the name of either house.

Mr. KENNEDY. Did you tell anybody that you were going to—did you tell anyone down in Miami that you would send them an automobile because they were nice to Ruth Brougher?

(The witness conferred with his counsel.)

Mr. BAKER. I don't recollect sending anybody an automobile, I mean saying that I would.

Mr. KENNEDY. You don't remember that?

Mr. BAKER. I don't, sir.

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

Mr. KENNEDY. There was a fur robbery up in Detroit which Mrs. Mollie Baker testified about, and she stated that you told her that Gus Zapas had the furs hidden. Did you tell her about that?

Mr. BAKER. Absolutely not.

Mr. KENNEDY. Is it correct that Gus Zapas had the furs hidden from the robbery, the warehouse?

Mr. BAKER. It is incorrect that Gus Zapas had anything to do with any robbery.

Mr. KENNEDY. Excuse me?

Mr. BAKER. It is incorrect that I said Gus Zapas had anything to do with any robbery.

Mr. KENNEDY. Did he hide the furs of the Detroit robbery that you told about?

Mr. BAKER. I don't know that Mr. Zapas had anything to do with furs, hiding them, or any other attachment with furs.

Mr. KENNEDY. Did you help carry Karsh in the organization of the carnivals?

Mr. BAKER. He was working for the carnival organization, and I worked on one or two incidents in helping the organization on carnivals.

Mr. KENNEDY. Did you tell anyone in Florida, did you tell them in the course of your helping Karsh that on one occasion you had knocked down some of the bleachers and killed some of the people?

Mr. BAKER. I never did that.

Mr. KENNEDY. Did you ever knock down any bleachers and kill anybody at a carnival?

Mr. BAKER. No, sir.

Mr. KENNEDY. You never told anybody that?

Mr. BAKER. No, sir.

Mr. KENNEDY. Did you ever tell Tom Douglas that down in Miami, Fla.?

Mr. BAKER. Who is Tom Douglas? I don't even know that name. That name isn't familiar to me at all. I can't know it. If I had known him, I would have known his name.

Mr. KENNEDY. Did you ever knock down any bleachers in any carnival?

Mr. BAKER. I never knocked down any bleachers in any carnival or anywhere.

Mr. KENNEDY. Did you pay for Ruth Brougher when she went up to New York City?

Mr. BAKER. I believe I did.

Mr. KENNEDY. What was the source of that money?

Mr. BAKER. Incidental money. That was just traveling money. That wasn't anything like you mentioned.

Mr. KENNEDY. That was union funds, was it?

Mr. BAKER. No, sir.

Mr. KENNEDY. These kinds of incidental moneys, incidental expenses of \$100?

Mr. BAKER. No, sir. You can't show that, Mr. Kennedy, because that never happened. Oh, these? I am sorry. Excuse me.

I mean pertaining to Ruth Brougher and the trip to New York.

Mr. KENNEDY. I can't find any vouchers for any of the money you spent, \$1,200, for instance, advanced at the hotel or any of these. There is \$1,850 at the Shoreland Hotel. There are no vouchers whatsoever, Mr. Baker.

Mr. BAKER. Mr. Kennedy, do I have to go around seeking all the people now to get O. K.'s of vouchers, that I gave them the money?

I can possibly get around there and do it.

Mr. KENNEDY. That, of itself, is questionable. But when you support this woman down in Miami, and she says that you spent between \$20,000 and \$25,000, and you don't have any source of the income whatsoever, you say you spent \$7,500—

Mr. BAKER. I don't know if I spent that. I might have. I might have, Mr. Kennedy. But—I am sorry.

Mr. KENNEDY. You were getting \$125 or \$150 a week from the Teamsters Union. There is no source for this money whatsoever. It makes your actions more than questionable.

Mr. BAKER. Well, it isn't questionable when I answered your question, and you asked where I got the money and I told you.

Mr. KENNEDY. Ruth Brougher stated that you were getting packages from employers.

Mr. BAKER. Oh, my God. I am sorry, sir. Excuse me.

Mr. KENNEDY. And she was present when you counted out \$2,500 in cash.

The CHAIRMAN. Is that true?

Mr. BAKER. I don't recall me ever taking \$2,500 in cash in a package. I don't recall that.

The CHAIRMAN. Did you get any money under the door or around the place where employers had left it for you?

Mr. BAKER. Employers don't leave nothing for me, Senator.

The CHAIRMAN. I asked you, did you? You can answer that "yes" or "no."

Mr. BAKER. No, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. Did you ever repay Mert Wortheimer?

Mr. BAKER. Mr. Wortheimer?

Mr. KENNEDY. Yes.

Mr. BAKER. No, I didn't.

Mr. KENNEDY. You still owe him the money?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. How much do you owe him? \$4,000?

Mr. BAKER. I believe around that.

Mr. KENNEDY. Did you repay the other people you borrowed from?

Mr. BAKER. I don't recall paying. I did pay some people here and there. I don't recall paying them.

Mr. KENNEDY. Did you repay the bank?

Mr. BAKER. The bank? You have to pay that.

Mr. KENNEDY. You were up in Buffalo for a while, were you not?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. What were you doing up in Buffalo?

Mr. BAKER. Organizational work, working for the particular local unions.

Senator GOLDWATER. Mr. Baker, before Mr. Kennedy gets into this next phase, I have to leave but I wanted to ask a question that is not related to Miami or to Buffalo. Have you ever attended a Democrat National Convention?

Mr. BAKER. Yes; I attended the conventions.

Senator GOLDWATER. Were you there in 1952?

Mr. BAKER. Yes.

Senator GOLDWATER. And 1956?

Mr. BAKER. Well, I was visiting in 1956. I was at a convention a couple of days.

Senator GOLDWATER. Were you a delegate?

Mr. BAKER. No, sir.

Senator GOLDWATER. Have you ever been a delegate?

Mr. BAKER. No, sir.

Senator GOLDWATER. Were you an alternate?

Mr. BAKER. No, sir.

Senator GOLDWATER. You just went as a visitor?

Mr. BAKER. Just to see what is going around.

Senator GOLDWATER. That is all.

Senator IVES. Mr. Chairman, may I interrupt on this Buffalo business?

The CHAIRMAN. Let the chairman clear up one thing and then I will be ready to go into any other phase of it. Yesterday, Mr. Baker, you testified regarding a pistol incident down in St. Louis. You testified yesterday that you bought that pistol from a taxicab driver, somebody you didn't know.

Mr. BAKER. Yes, sir.

The CHAIRMAN. You had told the police down there that you got the pistol out of a pawnshop—where?

Mr. KENNEDY. Indianapolis.

The CHAIRMAN. In Indianapolis. Is that correct?

Mr. BAKER. I don't know what I told the policeman.

The CHAIRMAN. You don't deny whether you told him that?

Mr. BAKER. I don't know.

The CHAIRMAN. You know whether you deny it or not.

Mr. BAKER. I know the story I told was true, yesterday.

The CHAIRMAN. Which one, the one you told here or the one you told the police?

Mr. BAKER. The one I told under oath here. I said that I bought—I am sorry. What was the question?

The CHAIRMAN. Just one question. Which was true where you got the pistol, at the pawnshop or from the taxi driver?

Mr. BAKER. From the taxicab driver, Senator.

The CHAIRMAN. That is the truth?

Mr. BAKER. Yes, sir.

The CHAIRMAN. All right. Let's go into that just a little further. Did you tell Mr. Gibbons you had bought that pistol?

Mr. BAKER. No, sir.

The CHAIRMAN. Did you tell him you were carrying that pistol on your job?

Mr. BAKER. No, sir.

The CHAIRMAN. Did you have any conversations with Mr. Gibbons about pistols at all?

Mr. BAKER. No, sir.

The CHAIRMAN. Did you know that all of the people doing the same work you were, associated with Mr. Gibbons, there, were carrying pistols?

Mr. BAKER. I did not.

The CHAIRMAN. Don't you know the truth is that Mr. Gibbons got the pistols for you, for you and for the others, and armed you?

Mr. BAKER. Senator—

The CHAIRMAN. Don't you know that to be the truth?

Mr. BAKER. Senator, where I am concerned, I know that is not the truth.

The CHAIRMAN. You know that is not the truth?

Mr. BAKER. Where I am concerned. I don't know about anything else.

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

The CHAIRMAN. Don't you know that he went to the chief of police or to some of the city or county law-enforcement officials there and told them in advance that he had to arm his men for protection. That he was furnishing them pistols to carry while doing that work?

Don't you know that to be a fact?

Mr. BAKER. I do not know that to be a fact. Excuse me, Senator.

Excuse me one minute.

The CHAIRMAN. You are still under oath.

Mr. BAKER. I want to speak to my attorney for a moment.

The CHAIRMAN. Go ahead.

(The witness conferred with his counsel.)

Mr. BAKER. I don't know what Gibbons did, sir, which explains the question.

The CHAIRMAN. All right. We will find out.

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. The subject of Buffalo was just brought up here.

The CHAIRMAN. I have one other question. Don't you also know that he bought the holsters for those pistols and furnished you with them?

Mr. BAKER. I do not know that he furnished anyone with holsters, sir.

The CHAIRMAN. Do you deny that he gave you one?

Mr. BAKER. He didn't give me any, sir.

The CHAIRMAN. He didn't provide you with a holster?

Mr. BAKER. He did not give me a holster, sir.

The CHAIRMAN. Proceed. Senator Ives.

Senator IVES. I have a report coming from Buffalo, from a representative of one of the newspapers out there, which reads as follows:

In early 1956, Barney Baker was in Buffalo. Report is he was there to organize and to raid jurisdiction. Was supposed to have gotten into trouble with CIO unions in this connection.

Is that all right so far?

Mr. BAKER. No, sir.

Senator IVES. Well, I am curious to know how much you will agree to on this, because I have every belief that it is true.

At the time, the Teamsters were seeking to get back into the Buffalo Federation of Labor, which they had left some time earlier, and thus to have a voice in the forthcoming merger of AFL-CIO union councils of Buffalo.

State Senator Stanley Bower, who is also a labor leader (by the way, I know him), got into an argument over politics at the Hotel Buffalo with Jim Miller, of the Buffalo CIO Council. Miller knocked down Bower. Then Bower called in Barney Baker and Robert Smith, president of the Teamsters Joint Council No. 46 in Buffalo.

Do you know anything about that?

Mr. BAKER. I know about an argument in the bar.

Senator IVES (reading):

The argument adjourned to a tavern near the hotel. Another fight started. Smith butted Leonard Koepe—

Is that Koepe?

Mr. BAKER. I don't know the name.

Senator IVES (reading):

Of the International Brotherhood of Electrical Workers, member of the executive board of the Buffalo Federation of Labor. Koepe punched Smith. Then Baker punched Koepe. Then Miller pulled Baker's legs out from under him and Baker went down on the floor.

Did that happen?

Mr. BAKER. No, sir. Senator?

Senator IVES. All right. Just wait. [Reading:]

Frank Smith, Bob Smith's brother, also joined in the melee. When it was over, Baker disappeared from Buffalo and wasn't seen there again.

What have you got to say about it?

Mr. BAKER. That is a newspaper story.

Senator IVES. Well, it wasn't printed in any newspaper. It came to me from a source which I believe to be reliable.

Mr. BAKER. I know it has been in the newspaper, Senator Ives. I know it has been in the paper.

Senator IVES. Have you been in Buffalo since?

Mr. BAKER. I have been in Buffalo after the so-called argument.

Senator IVES. When were you last in Buffalo?

Mr. BAKER. I don't remember the time. You got the date on that thing.

Senator IVES. Well, that is the last time you are supposed to have been in Buffalo. That was 1956. Have you been there since?

Mr. BAKER. That is right, I believe that is the year.

Senator IVES. You left Buffalo and that was the last they have seen of you.

Mr. BAKER. I believe my work was done, organizational work.

Senator IVES. It sounded that way. All right, Mr. Chairman.

The CHAIRMAN. All right.

Mr. KENNEDY. While you were in Buffalo, what union were you working for there?

Mr. BAKER. It was a truck driver's local, local carters and road local.

Mr. KENNEDY. What local number was that?

Mr. BAKER. I don't remember the number.

Mr. KENNEDY. What were you trying to do?

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

Mr. BAKER. To organize oil drivers, truck.

Mr. KENNEDY. Do you know Mr. Stanley Clayton up there?

Mr. BAKER. Stanley Clayton? I believe I do, sir.

Mr. KENNEDY. The head of the local up there?

Mr. BAKER. Yes; he had a local there.

Mr. KENNEDY. Did you come to Mr. Clayton with some friends of yours to take over the furnishing of all the eyeglasses for the union members while you were up there?

Mr. BAKER. Excuse me, sir.

(The witness conferred with his counsel.)

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

Mr. KENNEDY. Does Mr. Fitzgerald want to help him?

Mr. FITZGERALD. I can't help him, except legally.

Mr. KENNEDY. Local 449, Buffalo.

Mr. BAKER. Yes; I did bring somebody in, and asked them—this man had glasses to give union members at a cheaper rate than they bought from this company.

Mr. KENNEDY. Whom did you bring in?

Mr. BAKER. I don't remember the individual exactly.

Mr. KENNEDY. Who was it, Mr. Baker? You remember you brought somebody in to take over.

Mr. BAKER. I mean, I do favors for people. People come over and talk to me and they want something that sounds good, and I bring them in and meet them once and probably don't see them again. You tell me the names and it will refresh my memory.

Mr. KENNEDY. I would like to get the names from you of these people.

Mr. BAKER. I don't remember. I remember bringing somebody in. I do. When you mention names, I don't remember the names, Mr. Kennedy.

Mr. KENNEDY. Did they come up from New York City?

Mr. BAKER. I believe somebody brought them over from—they come from out of town.

Mr. KENNEDY. Who brought them over?

Mr. BAKER. Somebody introduced them to me.

Mr. KENNEDY. Who?

Mr. BAKER. It is very hazy to me. I will tell you the truth: I don't recollect, actually. It doesn't mean too much.

(At this point Senator Kennedy entered the hearing room.)

Mr. KENNEDY. They had criminal records, did they not?

Mr. BAKER. I don't know, sir. Believe me, I don't.

Mr. KENNEDY. What were you going to get out of it, Mr. Baker?

Mr. BAKER. Doing the people a favor, and they were getting glasses at a cheap rate, to help the people a favor, and they were getting glasses at a cheap rate, to help the rank and file, and it was nice.

Mr. KENNEDY. Did you look into the background of these people at all?

Mr. BAKER. No, sir. The proposition was pretty good and it would help the workers get a cheaper rate.

Mr. KENNEDY. They had a very good arrangement up there, then?

Mr. BAKER. Not for glasses, and I don't believe any local had any glass provisions.

Mr. KENNEDY. They had an arrangement up there on glasses, and you brought these people in. Did they not have criminal records?

Mr. BAKER. I don't know if they did or not.

Mr. KENNEDY. Can you tell us their names?

Mr. BAKER. Yes, I can remember their names. There was a "Shorty," if I can remember, and I don't recall.

Mr. KENNEDY. Where did they run their oculist?

Mr. BAKER. They had a store in town.

Mr. KENNEDY. Whereabouts?

Mr. BAKER. They opened some kind of a store, and I would not know the street, but Mr. Clayton probably told you where they were located.

Mr. KENNEDY. You don't have the information on that?

Mr. BAKER. No, sir.

Mr. KENNEDY. You were asked to leave Buffalo, were you not?

Mr. BAKER. No, sir; I was not.

Mr. KENNEDY. Wasn't Mr. Hoffa contacted, and it was requested that you leave Buffalo? You were recalled because of all of the trouble you got into?

Mr. BAKER. I don't recall anything like that happening.

Mr. KENNEDY. There was also a good deal of violence while you were in Buffalo, was there not?

Mr. BAKER. None that I know of, sir, and I don't recall any violence.

Mr. KENNEDY. Isn't it correct that you were asked to leave Buffalo, Mr. Baker, because of the violence there?

(Witness consulted his counsel.)

Mr. BAKER. I do not recall that, sir.

Mr. KENNEDY. You have been doing some work lately for the ousted Bakery and Confectionery Workers of America, the group ousted from the AFL-CIO.

Mr. BAKER. Oh, yes; Bakery and Confectionery Workers.

Mr. KENNEDY. You have been working for them against the clean-up union, have you not, the American Bakery and Confectionery Workers?

Mr. BAKER. Mr. Kennedy, I am working in conjunction with the Bakery and Confectionery Workers Union, that is my assignment, in organizing and telling the people the benefits they got and they should not leave that organization for any organization. This organization has been organized 72 years, and a new-found organization comes into the picture trying to do what they have done in 72 years, and I think it is impossible to do anything like that, and actually and naturally I am connected with explaining the B. and C.'s actual work that they have done, and what they can do.

Mr. KENNEDY. Who assigned you to that job?

Mr. BAKER. I have the assignment to the B. and C. from the Central Conference of Teamsters, Mr. Hoffa.

Mr. KENNEDY. Mr. Hoffa has assigned you to that organization?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. Where are you working at the present time?

Mr. BAKER. In Chicago, sir.

Mr. KENNEDY. You were in the Phillipsborn Candy plant in Zion, Ill.

Mr. BAKER. I was up there in Zion, Ill., working and holding meetings and so on.

Mr. KENNEDY. Helping the B. and C.?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. Mr. Chairman, that was the plant that we had the testimony about, the one from which Mr. Cross received loans amounting to more than \$90,000. That was also the plant where we found the "sweetheart contract," and the arrangement that had been made with Mr. James Cross. You were up there working on behalf of Mr. Cross' union?

Mr. BAKER. I was there working for the Bakery and Confectionery Local Union, B. and C.

Mr. KENNEDY. That is Mr. Cross' union?

Mr. BAKER. He is president of the international.

Mr. KENNEDY. They had a vote up there, did they not?

Mr. BAKER. I worked there up to the time they had a vote.

Mr. KENNEDY. What was the vote?

Mr. BAKER. Well, I can tell you the vote we had in California where we beat the A. B. C., too.

Mr. KENNEDY. You tell me about the vote.

Mr. BAKER. The A. B. C. up there won the vote.

Mr. KENNEDY. What was the vote?

Mr. BAKER. I left before it was all counted.

Mr. KENNEDY. So you don't know?

Mr. BAKER. I don't know the exact figure, and I left before it was counted, and about 15 minutes before they were through counting.

Mr. KENNEDY. I will tell you, then. I was 205 to 11, and you lost?

Mr. BAKER. We got a couple of hundred in Los Angeles, Mr. Kennedy. We win and lose them, and you can't win them all, Mr. Kennedy.

Mr. KENNEDY. I think it is very interesting that you are working for Mr. Cross, and for the union that has been ousted because of corruption. Now were you offered a position of purchasing agent for the State of Iowa, for the liquor stores up there?

Mr. BAKER. Never, sir.

Mr. KENNEDY. You never had any discussion about that?

Mr. BAKER. No, sir.

Mr. KENNEDY. Do you have any other business interests other than your job as a Teamster organizer?

Mr. BAKER. No, sir.

Mr. KENNEDY. No other business interests?

Mr. BAKER. No, sir, Mr. Kennedy.

Mr. KENNEDY. Have you ever had other business interests over the period since January 1, 1953?

Mr. BAKER. Any other business connections? I don't believe I had any other business at all.

Mr. KENNEDY. You would know, Mr. Baker.

Mr. BAKER. No, I don't know.

Mr. KENNEDY. You haven't any other business interests?

Mr. BAKER. No, my only income is from my work.

Mr. KENNEDY. That is your only source of income?

Mr. BAKER. Yes, sir.

Mr. KENNEDY. No other business interests?

Mr. BAKER. No, sir.

Mr. KENNEDY. Have you had any business interests in Omaha, Nebr.?

Mr. BAKER. No, sir. There was a club formed in Carter Lake, across from the Omaha line, and that was in Iowa.

Mr. KENNEDY. What is that?

Mr. BAKER. There was a social club, and there was a restaurant prior to that, and it closed down, and then they formed this social club, and the fellows wanted people from different walks of life to be on his board, and so they could attract members. It was a nonprofit deal, and I told them to put my name down on the labor end of it.

Mr. KENNEDY. What was the name of that?

Mr. BAKER. I don't recall the name of that club, sir.

Mr. KENNEDY. The Epicure Restaurant?

Mr. BAKER. Probably.

Mr. KENNEDY. That is Omaha, Nebr.?

Mr. BAKER. No, this is not in Omaha, unless Carter Lake is part of Omaha.

Mr. KENNEDY. Do you have any interest in the Epicure Restaurant?

Mr. BAKER. No, I don't. It is nothing, I don't derive any money from any restaurant.

Mr. KENNEDY. You are listed as a vice president.

Mr. BAKER. That is the title that they gave me.

Mr. KENNEDY. Your address is the Blackstone Hotel and you are listed as vice president. There is nothing about labor or anything in here.

Mr. BAKER. They put me down there.

Mr. KENNEDY. This is what it states as the nature of business:

The general nature of the business shall be to own and operate restaurants and cafes and other eating establishments, and to buy, sell, and distribute, market, and deal in and deal with food and drinks and personal property of every nature necessary for these purposes, and the better attainment of these purposes, and to convey all necessary property, real or personal whatsoever where the same may be situated. * * *

The principal office and place of business of the corporation shall be in Omaha, Nebr., but other offices and places of business may be established and maintained in any other city, county, or State, and the name of the restaurant agent shall be, until changed as provided by law, Robert B. Baker, whose address is the Blackstone Hotel, Omaha, Nebr.

What was this organization about, and what were you doing?

Mr. BAKER. I did not know it was to be restaurants, and they told me, this fellow, or this individual told me that they wanted to use my name.

Mr. KENNEDY. Who told you that?

Mr. BAKER. As officers of this club, and the name could be on there, and if you read the other names, I could probably remember. There are several officers.

Mr. KENNEDY. Stella Sittler and J. W. Shum.

Mr. BAKER. No, I don't remember those.

Mr. KENNEDY. Are there any other names? How about Sittler. Who spoke to you about this?

Mr. BAKER. A gentleman up there, whose name must be there, and he approached me on it.

Mr. KENNEDY. It does not say anything in here about being non-profit, and it says you are running restaurants.

Mr. BAKER. Well, you can check on that, and you will find out that there was nothing along the line of profitmaking and it was a social organization as far as I know, a social club.

Mr. KENNEDY. There is nothing about that.

Mr. BAKER. No, sir.

Mr. KENNEDY. What were you doing in Indianapolis, Mr. Baker?

Mr. BAKER. I believe I was once or twice in Indianapolis, Mr. Kennedy, and I went down there on finding a rent cab situation, why they did not want to join any organization.

Mr. KENNEDY. Did you do any work in connection with the State Cab Co.?

Mr. BAKER. I don't know the State Cab Co., sir.

Mr. KENNEDY. You do not?

Mr. BAKER. No.

Mr. KENNEDY. Do you know Mr. Probstein?

Mr. BAKER. Outside of hearing his name mentioned in this hearing room, sir.

Mr. KENNEDY. Did you tell Molly Baker that you had to take care of some shyster lawyer up in Indianapolis?

Mr. BAKER. I did not.

Mr. KENNEDY. You did not?

Mr. BAKER. No, sir.

Mr. KENNEDY. Do you know what happened to Mr. Probstein?

Mr. BAKER. No, I don't know, and I never met Mr. Probstein.

Mr. KENNEDY. Did Mr. Hoffa ever discuss the State Cab Co. with you?

Mr. BAKER. No, sir, and I don't know anything about the State Cab Co.

Mr. KENNEDY. You never went up and had any review of the books or anything like that in connection with the State Cab?

Mr. BAKER. No, sir; I went in there for that cab situation.

Mr. KENNEDY. Do you know of any financial interests that Mr. Hoffa might have had in Mr. Probstein?

Mr. BAKER. I absolutely don't know of any interest Mr. Hoffa might have had with any company.

Mr. KENNEDY. He never discussed that with you?

Mr. BAKER. No, sir.

Senator MUNDT. You have had some interest in prizefighting, have you not?

Mr. BAKER. Yes, sir.

Senator MUNDT. Do you know some prizefighters throughout the country?

Mr. BAKER. I know a lot of prizefighters, Senator.

Senator MUNDT. Do you know a Kid Conn, up in Minneapolis?

Mr. BAKER. Kid Conn?

Senator MUNDT. His real name is Isadore Bloom, and his fighting name is Kid Conn.

Mr. BAKER. He boxed away back, before my time, Senator.

Senator MUNDT. Did you ever meet him?

Mr. BAKER. I remember him as a fighter.

Senator MUNDT. Did you ever meet him?

Mr. BAKER. Oh, yes.

Senator MUNDT. He was a labor representative, was he not?

Mr. BAKER. No; not that I know of.

Senator MUNDT. You are talking about Billy Conn, I think; this is Kid Conn, a fighter whose real name is Isadore Bloom, and I think he represents the International Ladies Garment Workers in Minneapolis.

Mr. BAKER. I never knew that he did. Is that the businessman?

Senator MUNDT. Isadore Bloom. I presume as a business agent, whether he was, as a representative of the union he probably used his real name, and it was Isadore Bloom, but as a fighter he used the name "Kid Conn."

Mr. BAKER. I don't remember the fight name. Bloom is a familiar name to me in Minneapolis.

Senator MUNDT. Isadore Bloom.

Mr. BAKER. I don't know the first name, Senator.

Senator MUNDT. Do you know a Mr. Bloom up there who is connected with the International Ladies' Garment Workers?

Mr. BAKER. No; not connected with no International Ladies' Garment Workers.

Senator MUNDT. Who is the Bloom you know?

Mr. BAKER. The only Bloom I remember up there is a fellow in business up there, some kind of store, and I don't know what it is. I met him.

Senator MUNDT. Does he sell ladies' garments?

Mr. BAKER. I don't know, Senator. I know he is not an official.

Senator MUNDT. You don't know Kid Conn, then, you tell me, the fighter.

Mr. BAKER. If I saw him, maybe I would know him, Senator. I don't know him by that name.

Senator MUNDT. Does Lou Farrell have any connection with him in the fight business?

Mr. BAKER. Not that I know of, sir.

Senator MUNDT. Do you know Mr. Farrell pretty well?

Mr. BAKER. Yes; I do.

Senator MUNDT. He never mentioned to you that he had any connection with him?

Mr. BAKER. With Kid Conn? No; I don't know anything about that.

Senator MUNDT. You never went to any fights with Mr. Farrell at which Kid Conn might have fought?

Mr. BAKER. No, sir.

Senator IVES. I have been holding back with Mr. Baker until more testimony was developed here.

In the first place, Mr. Baker, I want to tell you that I greatly admire your oratorical ability. I am quite impressed with the way in which you expressed yourself yesterday. May I ask if you ever had any instruction in public speaking?

Mr. BAKER. No, sir.

Senator IVES. You do darn well, that is all I have to say, for anybody who has not. I don't wonder that you were invited to be active in the campaigns of 1952 and 1956 in behalf of Mr. Harriman. As I recall, in your testimony—you gave it yesterday—you stated that you were active in the campaign of 1952 here in the District of Columbia: that is correct, is it not?

Mr. BAKER. Yes, sir.

Senator IVES. In fact, you were the cochairman of the labor committee in the District, were you not?

Mr. BAKER. My name was there; yes.

Senator IVES. Your name was Robert Baker, and for some reason you left out your middle name, but I take it that it was you?

Mr. BAKER. Yes, Senator.

Senator IVES. I think in that connection you must have done a pretty good job here, judging from the way in which Mr. Harriman carried the District against Senator Kefauver. It was a very one-sided thing, was it not?

Mr. BAKER. He won very handily.

Senator IVES. As a matter of fact, you probably were more active than anybody else here in that campaign, were you not?

Mr. BAKER. The same as if I was working for you, Senator.

Senator IVES. What is that?

Mr. BAKER. The same as if I was working for you, Senator, and I admire you a great deal for your liberal outlook of life.

Senator IVES. I appreciate the compliment, but I would rather you would not work for me.

The CHAIRMAN. Proceed. Let us have order.

Senator IVES. In that connection, I would like to go over this testimony, and it won't take very long, that Mrs. Molly Baker gave yesterday, and see what you have to say about it. Thus far in connection with everything which Mrs. Molly Baker seems to have said, you denied that you told her anything. I don't know what you did while you were married to her. It appears you did not even talk to her.

Mr. BAKER. Senator, she did all the talking.

Senator IVES. From somebody who was utterly silent, she seems to have obtained a great deal of information from you. Now, I want to go through this testimony. Did Mr. Harriman, as she stated, tell you he was a rich man and did not want to be President for the money, but he wanted it for the honor?

Mr. BAKER. No, sir.

Senator IVES. Did you have a picture at all times, or some of the time, in your home, which Mr. Harriman sent to you and on which was written, "To my dearest friend, Barney," and signed "Averell Harriman"?

Mr. BAKER. Senator, they are stock pictures, and all you had to do was ask the chairman of the Democratic Club on New York Avenue, "Can I get a picture of Mr. Harriman?"

Senator IVES. That is right, and I am not talking about getting a picture of Mr. Harriman.

Mr. BAKER. I want to answer the question. I want to answer it right, Senator.

Senator IVES. All right; go ahead.

Mr. BAKER. And if you want a picture of Mr. Harriman, you went into that agency on New York Avenue, that particular storefront, and asked anyone there, "Can you get me a picture of Harriman?" and there were pictures of Harriman that were signed, "Sincerely, Averell Harriman," and what other people may do or whatever they may write on top of that, that is their business, but Averell Harriman never wrote anything like that to me. All it was was, "Sincerely, Averell Harriman," was one stock writing.

Senator IVES. You are positive, then, that the picture did not contain any further statement than that?

Mr. BAKER. That I know.

Senator IVES. It did not have, as Mrs. Molly Baker said, "To my dearest friend"?

Mr. BAKER. No.

Senator IVES. And "Barney"? Now, wait a minute. You are under oath, and you are always supposed to tell the truth when you are under oath.

Mr. BAKER. Maybe I wrote it on myself. I am a ham at heart, and I might have wrote it down myself, and I drop names, and I talk big, and I heard these respectable Senators mentioned the other day, "People may work for me, and I don't even know them," and they would say, "Me and the Senator, we are close, and I am like that."

Senator IVES. I am not talking about what you are.

Mr. BAKER. I like to brag a lot, Senator, and they are important people.

Senator IVES. I am not interested in your angle, particularly.

Mr. BAKER. I know, Senator.

Senator IVES. I am interested, however, in the angle of the gentleman for whom you were working. You know that, according to Mrs. Molly Baker, other people saw this picture with this autograph on it, and that is why I am reminding you that you are under oath. If it had that kind of an autograph, other people may know something about it.

Mr. BAKER. I am under oath, and I am telling you the truth. If there was more than "Sincerely, Mr. Harriman" on it, then she must have wrote it or somebody else, because I know I never got anything with more than just "Sincerely, Averell Harriman," and I did not get it from him; I got it from the Democratic club.

(Members of the select committee present at this point in the proceedings: Senators McClellan, Ives, Kennedy, Mundt, and Curtis.)

Senator IVES. But you don't deny that that may have been on it?

Mr. BAKER. That could be. Maybe somebody wrote it on. I don't know. I never seen it.

Senator IVES. You don't deny it may have been on there, do you?

Mr. BAKER. Senator, I have never seen it on there, and if she has the picture, and if she wrote with her handwriting, that's another story. I can't deny why she would done it.

Senator IVES. There is no particular reason why she would have put it on there. You don't deny that others might have seen it, do you?

Mr. BAKER. I don't know that others seen it, Senator.

Senator IVES. You had neighbors, didn't you?

Mr. BAKER. When I was home, they weren't in the house.

Senator IVES. You weren't home too much, as I understand.

Mr. BAKER. That is right, Senator. You couldn't talk to the woman too much. That's another answer to that one.

Senator IVES. You don't deny it may have been on there?

Mr. BAKER. I have never seen it.

Senator IVES. You don't deny it has been on there? Yes, or no.

(The witness conferred with his counsel.)

Mr. BAKER. All I can answer is that I never saw it on there.

Senator IVES. Then you don't deny it may have been on there; is that right?

(The witness conferred with his counsel.)

Mr. BAKER. I have never saw it on there, Senator.

Senator IVES. You are not answering my question.

Mr. BAKER. I have never saw the name on there, I mean the signature as you tell me.

Senator IVES. You don't deny it may have been on there, though?

Mr. BAKER. I never saw it on there, Senator.

Senator IVES. Well, never mind. We will let that go. You are not denying that it may have been on there, though?

Mr. BAKER. I never saw it on, Senator.

Senator IVES. I am not asking you what you saw. Now we will go ahead to some more.

She said, referring to my questioning about where it was hung in the house:

Yes, it was given to Mr. Baker by Mr. Harriman, and I am sure some of my friends have seen it.

So you see, there is corroborating evidence there, undoubtedly.

Then I go on and say:

You say they are supposed to be pretty close friends?

And she said:

Very close; very close.

You deny that, as I understand.

Mr. BAKER. Yes.

Senator IVES. I can understand why you would.

In what way did they demonstrate that outside of the picture?

He told me in 1955, when I told him I knew he was not making a living nice, he told me, "No, I am making it with my fists, and I hope you know by now that you did not marry a lily white."

Is that right? Is that what you said?

Mr. BAKER. Senator, that is another lie that Mollie Baker said here.

Senator IVES. In other words, everything she said, in your book, is a lie?

Mr. BAKER. You ought to know her better.

Senator IVES. She goes on:

Furthermore, I don't care what you think, because I intend to leave you and forget you and the little girl, because Averell Harriman will introduce me to some girl in his circle and then the law wouldn't touch me and I will become a big man.

Mr. BAKER. An absolute lie.

Senator IVES. She goes on and says:

That is the truth, so help me God.

Mr. BAKER. An absolute lie.

Senator IVES. In other words, she is committing perjury all the way through here; is that right?

Mr. BAKER. You are not kidding, Senator.

Senator IVES. Then we go on:

Was he ever entertained by Mr. Harriman?

She says:

Yes, he was. In fact, Mr. Averell Harriman told him to bring me out to Sun Valley. That was the first time I found out who owned Sun Valley.

Do you deny that, do you?

Mr. BAKER. Absolutely.
Senator IVES (reading) :

Was he ever entertained in Washington?

Yes; at the Perle Mesta residence, where Mr. Harriman was renting at the time.

What have you got to say about that?

Mr. BAKER. The same thing, Senator. Entertained? They had a party there, a victory party, for around a thousand people there, all the rooters and everyone that worked out for him. They went out there for a weiner roast, grabbed a sandwich and went on home.

Senator IVES. That is the only time you were ever there; is that right?

Mr. BAKER. I was out there, drove out down around the house to see Joe Rauh at one time, and another gentleman who worked with him very close, Mr. Bardacke. But I never was actually close to Mr. Harriman.

Senator MUNDT. Is this the Joe Rauh who is the attorney for Walter Reuther?

Mr. BAKER. I believe so. I think he is.

Senator IVES. Yes.

Did you ever have telephone calls with Mr. Harriman?

Mr. BAKER. To the house asking for Mr. Joe Rauh.

Senator IVES. You never talked to Mr. Harriman on the telephone?

Mr. BAKER. I don't believe he ever answered the phone. Someone else answered the phone, I believe. If it was Mr. Harriman on the phone and I ask for Mr. Rauh, they just put him on. I had no conversations with him.

Senator IVES. Mrs. Mollie Baker says that you used to call him almost every Sunday morning. Is that correct?

Mr. BAKER. That is an absolute untruth.

Senator IVES. Then I go ahead and I ask on what basis the conversations were held, and it finally developed they were held on a first-name basis. Is that correct?

Mr. BAKER. What did you say, Senator, on that last one?

Senator IVES. Did you call him Mr. Harriman when you were talking with him?

Mr. BAKER. On a first-name basis, did you say?

Senator IVES. Yes. Did you call him Mr. Harriman when you were talking with him, or did you call him Averell?

Mr. BAKER. I never had an opportunity to get that close.

Senator IVES. Did he call you Barney, or did he call you Mr. Baker?

Mr. BAKER. One time when I was in the Democratic Club after the victory, he had a press conference there, and a big crowd was in the back room. There was a table set up and in the press conference they mentioned the fact that—thanked those at the table for helping him, and then one gentleman leaned over and whispered something to him and the next thing I know he says, "And there is a fellow, Barney, here. Come on out here. He also helped a great deal."

But he said it in a manner of where they told him that there was another worker that worked on the streets for him.

Senator IVES. This is what Mollie Baker says about your phone conversations, when I was asking about the terms that were used in talking to one another. She said—

Oh, they used to, and it got so in Washington in 1952, he told me—that is Baker told me—Mr. Harriman said, "Don't call me Harriman, call me Averell, and I will call you Barney." And he did just that.

Was she lying in that? Is that perjury?

Mr. BAKER. Certainly.

Senator IVES. She overheard the conversations, you know.

Mr. BAKER. I don't know where she heard that conversation.

Senator IVES. You mean she could live in the same house and not hear you telephone?

Mr. BAKER. She is making up a lot of stories here, Senator. There is a lot of viciousness behind her.

Senator IVES. You deny that, do you?

Mr. BAKER. I do deny it.

Senator IVES. All right, categorically.

Then we go on, and I wanted to know how long these conversations were carried on, and she said all during your married life. That, of course, wasn't too long, was it? That was 1955 when that broke up?

Mr. BAKER. I don't know. I had no married life, Senator, so-called married life.

Senator IVES. Well, you were married, weren't you, at that time?

Mr. BAKER. I was married to her.

Senator IVES. Then she went on—

From 1952 until he called me from Buffalo and told me he was up there campaigning. In fact, when Governor Harriman became Governor of New York, Mr. Baker was allowed to enter New York State again without being picked up by the police.

Mr. BAKER. Senator, I could go into New York any time and never be picked up by the police. That is a lie. And before Mr. Harriman was ever Governor. Believe me.

Senator IVES. I gathered you could, when you started going back there.

Mr. BAKER. I say, whenever I had occasion to go to New York.

Senator IVES. Why is it, then, that yesterday, in corroborating testimony of the witness that was on, she also gave the same kind of testimony, that you had told her that now that Mr. Harriman was Governor, you could get into New York without being interfered with by the police?

Mr. BAKER. Senator, I never said that to either one. There is two women there, I don't know how they—

Senator IVES. All your women friends seem to testify along the same lines.

Mr. BAKER. Can't I answer these questions, Senator?

Senator IVES. Yes, go ahead.

Mr. BAKER. I am trying to, Senator, and you wouldn't let me.

The CHAIRMAN. Ask the question, and we will get the answer.

Senator IVES. Go ahead.

Mr. BAKER. It seems to me that these two women have an object to come into this hearing and to lay down the things that they said here and get away with these things. I don't know how how you

can—what penalties there are for people that tell this big untruth that they are telling. It is not true. They are making up these stories. There is a viciousness and there must be something behind it more than just testifying against me, because they want to talk. I don't know. It seems to me as if someone is in jail now and wants to get out, and maybe they feel that this would rectify things in testifying where somebody would like to hear something that was not right, and any other woman being as vicious as she is, the wife, so to speak—

Senator KENNEDY. Mr. Chairman—

Mr. BAKER. This hurt me a great deal.

Senator KENNEDY. I think that last statement of Mr. Baker should be looked at carefully if there is any inference that Miss Brougher has come up here and told untruths in order to get consideration in her jail sentence.

Are you suggesting that?

Mr. BAKER. I am saying, Senator, that his body here would know nothing about her thinking along them lines.

Senator KENNEDY. That is a different statement. Are you taking back your previous statement, that she came up here and told a deliberate falsehood in order to affect her prison sentence? Is that your testimony?

Mr. BAKER. Well, there was an untruth told, about moneys and things like that. I am saying that I believe that there must be something in her mind, and I can't say that this is it, and put my finger on it, but I am only saying that there may be something in her thinking, that maybe she could say something to somebody down there. I don't know. There must be a reason.

Senator KENNEDY. You don't know?

Mr. BAKER. No.

Senator KENNEDY. The fact is she testified in regard to the money.

Mr. BAKER. Yes.

Senator KENNEDY. You, yourself, have given extremely evasive answers in regard to the money. If I had to believe one of them, I would believe her.

Mr. BAKER. Senator, I did answer on the money questions; not on \$20,000 or \$25,000, the amount she says.

Mr. KENNEDY. Regarding your activities down there, your association with Meyer Lansky and Capolla, the fact that you supported her, these things are all corroborated.

The CHAIRMAN. Senator Ives.

Senator IVES. I would like to continue on a little bit longer in my questioning, if I may.

Thank you very much, Mr. Chairman.

I would like to ask Mr. Baker if following his conviction prior to 1955 he was ever in New York.

Or during the period of your investigation, we will put it that way.

Mr. BAKER. What was that? What investigation? What investigation, Senator?

Senator IVES. In the Hintz murder.

Mr. BAKER. I wasn't being investigated for no Hintz murder, or anything of that sort.

Senator IVES. Well, they were trying to find out who did it, and I think you were under suspicion.

Mr. BAKER. No, Senator, that is not true. They did not try to find out who did it. They already had said they know who did it. They just came down there to give me an annoyance because I was talking to one of the people in Florida that they were looking for.

Senator IVES. Were you in New York City at any time during that period?

Mr. BAKER. I don't recall even leaving—during the period of what, sir? What period is that?

Senator IVES. Following that murder.

Mr. BAKER. Following it?

Senator IVES. Yes.

Mr. BAKER. Maybe around a year later. I don't know. I can't recall.

Senator IVES. You don't know?

Mr. BAKER. Maybe a year after or so. I have no business to go into New York.

Senator IVES. I wouldn't think you would have.

Then I want to ask this of you: Do you deny everything that was said by these 2 witnesses regarding you, these 2 ladies?

Mr. BAKER. All the questions that you asked me and I answered, and if I answered in a denial—

Senator IVES. Just let me ask a question for a minute.

Do you deny everything that was said about you by these two ladies that testified?

Mr. BAKER. Senator, you ask me the question and I will answer it. I am not going to answer on all questions that she said. I don't know of all the questions that she did answer.

Senator IVES. You have denied everything so far, and I have asked you the main questions.

Mr. BAKER. Well, anything that I have denied, that is it, Senator. (The witness conferred with his counsel.)

Senator IVES. Let me ask you this: Do you deny the fact that when Mrs. Mollie Baker called you in Buffalo you told her that you were campaigning there for Averell Harriman?

Mr. BAKER. I deny that, sir.

Senator IVES. You do? You deny that, too?

Mr. BAKER. I certainly do.

Senator IVES. Then apparently you deny up and down, categorically, everything that these two ladies said with regard to your relationship with Mr. Harriman; is that correct?

Mr. FITZGERALD. Just a moment. Mr. Chairman, may I address the Chair? I think that question is absolutely out of order. The witness couldn't make an answer to it and say, "I make a blanket denial to everything that was said by these two witnesses."

The CHAIRMAN. I think the question should be direct and related to something specific. He could answer that and say "No, I don't necessarily deny everything. I don't know what everything is." But we can interrogate him directly and let him say "yes" or "no." He is under oath. If he is testifying falsely, there will be some opportunity to consider action on it.

Proceed.

Senator IVES. I wouldn't try to press you on that at all. I will tell you why. Because everything of any great consequence said

about you by either of the ladies you have already denied. Isn't that right?

Mr. BAKER. Wait a minute. Just a minute, Senator.

Senator IVES. I don't think that is out of order.

Mr. Fitzgerald, what have you to say about that?

Mr. FITZGERALD. Senator Ives, that is a general question. You said, "Everything that they have said about you of any consequence" he has denied.

Senator IVES. I will reframe it.

Everything that I have brought to his attention that they said about him in their testimony he has denied he had anything to do with.

Mr. FITZGERALD. That is a conclusion.

Senator IVES. He did deny it, didn't he?

Mr. FITZGERALD. That is your conclusion. I don't know if he did or not. Of course, I am only here to help him from a legal standpoint. I certainly can't even suggest anything to the Senators as to how they should ask questions.

Senator IVES. He said right and left it was an absolute lie.

Mr. FITZGERALD. The only thing I object to is when you leave this up in the air and say, "Well, everything they said about you, you deny." I don't think he can fairly answer that question.

Senator IVES. I think if you will look at the record when it is printed up, you will find that every question I raised regarding Mrs. Mollie Baker, and the other lady, Mrs. Brougher, everything that I asked him about them, in connection with his relationship with Mr. Harriman, he has indicated to be absolute lies. That is the question I raised.

Mr. FITZGERALD. I am not saying that is true, but to have him reaffirm it I do not think that is proper.

The CHAIRMAN. Let the Chair say we are making a record here. The record will speak for itself.

Ask the questions. The Chair will order the witness to answer. It seems that will not be necessary, if he answers. But if he evades, and I think he is evading, I will order him to answer the question.

Proceed.

Senator CURTIS. Mr. Chairman?

Senator IVES. I think that is all for the time being.

Senator KENNEDY. Mr. Chairman?

The CHAIRMAN. Senator Kennedy.

Senator KENNEDY. I wanted to interrogate on the Harriman matter before we leave that.

Senator CURTIS. Very well.

Senator KENNEDY. Mr. Baker, it seems to me that the problem is not that Miss Brougher did not tell the truth, it seems to me that your statement that you are a braggart and that you like to build yourself up and that you are a ham, that is what has caused a good deal of the difficulty in regards to your relationship between Governor Harriman and yourself.

For example, Mrs. Baker stated that you said when you were in Buffalo, that you were up there campaigning for Governor Harriman in 1956. Governor Harriman was not running for governor in 1956. He was at a later date, in June of that year, a candidate for the Presidency. But the hotel bills indicate that you were in Buffalo in Janu-

ary, February, and to the middle of March of 1956. So how could you possibly have been campaigning for Governor Harriman at that time, when he was not a candidate?

If you were talking about the Presidency, he was not a candidate for that. You were talking about in his own State, in Buffalo, which you had just come into.

Therefore, I doubt very much that he would have to rely on you for assistance in his own State.

Is that a fact, Mr. Baker?

Mr. BAKER. It is a fact, Senator.

Senator KENNEDY. So if you stated it to Mrs. Baker, your wife, that that is what you were doing, then that, of course, wasn't true?

Mr. BAKER. It wasn't, if I did.

Senator KENNEDY. Did you ever ask Governor Harriman after 1952 to intercede with the authorities in New York City to permit you to come back to New York?

Mr. BAKER. Honestly, no.

Senator KENNEDY. You never talked to him? Do you know that Governor Harriman, of your knowledge, interceded on your behalf?

Mr. BAKER. No, sir, Senator.

Senator KENNEDY. The statement was made that you were invited to participate in the campaign of 1952. Were you invited by Mr. Gibbons? Is that who talked to you about taking part in the campaign?

Mr. BAKER. No. No, sir.

Senator KENNEDY. Who invited you?

Mr. BAKER. It was a fellow that represented some labor unions. I believe it was Mr. Bardacke. Yes, I believe it was Mr. Bardacke, Mr. Gregory Bardacke.

Senator KENNEDY. In other words, you were not invited by Mr. Harriman?

Mr. BAKER. No, sir.

Senator MUNDT. Who was it that invited you?

Mr. BAKER. Mr. Gregory Bardacke.

Senator MUNDT. Can you spell it?

Mr. BAKER. No, a white fellow.

Senator MUNDT. Spell it.

Mr. BAKER. B-a-r-d-a-c-k-e.

Senator KENNEDY. He invited you to participate in the campaign?

Mr. BAKER. He asked me.

Senator KENNEDY. Wasn't that campaign of comparatively short duration?

Mr. BAKER. Yes, sir, the primary in Washington.

Senator KENNEDY. Two or three weeks?

Mr. BAKER. Yes, sir.

Senator KENNEDY. That is the time you met Governor Harriman, during that campaign?

Mr. BAKER. Well, yes, I mean I met him with a lot of people shaking hands.

Senator KENNEDY. When did you see him after the 1952 primary? When did you see him next?

Mr. BAKER. The next time I went with Mr. Bardacke, I believe, to the convention.

Senator KENNEDY. In 1952?

Mr. BAKER. Yes. I wanted to see how they worked on a big scale.

Senator KENNEDY. When was the next time you saw him?

Mr. BAKER. I think I saw him one time when I went home visiting my mother. We went to visit Gregory Bardacke, and I went with Mr. Gibbons to see Gregory Bardacke. I don't know if he was ill at the time or not. I think we saw him then at many hotels where they had candidates.

Senator KENNEDY. Was this 1952?

Mr. BAKER. No, it was later on, where you said later on after 1952.

Senator KENNEDY. Are you talking about the 1956 convention?

Mr. BAKER. 1956, I believe, to the best of my recollection.

Senator KENNEDY. In other words, you are stating between 1952 convention and the 1956 convention, you did not see Governor Harriman, or did you?

Mr. BAKER. I believe we did. I believe we went into New York, and at that time they had an election there. It was over, the election was over. I mean, it was that evening or something. We went early that evening to many campaign headquarters.

Senator KENNEDY. You went to New York on the election eve of 1954?

Mr. BAKER. I believe so.

Senator KENNEDY. When Governor Harriman was running for Governor?

Mr. BAKER. I believe so.

Senator KENNEDY. The statement was made that you were not permitted to go back to New York before 1955. Now you are stating you were in New York in 1954?

Mr. BAKER. Sure. I was there a couple of times before, sir.

Senator KENNEDY. You were not picked up by the police?

Mr. BAKER. No.

Senator KENNEDY. You state that you saw Governor Harriman that evening in election headquarters?

Mr. BAKER. Yes, with a lot of people in a big room.

Senator KENNEDY. When did you see him next?

Mr. BAKER. I don't believe I saw him after that.

Senator KENNEDY. Did you see him at the 1956 convention?

Mr. BAKER. In the 1956 convention, I went into the Hilton Hotel in the lobby, and they were all walking in, a mass, a lot of people walking from one hotel to another and I believe I saw him then.

Senator KENNEDY. You are stating that you saw him during the 1952, primary, you saw him election night in New York, at his headquarters, in a crowd, and that you saw him at his headquarters when there was a crowd in 1956.

Am I stating it accurately? If I am not accurate, I want you to state it. Did you see him in private in a conversation?

Mr. BAKER. No; that is it. You are accurate.

Senator KENNEDY. I want you to state it.

Mr. BAKER. That is accurate.

Senator KENNEDY. You saw him at his headquarters in 1956, you saw him election eve in 1954, and you saw him during the primary in 1952?

Mr. BAKER. Yes, sir.

Senator KENNEDY. And beyond those times, you have not seen him?

Mr. BAKER. No, sir, Senator.

Senator KENNEDY. On the question of the picture to "My dearest friend."

Mr. BAKER. Very true.

Senator KENNEDY. You had a picture which had his name on it and "Sincerely" or some other greeting.

Mr. BAKER. "Sincerely."

Senator KENNEDY. You have never seen the picture to "My dearest friend"? Do you have the picture now?

Mr. BAKER. No, sir; I haven't.

Senator KENNEDY. If there was such an inscription, you are stating under oath that Governor Harriman did not write it?

Mr. BAKER. That is correct, sir.

Senator KENNEDY. And if there is such a picture, someone else must have written those words?

Mr. BAKER. That is true, sir.

Senator KENNEDY. You don't know whether there is or not? You have never heard of this picture before this date, with this inscription?

Mr. BAKER. On this "Very good friend" stuff?

Senator KENNEDY. Yes.

Mr. BAKER. No, sir.

Senator KENNEDY. Did you ever go to Sun Valley?

Mr. BAKER. No, sir.

Senator KENNEDY. Were you invited to Sun Valley?

Mr. BAKER. No, sir.

Senator KENNEDY. If the campaign in the primary in Washington lasted for 3 weeks, which is my information from looking at the papers, what was the occasion for you to have a conversation with Governor Harriman every Sunday?

Mr. BAKER. I never did, sir.

Senator KENNEDY. You never had a conversation?

Mr. BAKER. No, sir.

Senator KENNEDY. Would there have been any purpose for it once the campaign was over?

Mr. BAKER. No, sir.

Senator KENNEDY. So you are stating under oath that you did not have a conversation with Governor Harriman?

Mr. BAKER. Yes, sir, Senator, I am stating that under oath.

Senator KENNEDY. It is my understanding from looking at the list of phone calls put into the record yesterday, various phone calls you made from hotels in 1956, 1957, and this year, you have not had a phone conversation with Governor Harriman?

Mr. BAKER. Not with him.

Senator KENNEDY. When was this last time you spoke to him on the phone?

Mr. BAKER. I never spoke to him. I spoke to his aids.

Senator KENNEDY. When?

Mr. BAKER. In 1952, in the primary, when I needed some leaflets and things.

Senator KENNEDY. Did you talk to him or his assistant since that time?

Mr. BAKER. No, sir.

Senator KENNEDY. It seems to me, Mr. Baker, that you have caused a good deal of the difficulty in this matter yourself, by your statements to your wife and to others about your alleged intimacy with Governor Harriman.

Mr. BAKER. I might have bragged about—

Senator KENNEDY. You shouldn't brag about those things, unless there is some evidence for it. I would like for you to produce the evidence if it is so, and if it isn't so, I would like you to state it. Have you had any connection, have you seen, have you conversed with Governor Harriman except in the 1952 primary, and the night of the election in 1954, and at his convention headquarters in 1956?

Mr. BAKER. Senator, I have not.

Senator KENNEDY. My understanding is that Governor Harriman has stated that he does not know you, except that you were active in his 1952 primary campaign here, and he may have shaken hands with you but he does not recall it at the 1956 convention headquarters.

Mr. Chairman, I am not criticizing at all Mrs. Baker or Mrs. Brougher for what they may have said, because I think it is quite obvious from the statements of Mr. Baker himself that it is quite likely that he made the statements himself to them, that he is the one that traded on Mr. Harriman's reputation, and that what they have said has been true to the best of their ability.

But it has been you that has caused the difficulty, Mr. Baker, by the allegations you have made and the suggested intimacies which have not been in fact.

Mr. BAKER. I am sorry, Senator. It is the truth, I am sorry.

Senator KENNEDY. I think it is important when you come before us that your general reputation, which has not been a good one, that it is particularly important that we have these facts in perspective, and that there should not be any suggestion of an intimacy which does not in fact exist between you and a public servant or a politician. If there is such an intimacy, it should be proven. If there isn't it seems to me that those facts should be brought out, too. It seems to me unless someone is able to bring out facts to the contrary, your relationship with Mr. Harriman was extremely casual; that you were of help to him in the 1952 campaign, but since that date there has been no connection and no favors done either way.

Mr. BAKER. Absolutely.

Senator KENNEDY. I think that that fact should be established so that no improper inferences can be drawn from this hearing because of your own unfortunate reputation.

Senator CURTIS. Mr. Chairman?

Senator IVES. Mr. Chairman?

The CHAIRMAN. Senator Ives.

Senator IVES. Then I take it, Mr. Baker, that what you had been telling your former wife, Mollie Baker, and Mrs. Brougher, are little white lies.

Mr. BAKER. Well, in the light of—

Senator IVES. That is what you termed them yesterday.

Mr. BAKER. In the line of what Senator Kennedy just spoke about, sir?

Are you referring to Senator Kennedy?

Senator IVES. I am talking about what Senator Kennedy was talking about. You told them, apparently, these stories that they related on the stand here.

Mr. BAKER. Senator, that is true. I believe——

Senator IVES. You admit it now, do you?

(The witness conferred with his counsel.)

Senator IVES. When I was questioning you first, you denied that you ever told them anything.

Mr. BAKER. Excuse me, Senator. You are trying to confuse me now.

Senator IVES. I am not trying to confuse you at all. I am trying to find the truth.

Mr. BAKER. I know everybody is pitching and I am taking. But let me consult my lawyer. Is it all right, Mr. Chairman?

The CHAIRMAN. Yes. Go ahead.

(The witness conferred with his counsel.)

The CHAIRMAN. All right. Let's have order.

Mr. BAKER. Senator, I never mentioned any specific things that you are asking me now. I might have dropped names here and there, and, like you say, a little white lie, or you say I said.

I was probably bragging a little bit. But that is about all. I didn't think it was going to amount to so great importance at this hearing to destroy a good public servant, and instead of building and keeping people like them people in line so you need them kind of people to do good things for the little people in this country, the same as you and the other good Senators, build them people, don't knock them people. They are good people. Me, destroy me, if you want to, do whatever you want. But as far as a man like that, Senator, he is a good public servant. He is a great man. He is good for my mother and father and little people.

Senator IVES. I am not trying to destroy you or anyone else.

Mr. BAKER. Do whatever you want with me, Senator. Go ahead.

Senator IVES. I am not trying to destroy you or anyone else. I am trying to find the truth.

Mr. BAKER. I am telling you the truth.

Senator IVES. You told me one story and you told Senator Kennedy another on what you told these two ladies.

Mr. FITZGERALD. Mr. Chairman, may I address the Chair?

I think Mr. Baker has answered the questions that were asked by Senator Ives on specific things.

Senator IVES. He has.

Mr. FITZGERALD. And he has denied making certain statements to his wife, Mrs. Mollie Baker, and to this other person.

Senator IVES. May I interpose—wait just a minute, Mr. Fitzgerald, I want to say something to you on that.

Mr. FITZGERALD. May I finish?

Senator IVES. I want to point out exactly what was said.

The CHAIRMAN. We will shorten it if each one finishes what they want to say.

Mr. FITZGERALD. I was just trying to straighten something out in his mind, that is, in your mind, from what he tells me.

First, he categorically denies making those specific questions. No. 2, he stated, however, that undoubtedly he did some bragging to his wife

generally, maybe told what he termed little white lies, about big public figures, and about his closeness to them. He said that was bragging and he answered—

The CHAIRMAN. Mr. Counsel, we have all heard that.

Mr. FITZGERALD. I know. But I think it is unfair, Mr. Chairman, to try to blanket this witness with another general denial when he has already made one on specific questions.

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

Senator IVES. I am not trying to blanket him with anything like that. I am trying to point out the discrepancy in his testimony. That has already been established, and I think that you will find it when you read it. Now, I want to read a statement that comes out of the Des Moines Register of June 7, 1958. That wasn't too long ago. Speaking of Mr. Baker, it says:

He also told how he worked in the Harriman headquarters in Chicago, during the 1956 national convention. Baker said while in Des Moines that he once was a house guest of Harriman and the Governor denied that.

Did you make such a statement there to anybody? That is this year, just the last few months.

Mr. BAKER. I remember the conversation, Senator Ives, and I am big enough to admit I dropped a lie there too. The man was talking to me about politics and so forth and so on, and can I answer this, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. BAKER. I see you have the gavel. I was in there and they interviewed me at the hospital, and we got talking about racketeers and things of that sort, and I said, "I know good people, too." He said, "Who do you know?" and I said I was a house guest, and I can't get Harriman out of my mind because I was one of the many many people that worked for him on the street.

I might have mentioned that, and I don't recall actually saying these words, but I might have mentioned the fact that Mr. Harriman and I are all right, and we are friends.

The CHAIRMAN. You don't recall it but it sounds right?

Mr. BAKER. It is bragging but it is not the truth.

The CHAIRMAN. You don't recall it—wait a minute until I ask the question.

Mr. BAKER. I am sorry, Senator.

The CHAIRMAN. You don't recall it, but it just sounds like you, though.

Mr. BAKER. Maybe.

Senator CURTIS. Now, Mr. Baker, I want to get some of these business interests and addresses in the Omaha area straight. Yesterday you testified that you were an executive in a social club and you identified that as the Capri Club out at Carter Lake.

Mr. BAKER. I thought that was it because I never saw the club and they asked if they could put my name on it and I said "O. K."

Senator CURTIS. I said were you ever out at the Capri Club at Carter Lake, Mr. Baker, and you said "Yes."

Mr. BAKER. I ate there.

Senator CURTIS. Now, in reference to this Epicure Restaurant, Inc., the question is or the blank here says:

Place of business, 2510 Hickory, Omaha, Nebr. Post office address, 2510 Hickory, Omaha, Nebr.

That is not in Carter Lake, is it?

Mr. BAKER. No.

Mr. FITZGERALD. Mr. Chairman, I haven't asked yet to see the document, but if he is going to be questioned specifically, I believe we are entitled to see what this is all about.

Senator CURTIS. You may see the document. All I am going to refer to are the addresses.

Mr. BAKER. That is right; it isn't Carter Lake?

Senator CURTIS. Who lives at 2510 Hickory in Omaha?

Mr. BAKER. I do not know, offhand.

Senator CURTIS. Now, it was the principal place of business, so listed, for the corporation that you assisted in as one of the incorporators, and also for which you were the resident agent. Now, as a matter of fact, that is the residence of Mrs. Stella Sittler, isn't it?

Mr. BAKER. I do not know.

Senator CURTIS. Do you know the lady?

Mr. BAKER. Not unless I saw her, and I couldn't remember the name.

Senator CURTIS. 2510 Hickory is 15 blocks south of Dodge Street, the dividing line between North Omaha and South Omaha; isn't that correct?

Mr. BAKER. I believe that you are correct, Senator.

Senator CURTIS. You have been out there?

Mr. BAKER. To this place, you mean, the Epicure? They were building a place there when I was there.

Senator CURTIS. And you have been to Mrs. Sitler's place?

Mr. BAKER. The restaurant you are talking about, and not the house, and I never was up at the house.

Senator CURTIS. Now, the listing for 2510 Hickory Street is the residence of Mrs. Sitler?

Mr. BAKER. Yes, Senator.

Senator CURTIS. Have you ever been out there?

Mr. BAKER. To the residence, the home, you mean?

Senator CURTIS. Yes.

Mr. BAKER. I never was up in her home.

Senator CURTIS. Who is J. W. Shum?

Mr. BAKER. It may be another person like myself that was approached by this nice fellow, that said, "How about putting your name down?" They were soliciting membership.

Senator CURTIS. His address is listed?

Mr. BAKER. It is a membership solicitation.

Senator CURTIS. His address is 5215 South 83d Street, Omaha?

Mr. BAKER. I don't recollect that name, and I don't remember that name at all.

Senator CURTIS. Now, do you know a lawyer by the name of David S. Lathrop?

Mr. BAKER. I don't recognize the name, Senator.

Senator CURTIS. Now, for the classification of the corporation, it is pecuniary, and that is not only a different location, but it is a different name than the Capri Club. I would suggest that Mr. Fitz-

gerald and you might look at that, and I may have some more questions for you afterward after you have had a chance to look at it.

Senator IVES. Are there any other questions?

Senator MUNDT. Mr. Baker, I want to ask you a few questions about your political activities because between the questions that you answered to Mr. Kennedy, and the questions that you answered addressed to you by Senator Ives, you have completely confused me.

I want you to tell me now in your own way just what you did do politically, and not what your wives or your girl friends may have said you did, or any other testimony. I want you to testify under oath as to what you did do, because certain of those things can be demonstrated surely by witnesses in this town, because in 1952, at least, your activities, politically, were limited to Washington; is that right?

Mr. BAKER. That is right, sir.

Mr. FITZGERALD. I would like to object to this question, with due respect to Senator Mundt, on the ground this matter has been asked and answered several times.

Senator MUNDT. But never quite this way.

Senator IVES. I don't agree with you. This particular question hasn't been raised yet.

Mr. FITZGERALD. I think the subject matter has been completely covered, and I don't know of anything that the witness could do more than stand on his previous answers to these questions.

Senator IVES. I don't know what the Senator is going to ask, and so I don't see how anybody can decide that the subject matter has been covered.

Mr. FITZGERALD. Senator Mundt is asking the witness now to relate in his own words everything he did.

Senator MUNDT. I did not ask that question, and I am going to ask him some questions to answer.

Mr. FITZGERALD. I will object to specific questions.

Senator MUNDT. It is pretty hard to object to a question I haven't asked yet.

Mr. FITZGERALD. I agree with that, but I thought you were asking for a generalization, that is all.

Senator MUNDT. I asked him whether his political activities in 1952 were limited to the District of Columbia, and I think that he said, "Yes."

Mr. BAKER. Yes. In 1952, District of Columbia, political, for Harriman, for primary. Are you referring to that?

Senator MUNDT. Yes.

Mr. BAKER. The Harriman primary, that is right.

Senator MUNDT. You said, if I understood the testimony correctly, once you gave two different names as to the people who got you interested in politics. Who just did get you interested in politics?

Mr. BAKER. I myself was interested in voting when I can, and there is no voting in Washington, D. C.

Senator MUNDT. Who got you interested in the Harriman campaign?

Mr. BAKER. Greg Bardacke and Joe Rauh.

Senator MUNDT. Well, now, you are using both.

Mr. BAKER. Well, that is true.

Senator MUNDT. The first day you testified, you said that Joe Rauh got you a position first of all with the Democratic committee, did you not?

Mr. BAKER. I said to the best of my recollection, I was recommended by Mr. Rauh.

Senator MUNDT. Now, Mr. Rauh also got you interested in the Harriman campaign?

Mr. BAKER. With Mr. Bardacke, and I got in conversation, and they said they wanted some labor fellows to get out here and do a job for Mr. Harriman.

Senator MUNDT. And you became cochairman of the Harriman for President Committee?

Mr. BAKER. Under their setup, that is right.

Senator MUNDT. It was the labor committee.

Mr. BAKER. Yes, sir.

Senator MUNDT. What did you do as cochairman?

Mr. BAKER. I tried to bring about meetings of labor groups and going to the various local unions and meetings.

Senator MUNDT. Did you address the meetings?

Mr. BAKER. I certainly did, Senator.

Senator MUNDT. What else did you do?

Mr. BAKER. I went along the lines of talking to many church reverends and seeing that they would give opportunity to Joe Rauh or Bardacke to have Mr. Harriman speak at various churches in the area, and I went down and knocked on doors and tried to tell people and hand them leaflets.

Senator MUNDT. Did you accompany Mr. Harriman at any of the meetings that he addressed?

Mr. BAKER. I would attend every meeting or I would try to attend almost every meeting where they would have speeches.

Senator MUNDT. That does not answer the question. I said, did you attend any of the meetings, whether on street corners or in rooms or halls, that Mr. Harriman addressed?

Mr. BAKER. I did attend meetings; yes, sir.

Senator MUNDT. During that 3-week period?

Mr. BAKER. Yes.

Senator MUNDT. About how many?

Mr. BAKER. I can't recall how many, Senator. There were many meetings and many conversations.

Senator MUNDT. Would you say you attended six or more of these meetings?

Mr. BAKER. You can't tell me that I could remember exactly.

Senator MUNDT. Would you say it would be more than six?

Mr. BAKER. I held more than six myself alone.

Senator MUNDT. I asked you whether you accompanied Mr. Harriman to more than six.

Mr. BAKER. I don't remember how many meetings. I did not accompany him, and I went there on my own.

Senator MUNDT. I did not mean that you drove him there in your car.

Mr. BAKER. That is right, Senator.

Senator MUNDT. Well, No. 1, that is a little hard for me to reconcile with the previous testimony that you gave, that you saw him only once while he was in Washington.

Mr. BAKER. I did not say nothing along those lines, Senator.

Senator MUNDT. You said you saw him once in 1952.

Mr. BAKER. Now, in the campaign I saw him regularly when he was working on his campaign. You had to see him more than once, and the man gets out and works, Senator.

Senator MUNDT. In 1952, you meant that you saw him during this series of campaign meetings which were held here.

Mr. BAKER. That is right, Senator.

Senator MUNDT. I accept that. What else did you do besides arrange meetings and contact the church groups with whom you had undoubtedly a great amount of influence?

Mr. BAKER. I love them, and they love me.

Senator MUNDT. What else did you do in the campaign?

Mr. BAKER. Well, I made sure I was knocking on doors, Senator, and I made sure I brought the message, and they all turned out, and we had a wonderful vote that particular year, the biggest vote Washington, D. C., ever had.

Senator MUNDT. I remember the campaign.

Mr. BAKER. Yes, sir.

Senator MUNDT. I was here, and I was completely neutral in it, and I was just watching. That takes care of 1952.

Now, you say you were back in the campaign again 4 years later in 1956?

Mr. BAKER. What campaign, in Washington?

Senator MUNDT. I don't know. I am trying to find out. You said you were working for the Harriman campaign in 1956.

Mr. BAKER. I visited the convention in 1956, sir. I was a visitor like many people from all over the country, coming to Chicago.

Senator MUNDT. You did not testify earlier that you had worked in the Harriman campaign in 1952 and in 1956?

Mr. BAKER. In 1952 I aided in the primary, Senator.

Senator MUNDT. What did you do in 1956?

Mr. BAKER. Then I went there with Rauh and Bardacke to Chicago to see how they worked on a national scale.

Senator MUNDT. We are through 1952 now.

Mr. BAKER. Now you are on 1956, Senator. I went there where they had this trapeze artist that was playing some band instruments or something, that was campaigning and carrying on through their candidates at the convention.

Senator MUNDT. You have told me in some detail what you did in 1952, and we are through with 1952, and I want you to give me equal detail of what you did in the Harriman campaign of 1956, if anything.

Mr. BAKER. I minded my business, and I did not do too much, and I don't know exactly, and I am trying to figure it out.

Senator MUNDT. Were you working in Washington again in 1956?

Mr. BAKER. Sir?

Senator MUNDT. Was it in Washington in 1956?

Mr. BAKER. No, they had a convention in Chicago. I don't understand.

(Witness consulted his counsel.)

Mr. BAKER. I never worked for Mr. Harriman in 1956.

Senator MUNDT. Now you are saying you did not work for Harriman in 1956.

Mr. BAKER. That is right. I went to the convention, and I was a visitor at the hotels and seeing the demonstrations and things.

Senator MUNDT. Except for whatever work you did for him at the convention in 1956, you did nothing?

Mr. BAKER. I never worked for Mr. Harriman in 1956.

Senator MUNDT. You did no other work?

Mr. BAKER. I did not work for Mr. Harriman in 1956, Senator.

Senator IVES. May I straighten that out? I think that newspaper article I just read indicated that you were in his headquarters, did it not, in 1956?

Mr. BAKER. Visiting, sir.

Senator IVES. No; working. That is my understanding of it.

Senator MUNDT. That was my understanding of the testimony the first day, and that is why I tried to straighten it out.

Senator IVES (reading):

He also said how he worked in the Harriman headquarters in Chicago during the 1956 Democratic Convention.

Mr. BAKER. I told that to whom?

Senator IVES. Apparently in some interview you had out in Des Moines, Iowa, and it appears in the morning paper, the Des Moines Register on June 7 of this year.

Mr. BAKER. I guess that is me bragging again. It never happened, Senator.

Senator IVES. All I have to say is that you are an inveterate liar; isn't that true?

Mr. BAKER. I am not a liar under oath.

Senator IVES. When you are not under oath, then you are an inveterate liar; is that correct?

Mr. BAKER. I would not say "inveterate liar"; only white lies, Senator.

Senator IVES. Let me remark in that connection that once a person starts lying, it is very difficult for him to tell the truth.

Senator MUNDT. Coming to another subject, now, you were at the Mercy Hospital in Des Moines; were you not?

Mr. BAKER. Yes, sir.

Senator MUNDT. And your bill there was \$925.

Mr. BAKER. That is right, Senator.

Senator MUNDT. Who paid that bill?

Mr. BAKER. The Labor Health Institute and myself.

Senator MUNDT. Labor and who else?

Mr. BAKER. And myself. It is the Labor Health Institute, and they pay a certain amount. I have insurance and I paid the rest.

Senator MUNDT. You left the hotel, you left with Mr. Lu Farrell who came to see you when you were dismissed, and you left together.

Mr. BAKER. That is right.

Senator MUNDT. At that time, Mr. Farrell said that if Mr. Baker does not make good on this bill, he would assure the hospital the bill would be paid.

Mr. BAKER. I don't know of him saying that, Senator.

Senator MUNDT. I am saying it. I understand that is true.

Mr. BAKER. I don't know of Mr. Farrell saying that.

Senator MUNDT. All right, you do not deny that he told the hospital that?

Mr. BAKER. I never heard of it.

Senator MUNDT. You did not pay the hospital when you left?

Mr. BAKER. No, sir.

Senator MUNDT. You paid it later?

Mr. BAKER. It had to come later, and I had to find out how much the Labor Health would pay, and I paid the balance.

Senator MUNDT. Someone had to make good the hospital bill, and Mr. Farrell assured them that if you did not pay it, he would make good.

Mr. BAKER. I don't know if he said that. I did not hear him say it.

Senator MUNDT. Do you deny that he said it?

Mr. BAKER. I never heard him say it.

Senator MUNDT. Do you deny that he said it?

Mr. BAKER. I don't know if he said it.

Senator MUNDT. I did not ask you whether you heard it, and I asked if you denied it or are you in a position to deny it?

Mr. BAKER. I am not in a position to tell that.

Senator MUNDT. Did you make some arrangements?

Mr. BAKER. He might have walked back for a moment, and I don't know, he might have said anything, and I can't tell you that. Why should I admit to that?

Senator MUNDT. You made a number of phone calls while you were in the hospital, did you not?

Mr. BAKER. I probably did.

Senator MUNDT. I think when I was questioning you further about Kid Conn, I might have confused you as to his legal name. I understand that it was Harry Blumenfeld. Do you know a Harry Blumenfeld? I think that may help you straighten out this Kid Conn testimony.

Mr. BAKER. I don't know the name of Harry Blumenfeld.

Senator MUNDT. You are sure you do not know that?

Mr. BAKER. The only thing close to that would be "Bloom," but I don't know any Blumenfeld.

Senator MUNDT. I thought it was Bloom, but it is apparently Blumenfeld.

Mr. BAKER. I don't know the name Blumenfeld.

Senator MUNDT. One of the phone calls that you made from the Mercy Hospital was to Federal 2-8911, Minneapolis, the Loring Liquor Store, at 1370 Nicholas Avenue. Why were you calling the Loring Liquor Store, at 1370 Nicholas Avenue, Minneapolis, from the Mercy Hospital?

(Witness consulted his counsel.)

Mr. BAKER. It could be maybe I was making a call for somebody and it might be somebody in the room that wanted to make a call, and I made it and put them on, I don't know. I won't recollect, but I could have made the call.

Senator MUNDT. It is rather strange that you would be calling a liquor store owned by Kid Conn, alias Harry Blumenfeld, in Minneapolis, when you said you did not know him.

Mr. BAKER. I did not know anybody but Bloom, and I don't know Blumenfeld, unless I saw him in the face, or Kid Conn, as you call him, but I don't know the name.

Senator MUNDT. I was very curious why you would call him from your hospital bed.

Mr. BAKER. Maybe somebody was in my room and—I had a lot of visitors—and they might have been in the room and wanted to call somebody, and I put a call in or maybe they put the call in.

The CHAIRMAN. I am sorry to interrupt, but I have to leave and go to the floor for some legislative matters, and I think possibly all of the Senators need to be on the floor at this time. I am going to recess until 3 o'clock this afternoon, and try to get the matter disposed of on the floor. We will come back at 3 o'clock and try to finish this hearing.

(Thereupon at 12:50 p. m., a recess was taken until 3 p. m., the same day.)

AFTERNOON SESSION

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

The CHAIRMAN. The committee will come to order.

Mr. Baker?

TESTIMONY OF ROBERT BERNARD BAKER—Resumed

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, just this morning we got into some matters at the end not directly related to what we were doing. But I don't want Mr. Baker to leave the stand with the idea that he is just some kind of a Teamster jokester, because the record that has been established over the last few days establishes him as something far different from that.

You have consorted with hoodlums. You have a criminal record for throwing bombs in New York during the 1930's. Sent to jail, you came out and broke probation, throwing bombs again—you can make a statement after I finish—you were involved in beating people up.

You beat George O'Donohue up in local 838, during the 1930's. Mr. Keating described you as a close associate, which you did not deny, of two individuals who have gone to the electric chair for a very brutal murder. You were also involved and associated with Eddie McGrath, Cockeyed Dunne, responsible for over a dozen murders, Andy Sheridan, and Don Gentile. You went to Florida with Meyer Lansky and Trigger Mike Coppola, of which there are no worse lice in the underworld in the United States.

You went out to St. Louis, and you were involved with Joe Costello, not only identified in a conversation that your wife had with you as the man responsible for handling the Greenlease murder, but identified by a captain of the St. Louis police as the man who handled the Greenlease money. A worse crime there has not been in the United States. You were associated with him in 1953, 1954, 1955, 1956, and 1957. Even after that has been established, you were associated with John Vitale, who has been identified as the head of the underworld in St. Louis, who was identified by a member of the Bureau of Narcotics as in charge of the narcotics distribution in that area. You were even in business with him. You were identified with "Piggy Mack" Marchesi; with Jack Joseph up in the northern part of the United States; with Lew Farrell, an old associate of the Al Capone mob; with Meli

in Detroit; with Max Stern. Beyond all of that, beyond the fact that you are associated, closely associated with the scum of the United States, you have not been able to explain before this committee what are obvious misuses of union funds, hundreds and hundreds of thousands of dollars coming into your possession, for which you can give us no explanation whatsoever.

Everywhere you go there has been violence, in Wichita, St. Louis, New York. Every time you have gone into a city you have been identified with violence. You have dealt in huge amounts of cash yourself. The two people that lived with you, your wife and this girl down in Miami, said that you got it as payoffs from employers, that you told them you were getting this money as payoffs from employers.

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

Mr. KENNEDY. When the critical points and critical questions are being asked of you today, your memory fails you. Whether you got money from an employer, Lew Farrell, you said you could not remember; and the second thing, whether you tried to choke a man to death in Chicago last year, you say you can't remember. I just say that these people are the scum of the United States, the people you are associated with, and you are a part of them, Mr. Baker.

You may make any comment on that which you desire.

(The witness conferred with his counsel.)

Mr. BAKER. All questions that was asked me at this hearing I answered to the best of my knowledge, and I answered correctly. I have not anything else but what the record stands on the questions you or the Senators have asked me, sir, and what I have answered.

Mr. KENNEDY. This is a summary of the record confirmed by you. This is not the information that I have taken just from 1 or 2 witnesses. But this is a summary of the testimony that is confirmed by you, and it speaks for itself, as to what it makes you as a Teamster official.

The CHAIRMAN. Are there any other questions?

The Chair wants to state to you that it is his opinion, the Chair's opinion, that willful perjury has been committed. There can be no doubt about perjury as between your testimony and the testimony of other witnesses who have appeared. In my judgment, you have committed perjury over and over. For that reason, I want to ask you this question now before you leave the stand, and I want to give you the chance: Do you wish in any respect to change the testimony you have given this committee under oath?

(The witness conferred with his counsel.)

Mr. BAKER. Senator, everything that I have said will remain said, and I have told the truth.

The CHAIRMAN. You do not retract any of your statements?

Mr. BAKER. I don't, Senator.

The CHAIRMAN. Or change any of your answers?

Mr. BAKER. I don't, Senator.

The CHAIRMAN. The record will stand. The Chair places you under recognizance to reappear at such time as the committee may desire to further interrogate you. You will receive reasonable notice of the time and place where the committee wishes to hear you. Do you accept that recognizance?

Mr. BAKER. Yes, sir; I do.

The CHAIRMAN. All right. Now, then, will you give for the record here at this time the place where you may be reached, where notice may be given to you?

Mr. BAKER. I believe my attorney can be reached, and he will deliver me as soon as you reach him.

The CHAIRMAN. All right, then, we will notify your attorney. You keep in touch with your attorney so you can respond whenever you are called for.

Mr. BAKER. Thank you, sir.

The CHAIRMAN. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Tom Burke.

The CHAIRMAN. Will you be sworn, please, sir?

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

Mr. BURKE. I do.

TESTIMONY OF TOM BURKE, ACCOMPANIED BY COUNSEL, GEORGE FITZGERALD

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

Mr. BURKE. Tom Burke, Bellcrest Hotel, Detroit.

The CHAIRMAN. What is your occupation, Mr. Burke?

Mr. BURKE. Organizer.

The CHAIRMAN. Organizer?

Mr. BURKE. Yes.

The CHAIRMAN. For whom?

Mr. BURKE. The Teamsters Union.

The CHAIRMAN. Let the record show Mr. Fitzgerald appears as counsel for him.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Where were you born, Mr. Burke?

Mr. BURKE. Ireland.

Mr. KENNEDY. What year?

Mr. BURKE. 1899.

Mr. KENNEDY. When did you come to this country?

Mr. BURKE. When I was 3 years old.

Mr. KENNEDY. Where did you live then?

Mr. BURKE. Bellcrest Hotel, Detroit.

Mr. KENNEDY. You moved immediately to Detroit?

Mr. BURKE. Sir?

Mr. KENNEDY. You moved immediately to Detroit?

Mr. BURKE. My eyes hurt me. I can't even see you.

Mr. FITZGERALD. Could they take—

Mr. BURKE. I got weak eyes and that thing is bothering my eyes.

The CHAIRMAN. All right. If you make that request, and if you cooperate with the committee, turn the lights off. You boys get your flashes while you want them.

Mr. BURKE. That is better.

The CHAIRMAN. Proceed.

Mr. KENNEDY. When you first came to this country, you lived in Detroit?

Mr. BURKE. Chicago.

Mr. KENNEDY. When did you move to Chicago?

When you were 3 years old?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. How long did you live in Chicago?

Mr. BURKE. Until 1937.

Mr. KENNEDY. What were you doing there, in Chicago?

Mr. BURKE. In what years?

Mr. KENNEDY. Well, during the 1930's, what were you doing in Chicago?

Mr. BURKE. Driving a truck.

Mr. KENNEDY. For whom?

Mr. BURKE. Burchison Bros.

Mr. KENNEDY. During that whole period of time, is that correct?

Mr. BURKE. Not all of the time, no. I had different jobs, garage-man, truckdriver, assistant business agent.

Mr. KENNEDY. Were you arrested during that period of time?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. For what?

Mr. BURKE. Just picked up and released.

Mr. KENNEDY. How many times were you arrested?

Mr. BURKE. I haven't the faintest idea.

Mr. KENNEDY. Do you know Frank Nitti of New York?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you know Al Capone?

Mr. BURKE. No, sir.

Mr. KENNEDY. What were you arrested for?

Mr. BURKE. Just in labor disputes.

Mr. KENNEDY. Were you in a union at that time?

Mr. BURKE. Yes, sir; I was a member of the union, driving a truck.

Mr. KENNEDY. What union?

Mr. BURKE. Teamsters.

Mr. KENNEDY. Were you an officer?

Mr. BURKE. No, sir.

Mr. KENNEDY. Local what of the teamsters?

Mr. BURKE. 710.

Mr. KENNEDY. Who was the head of that?

Mr. BURKE. Gee, it is back so far, I don't know.

Mr. KENNEDY. You don't remember who it was?

Mr. BURKE. No.

Mr. KENNEDY. You were only arrested in connection with labor disputes?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. You were never arrested for anything else?

Mr. BURKE. No, sir.

Mr. KENNEDY. When did you move to Detroit?

Mr. BURKE. 1937.

Mr. KENNEDY. What did you do there?

Mr. BURKE. What kind of work did I do in Detroit in 1937?

Mr. KENNEDY. Yes.

Mr. BURKE. I started to work as an organizer.

Mr. KENNEDY. For the teamsters?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. What local?

Mr. BURKE. The Joint Council.

Mr. KENNEDY. Who hired you as an organizer?

Mr. BURKE. A fellow named Sam Hirst.

Mr. KENNEDY. What is his name?

Mr. BURKE. Samuel Hirst.

Mr. KENNEDY. Hirst?

Mr. BURKE. Yes.

Mr. KENNEDY. Where had you known him?

Mr. BURKE. I knew him in Chicago.

Mr. KENNEDY. When you were in Chicago, did you know Joey Glimco?

Mr. BURKE. No, sir.

Mr. KENNEDY. You never met him?

Mr. BURKE. No, sir.

Mr. KENNEDY. Tony Accardo?

Mr. BURKE. No, sir.

Mr. KENNEDY. What sort of work were you doing for the Joint Council?

Mr. BURKE. Organizer.

Mr. KENNEDY. What kind of groups were you working for?

Mr. BURKE. What did you say?

Mr. KENNEDY. What kind of groups were you working for?

Mr. BURKE. I was just out organizing.

Mr. KENNEDY. Truck drivers?

Mr. BURKE. Truck drivers on the street.

Mr. KENNEDY. And have you held any other positions, other than as an organizer for the Joint Council?

Mr. BURKE. No; I have been an organizer ever since.

Mr. KENNEDY. Since 1937?

Mr. BURKE. Yes.

Mr. KENNEDY. Have you worked continuously for the Teamsters' Union since 1937.

Mr. BURKE. Yes, sir. Wait a minute.

(The witness conferred with his counsel.)

Mr. BURKE. I was off the payroll for a year and a half in Florida, sick.

Mr. KENNEDY. For what period of time was that?

Mr. BURKE. Wait until I get the dates.

(The witness conferred with his counsel.)

Mr. BURKE. Do you have the dates there, Mr. Senator?

Mr. KENNEDY. 1954.

Mr. BURKE. I got it when I come back. July 24, 1956, I got back.

Mr. KENNEDY. That is when you started to go back to work?

Mr. BURKE. Come back to work then.

Mr. KENNEDY. So you got off in about January of 1954 or 1955? Is that correct?

Mr. BURKE. Yes; that is about it.

Mr. KENNEDY. You received a retirement payment when you retired?

Mr. BURKE. I did not hear you.

Mr. KENNEDY. You received a retirement payment when you retired in the end of 1954?

Mr. BURKE. Yes.

Mr. KENNEDY. That was \$11,815?

Mr. BURKE. Something like that.

Mr. KENNEDY. What did you do then in 1955?

(The witness conferred with his counsel.)

Mr. KENNEDY. What did you do in 1955?

Mr. BURKE. I was in Florida in 1955.

Mr. KENNEDY. Where were you staying there?

Mr. BURKE. Bal Harbor Hotel.

Mr. KENNEDY. Doing what?

Mr. BURKE. I was sick.

Mr. KENNEDY. You just retired down there, then?

Mr. BURKE. That is it.

Mr. KENNEDY. You were just resting during 1955. Prior to that, had you gone out to bring Jimmy Hoffa's brother's wife back to him in 1950?

Mr. BURKE. Yes, sir.

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

Mr. KENNEDY. You went out to get her?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. Where did you find her?

Mr. BURKE. Reno, Nev.

Mr. KENNEDY. And you brought her back?

Mr. BURKE. I did.

Mr. KENNEDY. Who sent you out there?

Mr. BURKE. She called me to come down and get her. Nobody sent me.

Mr. KENNEDY. She could not get back by herself?

Mr. BURKE. She could, but she had a nervous breakdown, and she was having a little trouble with her old man. So I was the peace-maker.

Mr. KENNEDY. Did she run away again after you brought her back?

Mr. BURKE. I couldn't tell you that.

Mr. KENNEDY. Who paid for your trip out there?

Mr. BURKE. I did.

Mr. KENNEDY. Out of your own funds?

Mr. BURKE. That is right.

Mr. KENNEDY. Do you have a bank account?

Mr. BURKE. No, sir.

Mr. KENNEDY. Do you deal in cash, too?

Mr. BURKE. I got a box. A gooseberry box.

Mr. KENNEDY. At home?

Mr. BURKE. No.

Mr. KENNEDY. At home?

Mr. BURKE. No.

Mr. KENNEDY. Where do you keep the gooseberry box?

Mr. BURKE. I ain't going to tell you. I got a partner that I have to worry about, but he is allergic to gooseberries.

Mr. KENNEDY. You don't have a bank account?

Mr. BURKE. No, sir.

Mr. KENNEDY. You deal in cash?

Mr. BURKE. Yes, sir. Do these fellows have to sit here, Senator in front of me, all the time? They get me confused.

The CHAIRMAN. All right.

The photographers will refrain from snapping pictures while the witness gives his testimony.

Mr. KENNEDY. Why is it that none of the top officials of the Teamsters Union have bank accounts? Why do they all deal in cash?

Mr. BURKE. That I could not tell you, but I never had nothing to put in there much, you know. That is why I keep it in a box.

Mr. KENNEDY. You don't feel that banks are safe?

Mr. BURKE. I suppose they are.

Mr. KENNEDY. You just think the box is safer, is that it?

The \$11,000 that you got for retirement, what did you do with that? Did you put that in the box?

Mr. BURKE. No.

Mr. KENNEDY. What did you do with that?

Mr. BURKE. I spent it.

Mr. KENNEDY. You got the money and what did you do with it? Did you spend it all at one time?

Mr. BURKE. No, in a year and a half.

Mr. KENNEDY. Where did you keep the money during that period of time?

Mr. BURKE. In my pocket.

Mr. KENNEDY. You just carried it around, \$11,000?

Mr. BURKE. That is right.

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

Mr. KENNEDY. When you were down in Florida, did you have any other source of income?

Mr. BURKE. No; I just got paid for my expenses.

Mr. KENNEDY. Expenses?

Mr. BURKE. When I would be well enough, I would go out and make surveys for the State for the Teamsters, and they paid my expenses.

Mr. KENNEDY. Were you with Max Caldwell down there?

Mr. BURKE. No, sir.

Mr. KENNEDY. Do you know Max Caldwell?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. How did you know Max Caldwell?

Mr. BURKE. He was a unionist and owned a nightclub down there.

Mr. KENNEDY. What union was it?

Mr. BURKE. Laborers.

Mr. KENNEDY. Were you together with him when he planned to send these individuals down to put them on the payroll of Cariola's union?

Mr. BURKE. No, sir. I never spent much time. I would meet him in the nightclub if I went in to get a drink.

Mr. KENNEDY. Did you know Mr. DuBois?

Mr. BURKE. No, sir.

Mr. KENNEDY. You did not?

Mr. BURKE. No, sir.

Mr. KENNEDY. Were you planning to become a member of the Hotel and Restaurant Workers Union yourself down there?

Mr. BURKE. No. I helped in the organizational drive as much as I could, but I never received no salary for it.

Mr. KENNEDY. Who did you help?

Mr. BURKE. Local 155 on the beach.

Mr. KENNEDY. Of the Hotel and Restaurant Workers?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. Who was that?

Mr. BURKE. And picket duty and such.

Mr. KENNEDY. Who was that you helped?

Mr. BURKE. I don't know who all was on the staff.

Mr. KENNEDY. We had testimony that Max Caldwell was trying to take that union over.

Mr. BURKE. He had nothing to do with it. That was maybe before my time.

Mr. KENNEDY. You didn't have anything to do with Cariola being beaten up?

Mr. BURKE. No.

Mr. KENNEDY. Did you have guns in your room down in Miami?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. How many guns did you have?

Mr. BURKE. I took five with me.

Mr. KENNEDY. What were you doing with guns?

Mr. BURKE. Just target practice.

Mr. KENNEDY. Who were you shooting at?

Mr. BURKE. What?

Mr. KENNEDY. Who were you shooting at?

Mr. BURKE. I was down in the Everglades shooting at different items down there, target practice, and they have a target range down there.

Mr. KENNEDY. What is that? All five guns?

Mr. BURKE. I have more than five.

Mr. KENNEDY. You had more than five with you?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. How many guns did you have down there?

Mr. BURKE. I had 5 down there, but I have more than 5. It is a hobby with me.

Mr. KENNEDY. What kind of guns were they?

Mr. BURKE. Pistols and rifles.

Mr. KENNEDY. Last year, in 1957, did you shoot your guns off in the lobby of the Town House Hotel in Detroit?

Mr. BURKE. No, sir.

Mr. KENNEDY. You were not arrested for that?

Mr. BURKE. Wait a minute.

(Witness consulted with his counsel.)

Mr. BURKE. We came off the target one night, there were 5 of us shooting, and we were shooting at target practice, and we had these in a grip, we carry them with all of our targets, and we had 1 of the guns out showing the clerk.

Mr. KENNEDY. In the Town House?

Mr. BURKE. Yes, and I guess we didn't shoot them all out at the target, and one went off and went through the wall.

Mr. KENNEDY. You were arrested at that time?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. What happened in connection with that?

Mr. BURKE. They took the guns and found out they were all registered and it was permitted from target to target.

Mr. KENNEDY. Were you permitted to fire guns in the Town House Hotel?

Mr. BURKE. No, but they didn't find the guns in the lobby. They found them in my dresser drawer, and they were all registered guns.

Mr. KENNEDY. Were you with another Teamster official?

Mr. BURKE. No; I was with some people from Florida.

Mr. KENNEDY. Who were with you?

Mr. BURKE. A fellow named Ryan, Jimmy Lee.

Mr. KENNEDY. That is all?

Mr. BURKE. That is all.

Mr. KENNEDY. Sam Calhoon?

Mr. BURKE. No; he wasn't with me.

Mr. KENNEDY. He wasn't there?

Mr. BURKE. He lived there.

Mr. KENNEDY. Did you shoot it off in his room or where?

Mr. BURKE. It happened to go off in the lobby. It was a new gun, and we happened to click the trigger and there was one in there, and we thought they were all out.

Mr. KENNEDY. Do you know there was a complaint against you in connection with it, and the man who made that complaint was warned to withdraw the complaint?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you know why there is no record of the arrest at the Detroit Police Department?

Mr. BURKE. There is a record.

Mr. KENNEDY. Well, we have requested it.

Mr. BURKE. I was there all day long and they took the numbers of the guns and they had me before the prosecutor.

Mr. KENNEDY. That is what I understand, and do you know why at this time, in 1958, there is no record of your being arrested in the hotel?

Mr. BURKE. No, the police came in the next day, took me to the prosecutor, and the prosecutor asked, was he permitted and does he have a license to carry the gun and where did you find them, and they found them in my dresser drawer.

Mr. KENNEDY. Do you know why the record of your arrest and the facts involving this matter were withdrawn from the Detroit Police Department?

Mr. BURKE. No, I think they are still there.

Mr. KENNEDY. They are not still there. Do you know who took them, and do you know why the man who was going to press the complaint against you didn't press the complaint, and do you know he was warned by a man by the name of Carl Lamento? Do you know Carl Lamento?

Mr. BURKE. No, sir; I don't.

Mr. KENNEDY. They found three guns; is that right?

Mr. BURKE. Five.

Mr. KENNEDY. A 32-caliber Colt automatic, and two 32-caliber Smith & Wesson revolvers?

Mr. BURKE. A 45, and 32, and a 38, three different calibers, I think.

Mr. KENNEDY. Have you ever heard the name of Carl Lamento?

Mr. BURKE. No, sir.

Mr. KENNEDY. You have not?

Mr. BURKE. No, sir.

Mr. KENNEDY. Do you know the man who made the complaint against you, Mr. Nolar?

Mr. BURKE. Mr. who?

Mr. KENNEDY. Mr. Nolar.

Mr. BURKE. No, I don't. The complaining witnesses were up at the prosecutor's office. I don't know any of them.

Mr. KENNEDY. You received no penalty at all?

Mr. BURKE. No, sir.

Mr. KENNEDY. Well now, we have a situation down in St. Louis, that Mr. Baker was arrested for carrying a gun and nothing was ever done to him. We also have a situation in Detroit, that you were arrested for shooting a gun off in the lobby of the hotel and nothing happened to you.

Mr. BURKE. It happened it was an innocent deal, and I was showing another man the gun, and how beautiful it was, and the safety was off, and they pulled the trigger thinking we shot them all out a target, and there was a cartridge left in there.

Senator KENNEDY. Mr. Burke, now as I understand it, the gentleman who made the complaint has stated that he was warned to withdraw the complaint.

Mr. BURKE. I didn't know anything about it, I assure you.

Senator KENNEDY. Either he is not telling the truth, Mr. Burke, or someone doesn't gratuitously do it for you without your knowing about it.

Mr. BURKE. I don't know a thing about it.

Senator KENNEDY. I don't understand why there is no record available in the police department in regard to this in Detroit. That is strange, isn't it?

Mr. BURKE. Well, you will find that we went in and all of the numbers were taken down and they had them at the detective bureau and they took me over to the prosecutor's office, and the prosecutor asked the police, "Where did you find the guns," and they found them in my dresser drawer.

Senator KENNEDY. There is no record of that.

Mr. BURKE. Well, the prosecutor told them they are registered and there is no complaint here, and the complaining witnesses came in the following day and I had to go down there again, but the witnesses said they didn't want to prosecute, realizing it was an accident and there was no case.

Senator KENNEDY. The complaining witness came down the next day?

Mr. BURKE. Does that sound right?

Senator KENNEDY. It sounds all right.

Mr. BURKE. That is exactly the way it happened.

Senator KENNEDY. Now the complaining witness came down the next day, and then he stated after coming down there, the next day, that he didn't want to push the case?

Mr. BURKE. There wasn't one complaining witness, there were five in the lobby.

Senator KENNEDY. Why would they come down the next day, then, if they didn't want to push it?

Mr. BURKE. The police went in there, and subpeaned them or something, and brought them down there to find out more about it.

Senator KENNEDY. They weren't witnesses. They were complaining witnesses.

Mr. BURKE. Well, complaining witnesses, they went down there, and they didn't want to go down, realizing it was an accident, and they were taken down there by the law, you know.

Senator KENNEDY. I would like to ask the counsel if he has some record of one of these witnesses having been threatened or warned in regard to withdrawing the complaint.

Mr. KENNEDY. Yes, we have. One of the individuals who made the charge, living at the hotel, was warned by a man who identified himself as Carl Lamento not to press the matter any further.

Mr. BURKE. Well, five witnesses showed up.

Senator KENNEDY. Does that sound all right, Mr. Burke?

Mr. BURKE. It doesn't sound good to me. No. 1, I don't know the man's name, and that is for sure, and I never heard of him. But I know there were five witnesses went down and told their story and the prosecutor was satisfied that nobody was hurt, and it was an accident.

Mr. KENNEDY. Do you have permits to carry all of these guns?

Mr. BURKE. Yes, sir.

Mr. KENNEDY. You have a separate permit for each gun?

Mr. BURKE. No, a permit for the State, target to target, it reads, and I have had it for years.

Mr. KENNEDY. You don't have to have a permit for each gun?

Mr. BURKE. No, sir.

Mr. KENNEDY. You can have one permit and carry as many guns as you want?

Mr. BURKE. For targets.

Mr. KENNEDY. Who is the target, and what is that?

Mr. BURKE. The gun clubs, the biggest gun clubs in the country; there is one here in Washington.

Mr. KENNEDY. If you have a permit or belong to a gun club, does that mean you can carry as many and as different kinds of guns as you want?

Mr. BURKE. You just can't go with one, and you have a whole box of them.

Mr. KENNEDY. You can carry as many and have as many kinds of guns as you want?

Mr. BURKE. Yes.

Mr. KENNEDY. You don't need a permit to carry a gun or have a gun?

Mr. BURKE. On your person, but you carry them to the target in a box, and they are in fancy boxes, and these are not just ordinary guns, and this is fancy stuff.

Mr. KENNEDY. You had guns down in Florida, too, didn't you?

Mr. BURKE. The same guns.

Mr. KENNEDY. How does somebody know that you are just using them to targets and not using them on some person? What is the assurance on that?

Mr. BURKE. Well, they are always in my possession, and always in my room, and, if they were used on somebody, there are ballistics to take care of that.

Mr. KENNEDY. Did you throw one of your guns away down in Florida?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you take it down to the bay and throw it in the bay?

Mr. BURKE. No, sir.

Mr. KENNEDY. When you were down in Florida, did you have jewelry in your room?

Mr. BURKE. No, sir.

Mr. KENNEDY. No kind of jewelry?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you deal in jewelry at all, yourself?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you assist in organizing the carnivals at all, Mr. Burke?

Mr. BURKE. No, sir; I was on the Ringling Bros. dispute, and that is the closest thing to it.

Mr. KENNEDY. Did you ever tell anyone that you had assisted in pulling down the bleachers and some people had been killed in it?

Mr. BURKE. Did I what?

Mr. KENNEDY. Did you ever tell anyone that you and several others had pulled down the bleachers of a carnival and some people had been killed?

Mr. BURKE. No, sir.

Mr. KENNEDY. Either a circus or a carnival?

Mr. BURKE. No, sir.

Mr. KENNEDY. Did you ever call or telephone the owner or manager of the Hialeah Racetrack and tell them that you wanted some money for not organizing?

Mr. BURKE. No, sir.

Mr. KENNEDY. You did not?

Mr. BURKE. No, sir.

Mr. KENNEDY. We have testimony of Ruth Brougher that you had made such a telephone call.

Mr. BURKE. It was in the Detroit papers last night that I stole \$15,000 from Hialeah, and why don't they get a hold of Mr. Mori, and give me a break here, and have him verify it if I ever called him up. I don't know Mori from a load of hay, and I was never in the racetrack and I don't bet horses and why did they connect me up?

Mr. KENNEDY. Did you call him?

Mr. BURKE. I would lose my job over it.

Mr. KENNEDY. From the Teamsters?

Mr. BURKE. That is right.

Mr. KENNEDY. I don't believe that.

Mr. BURKE. Well, I do. I was told last night, after this hearing today, he said, "You know——"

Mr. KENNEDY. Who said this to you?

Mr. BURKE. My boss.

Mr. KENNEDY. Who is that?

Mr. BURKE. He is in Detroit.

Mr. KENNEDY. Who is your boss that is going to get rid of you in the Teamsters Union? I would like to know his name.

(Witness consulted with his counsel.)

Mr. KENNEDY. Who was that, Mr. Burke?

(Witness consulted with his counsel.)

MR. BURKE. I got the conversation by phone, and I don't know who it was, and he told me I was going to be let out, and "you are out stealing \$15,000," and I would like to have \$15,000.

THE CHAIRMAN. Just a moment. You said your boss, and who is your boss?

MR. BURKE. I don't know which one, and I have five bosses.

THE CHAIRMAN. Name the five.

MR. BURKE. There is Holmes and Fitzsimmons.

THE CHAIRMAN. Who is that?

MR. BURKE. Fitzsimmons, and there are Holmes, and there is Collins, and there is Emery.

THE CHAIRMAN. And who else?

MR. BURKE. And Gilbert, who signs my check.

THE CHAIRMAN. Do you know them well?

MR. BURKE. Not too well; no.

THE CHAIRMAN. Do they know you very well?

MR. BURKE. Well, I believe so, and they know I am working there, and they are paying me.

THE CHAIRMAN. How long have you been working for them?

MR. BURKE. Since 1937.

THE CHAIRMAN. Would you recognize them if you saw them?

MR. BURKE. I wouldn't be a bit surprised. I recognized you when I saw you.

THE CHAIRMAN. Would you recognize their voices?

MR. BURKE. I believe I would.

THE CHAIRMAN. Which one of them called you?

MR. BURKE. Well, I believe I would if I heard it again. I never talked to them before on the phone.

THE CHAIRMAN. Don't you know you are being silly?

MR. BURKE. No.

THE CHAIRMAN. You know who called you, and do you want to sit there and perjure yourself about it? Who called you?

MR. BURKE. Every time somebody calls you, do you know the voice?

THE CHAIRMAN. Who called you, if anyone?

MR. BURKE. I don't know which one it was that called me and told me to be careful, I was going to lose my job.

THE CHAIRMAN. Where did you receive the call?

MR. BURKE. In my hotel.

THE CHAIRMAN. What is your room number?

MR. BURKE. 1167.

THE CHAIRMAN. 1167, and what hotel?

MR. BURKE. The Woodner.

THE CHAIRMAN. Check on that. Some member of the staff check on it at once and trace that telephone call.

Let us have order.

(The witness consulted with his counsel.)

THE CHAIRMAN. Let us proceed.

Do you want to tell us who called you?

MR. BURKE. I don't know, they called me from the office, and said, "You stole \$15,000, and you might get fired over it."

THE CHAIRMAN. What did he say to you?

MR. BURKE. He called me and he didn't want to talk over those phones, and all of the phones in Washington are bugged any way, and they didn't want to leave their name.

The CHAIRMAN. You are sure of that?

Mr. BURKE. I am sure of it.

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

The CHAIRMAN. You are sure of it?

Mr. BURKE. I am positive.

The CHAIRMAN. Do you know who bugged it?

Mr. BURKE. No. He said to me over the phone that "All those phones down there, I suppose, are bugged. I don't want to leave my name, but you are going to be fired on account of that \$15,000 you stole."

The CHAIRMAN. Did he say he was your boss?

Mr. BURKE. Yes.

The CHAIRMAN. Which one did he say he was?

Mr. BURKE. He didn't say.

The CHAIRMAN. How many telephone calls did you get last night?

Mr. BURKE. I don't know. Maybe a half a dozen or so.

The CHAIRMAN. Long distance calls?

Mr. BURKE. Yes.

The CHAIRMAN. Who were the others from?

Mr. BURKE. Do I have to tell you who calls me?

The CHAIRMAN. Well, you better, in my judgment. You have a lawyer to advise you.

(The witness conferred with his counsel.)

The CHAIRMAN. All right, let's move along.

(The witness conferred with his counsel.)

The CHAIRMAN. All right. Who called you?

Mr. BURKE. I talked to the Helen Secretarial Service.

The CHAIRMAN. Who?

Mr. BURKE. Helen Secretarial Service.

The CHAIRMAN. Where is it located?

Mr. BURKE. Downtown Detroit.

The CHAIRMAN. Who else did you talk to?

Mr. BURKE. Her husband.

The CHAIRMAN. What did you say you talked to first?

Mr. BURKE. What?

The CHAIRMAN. What did you say you talked to first?

Mr. BURKE. His wife.

Mr. FITZGERALD. Helen's Secretarial Service.

The CHAIRMAN. Helen's Secretarial Service?

Mr. FITZGERALD. That is the name of a place. I imagine he is talking about Helen. I am sorry.

The CHAIRMAN. Well, you couldn't have talked to a secretarial service's husband.

Mr. BURKE. Well, she runs the place.

The CHAIRMAN. What is her name?

Mr. BURKE. Gercio.

The CHAIRMAN. Give her full name.

Mr. BURKE. Helen Gercio.

The CHAIRMAN. You talked to her?

Mr. BURKE. Then her husband, Benny Gercio.

The CHAIRMAN. She called you, did she?

Mr. BURKE. Yes.

The CHAIRMAN. That is one call. While you were talking to her, you also talked to her husband?

Mr. BURKE. No, an hour and a half later.

The CHAIRMAN. An hour and a half later her husband called you?

Mr. BURKE. Yes. An hour after that I talked to his sister.

The CHAIRMAN. Let's get one at a time now.

(The witness conferred with his counsel.)

The CHAIRMAN. Come on, we will get the whole family. Let's go.

Mr. FITZGERALD. Can I have just a moment, Mr. Chairman?

(The witness conferred with his counsel.)

The CHAIRMAN. Let's go. I want to get the names of the persons you talked to, who called you long distance last night.

Mr. BURKE. Helen Gercio first.

The CHAIRMAN. One.

Mr. BURKE. Benny Gercio second.

The CHAIRMAN. That is two.

Mr. BURKE. And his sister.

The CHAIRMAN. What is her name?

Mr. BURKE. Marlene.

The CHAIRMAN. Marlene who?

Mr. BURKE. Gercio.

The CHAIRMAN. That is three Gercios now.

Mr. BURKE. It is his sister.

The CHAIRMAN. Who else?

Mr. BURKE. That is all.

The CHAIRMAN. Who are the other two?

Mr. BURKE. That is all. I don't remember the other two.

The CHAIRMAN. You said there were 4 or 5, or 6.

Mr. BURKE. In and out calls I made, but I forget which ones they were now. They were women. They were girls. You know?

The CHAIRMAN. Girls calling you long distance?

Mr. BURKE. That is right. Girls out of work.

The CHAIRMAN. Girls that are out of work. Well, if you will give us their names, I think we can help them get a job.

Mr. BURKE. I wouldn't be a bit surprised.

(The witness conferred with his counsel.)

The CHAIRMAN. You better come clean. I am going to be reasonably patient, but I am not going to do this all day long. Who else did you talk to?

Mr. BURKE. I don't even know how to talk up here.

I read my name in the newspapers I stole \$15,000.

The CHAIRMAN. I did not ask you that. I asked who else did you talk to?

(The witness conferred with his counsel.)

The CHAIRMAN. Let's go.

Mr. BURKE. That is all.

The CHAIRMAN. You swear, now, those are the only one you talked to?

Mr. BURKE. That is all.

The CHAIRMAN. What was the difference in time between the first call you received from the Mrs.—what is her name?

Mr. BURKE. Sir?

Mr. KENNEDY. Gercio.

The CHAIRMAN. You talked to her first. Then you talked to her husband?

Mr. BURKE. That is right.

The CHAIRMAN. And each of them called you?

Mr. BURKE. No, wait a minute. It is switched around. Marlene, the sister I talked to. Then I talked to Benny.

The CHAIRMAN. You talked to Mrs. Gercio first, and then you talked to Marlene, his sister, next?

Mr. BURKE. That is right.

The CHAIRMAN. And then you talked to Benny?

Mr. BURKE. That is right.

The CHAIRMAN. That was the third call?

Mr. BURKE. Yes, sir.

The CHAIRMAN. All right. Let's start with the first one. What time did you get that call?

Mr. BURKE. Approximately 9 o'clock.

The CHAIRMAN. 9; all right. How long was it before you got the call from Marlene?

Mr. BURKE. Around 10.

The CHAIRMAN. 10 from Marlene. When did you get the call from Benny?

Mr. BURKE. Around 11.

The CHAIRMAN. Were these all business calls?

Mr. BURKE. No, just social.

The CHAIRMAN. Do they all live together?

Mr. BURKE. Yes, sir.

The CHAIRMAN. And you had three sociable calls from them from 9 o'clock to 11 last night. There was not any trouble to remember it, was it?

Mr. BURKE. No.

The CHAIRMAN. Now, who else called you?

Mr. BURKE. I just can't think. I had a lot of calls.

The CHAIRMAN. What has happened to you that you can't remember last night?

Mr. BURKE. Well, I get calls all day long and I don't remember—

The CHAIRMAN. Yes, but you got some last night. You can certainly remember back to last night?

Mr. BURKE. You gentlemen are all reading off a scrip up there.

The CHAIRMAN. I am not reading off of anything. I am looking at you.

Mr. BURKE. You are surprising me with questions that I never—

The CHAIRMAN. I expect to surprise you.

Mr. BURKE. That I did not think was important, or I would have made notes.

The CHAIRMAN. I don't care what you think. You either answer these questions, or testify falsely, or give us the information or refuse to testify.

Mr. BURKE. Well, listen, don't I have time to think and get them together for you maybe tonight and bring them to you?

The CHAIRMAN. Yes. I will give you 2 more minutes. Get them together.

(The witness conferred with his counsel.)

Mr. BURKE. Mr. Senator, I just can't remember who the others were from.

The CHAIRMAN. You can't what?

Mr. BURKE. I can't recall. If I have time to check, I can check.

The CHAIRMAN. No, I don't need you to check. We can check very well.

But I want you to testify. You have come up here and made this horseplay about getting a call from your boss. We asked who your boss was, and you say you have five and you didn't know which one it was that called you. You said he wouldn't state his name over the telephone because the telephones were bugged.

You have known him since 1937. You knew his voice.

Mr. BURKE. I don't know their voices.

The CHAIRMAN. You don't mean for anybody to believe that.

Mr. BURKE. I never have no occasions to talk to them on the phone.

The CHAIRMAN. You never talked to them? Do you mean you haven't talked to them on the telephone before this?

Mr. BURKE. For what reason?

The CHAIRMAN. Are you testifying to that?

(The witness conferred with his counsel.)

The CHAIRMAN. Since 1937 you haven't talked to your bosses on the telephone?

Mr. BURKE. Very seldom.

The CHAIRMAN. I didn't say seldom or otherwise. You have talked to them on the telephone, haven't you?

Mr. BURKE. Very little. I can't distinguish their voices.

The CHAIRMAN. You can't?

Mr. BURKE. Unless they give me their name, no.

The CHAIRMAN. You wouldn't know one through the other?

Mr. BURKE. Not through the voice.

The CHAIRMAN. Do you think anybody believes that, people you have known 37 years and you could not tell one voice from another?

Mr. BURKE. Some of them I don't know 37 years. Some of them just come to work last—

The CHAIRMAN. Since 1937. I was thinking of 37 years.

Mr. BURKE. That is right. But they haven't all been working, all the bosses haven't been working there that long.

The CHAIRMAN. All right. Have you told all you are going to tell about those calls?

Mr. BURKE. Yes, sir.

The CHAIRMAN. What was it you said about Mr. Mori, you would like to have him do you a favor?

Mr. BURKE. Yes. I would like to have it cleared out. I would like to have Mr. Mori tell you people instead of coming through some underground channels.

The CHAIRMAN. All right. This isn't quite underground. Listen to it. I read to you an affidavit from Mr. Mori.

I, Eugene Mori, make the following voluntary statement to Walter J. Sheridan who has identified himself as an investigator for the United States Senate Select Committee on Improper Activities in the Labor or Management Field.

I am president of the Hialeah Racetrack.

Sometime in the latter part of 1955 I received a telephone call from a person who identified himself to me as Tom Burke of the Teamsters Union. He said that he was down in Miami where he was organizing all the racetracks. He said that he would like to meet with me to discuss the situation. I told Mr. Burke

that I saw no reason why I should meet with him. Burke told me that he was calling me from the Bal Harbour Hotel in Miami Beach, Fla.

A short time later I received a second call from Burke in which he again told me he wanted to meet with me and stated that if I did not meet with him to discuss the matter, that the situation would get out of control and would become very uncomfortable for me.

Later, I received a third telephone call from Burke in which he told me that we could settle the whole thing and he would not continue his efforts to organize the Hialeah Racetrack if I would give him several thousand dollars. I cannot recall the exact amount he requested. He mentioned that there was a woman in whom he was interested who was in difficulty in Florida and he wanted the money to assist her in obtaining her release from custody.

I firmly rejected all of Burke's proposals, did not meet with him, have never met him, and had no further contact with him. I also referred the matter to our chief of security, John Madala.

EUGENE MORI.

Witness:

THOMAS B. BURNS.

CITY OF WASHINGTON,
District of Columbia, to wit:

I hereby certify that on this 20th day of August 1958 before me, a notary public in and for the city of Washington, District of Columbia, personally appeared Eugene Mori and made oath in due form of law that the matters and things set forth in the foregoing affidavit are true and correct to the best of his knowledge, information and belief.

WM. R. LEWIS, *Notary Public.*

My commission expires December 14, 1958.

Mr. BURKE. It is a trumped-up situation. I have nothing to do with that, Mr. Senator. Nothing.

The CHAIRMAN. Another witness testified that you told them, and she heard you make the call. She was present and heard you make this call. And that you did demand \$15,000 from him.

Mr. BURKE. There should be a record of that call. Where was it made from?

The CHAIRMAN. It was made from your hotel.

Mr. BURKE. There should be a record of the call.

The CHAIRMAN. Well, there may be.

Mr. BURKE. I am very much in doubts you will ever find one.

The CHAIRMAN. Of course, I don't think it is recorded, but she heard one end of the conversation. And this fellow heard the other end. We have both ends of it here now.

Mr. BURKE. But it is a trumped-up situation.

The CHAIRMAN. They just trumped up this on you?

Mr. BURKE. There ain't no racetrack that is going to give you \$15,000. For what reason did they give me \$15,000?

The CHAIRMAN. Well, they didn't for any reason, but you could demand it for plenty of reasons for your own purpose.

Mr. KENNEDY. We got the information from an interview with Mrs. Brougner in Florida when she was in prison. We then contacted Mr. Mori and asked whether he had ever been approached by anyone while in Florida in connection with a payment of money not to organize. He told this story completely independently about a telephone conversation he had had with someone who identified himself as Tom Burke during 1955.

Mr. BURKE. The money changed hands?

Mr. KENNEDY. No. The affidavit is clear that the money was not paid.

Mr. BURKE. How silly would it be for a man to call up a racetrack and try to get \$15,000? Does it sound good to you?

The CHAIRMAN. Yes, sir, it sounds exactly like a lot of Teamsters have been operating. There is nothing strange about it at all, if you want to know how it sounds. We are familiar with the sound of it.

Proceed.

Mr. KENNEDY. We also had testimony that you were down there in 1955; that you did not do any work, that you were just sitting around resting in the hotel. They pressed you on your hotel bill and you kept saying "Jimmie Hoffa will take care of it."

Did it end up that Mr. Hoffa did take care of your hotel bill?

Miss Brougher said it would amount to more than \$5,000.

Mr. BURKE. Mr. Hoffa had nothing—when they decided they would pay my expenses down there, when they found out I could not come back to work, that I had to stay in that climate, I done survey work for going through the State, and for that I had my expenses paid.

Mr. Hoffa had nothing to do with paying the expenses. There was a man named Kavner who was with the Central States Drivers Council, and he paid them.

Mr. KENNEDY. Who was president of the Central States Council?

Mr. BURKE. Mr. Hoffa.

Mr. KENNEDY. The bill was paid out of the Central States Drivers Council.

Mr. BURKE. You have to meet with the board of the council in order to get things like that O.K'd.

Mr. KENNEDY. Was your hotel bill paid at the Bal Harbour Hotel by the Teamsters?

Mr. BURKE. It was paid by Mr. Kavner. I don't know whether he paid it in cash or check. I don't know that, either.

Mr. KENNEDY. I would like to call, if I may, Mr. Bellino.

Mr. BURKE. Let me finish. The bill was paid to a man named McConnell, the manager of the hotel, through Mr. Kavner. I never seen the transaction or anything, but I know Mr. Kavner told me my bill was paid, and he paid Mr. McConnell.

Mr. KENNEDY. Dick Kavner is a member of the Central States Drivers Council?

Mr. BURKE. That is right.

Mr. KENNEDY. But the president of the Central States Drivers Council is not Mr. Kavner. It is Mr. James Hoffa. The money came from an organization of which he was president, No. 1, and No. 2, Ruth Brougher testified that you stated Mr. James Hoffa and the Teamsters were going to take care of the bill.

Mr. BURKE. There was a man named Kavner that came to see me at my hotel and he said, "Burke, I want to do something for you."

Mr. KENNEDY. Did Mr. Kavner pay it out of his own money?

Mr. BURKE. I don't think so. It was paid through the council. There is nobody hiding that. That is no military secret.

Mr. KENNEDY. You don't think Mr. Kavner can take \$4,700 or whatever it was, \$5,000 of Teamsters funds, as an organizer and pay his friend Tom Burke's bill without clearing it through higher officials of the Teamsters Union, do you?

Mr. BURKE. Mr. Kennedy, you are so right. But he paid the bill, and when he made the payment, I was not there.

He works in the field, Mr. Kavner does, in the Central States. He went in there. But he did tell me he paid a fellow named McConnell,

the manager of the hotel. He said, "I seen Mr. McConnell and I straightened up your problems, paid your bill."

The CHAIRMAN. All right, Mr. Bellino, what have you on him?

TESTIMONY OF CARMINE S. BELLINO

Mr. KENNEDY. Mr. Bellino, have you made an examination of the records of the Central States Drivers Council?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. Have you found whether the hotel bill of Mr. Burke, while he was down in Florida, retired from the Teamsters after he had received some \$11,000 in retirement funds, was paid by the Teamsters Union?

Mr. BELLINO. Yes, sir.

Mr. KENNEDY. Would you tell us what the records show?

Mr. BELLINO. We have one check which is dated December 14, 1955, payable to the Bal Harbour Hotel in the total amount of \$4,358.46.

Mr. BURKE. Mr. Senator, he keeps on clicking that thing in my face. It confuses me.

Mr. BELLINO. That was applied against Tom Burke's account at the Bal Harbour Hotel. A check dated August 15, 1956, payable to the Bal Harbour Hotel in the amount of \$5,669.60, for a total of \$10,428.06, covering his stay from March 29, 1955, to July 20, 1956.

The CHAIRMAN. What period of time?

Mr. BELLINO. March 29, 1955, to July 20, 1956.

Mr. KENNEDY. Could I ask him who signed the checks?

Mr. BURKE. The checks were signed by James R. Hoffa and H. J. Gibbons.

The CHAIRMAN. The documents there may be made exhibit No. 68, in bulk.

(The documents referred to were marked "Exhibit No. 68" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Bellino, what kind of expenses did this man incur over a period of 16 months that amount to \$10,000?

Mr. BELLINO. His room rent on this bill, dated July 20, 1956, amounted to approximately \$1,900; meals and beverage, the largest item, \$2,422.45.

Senator CURTIS. Over how long a time?

Mr. BELLINO. This appears to cover from December 14, 1955, through July 19, 1956.

Senator CURTIS. About 7 months?

Mr. BELLINO. Yes, sir. And local telephone calls were \$271; long-distance calls, \$282; telegrams, \$18.26; valet, \$98.05; beach \$43.79; cash advanced \$367.83. This is only the \$5,580 bill. The other one we don't have broken down in that manner. It is rather detailed.

Senator CURTIS. But it does figure up to about 16 months?

Mr. BELLINO. Yes, sir.

Senator CURTIS. And in round figures of \$10,000?

Mr. BELLINO. Yes, sir.

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

TESTIMONY OF TOM BURKE—Resumed

The CHAIRMAN. Mr. Burke, the Chair presents to you a photostatic copy of a letter. Will you examine it and state if you identify it?

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

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

Mr. BURKE. What do you want to know about this, Mr. Senator?

The CHAIRMAN. Did you receive it?

Mr. BURKE. Yes, sir.

The CHAIRMAN. It may be made exhibit No. 69.

(The document referred to was marked "Exhibit No. 69" for reference and will be found in the appendix on p. 14534.)

The CHAIRMAN. Did you write Mr. Gibbons in connection with these expenses you were incurring?

Mr. BURKE. No, sir.

The CHAIRMAN. Sir?

(The witness conferred with his counsel.)

Mr. BURKE. When was that supposed to be?

The CHAIRMAN. Any time while you were down there, charging these expenses to the union.

(The witness conferred with his counsel.)

Mr. BURKE. I may have.

The CHAIRMAN. While I am reading this other letter, will you examine this photostatic copy of a letter which I now present to you and state if you identify it?

(The document was handed to the witness.)

The CHAIRMAN. This letter, exhibit 69, reads as follows: December 14, 1955, Mr. Tom Burke, Bal Harbour Hotel, Miami Beach, Fla.

DEAR TOM: Enclosed is a check for \$471, which represents a \$200 advance on your expenses and \$271 for the repair on your automobile. Under separate cover I have already forwarded the check for \$4,358.46 direct to the hotel to cover your hotel bill. As per our telephone conversation, you are to make arrangements to leave Miami immediately and report for assignment at the office of Vice President Hoffa, Detroit, Mich.

Fraternally yours,

H. J. GIBBONS, *Secretary.*

Mr. KENNEDY. Can you identify the check, Mr. Bellino?

The CHAIRMAN. I hand you the photostatic copy of the check, Mr. Bellino, for the check of four-hundred-and-some dollars?

Mr. BELLINO. Yes, sir; dated December 14, 1955, in the amount of \$471.

The CHAIRMAN. Let that be made exhibit 69A.

(The document referred to was marked "Exhibit 69A" for reference and will be found in the appendix on p. 14535.)

The CHAIRMAN. All right, Mr. Burke.

It looks like what you may have written; doesn't it?

Mr. BURKE. It looks like somebody was kidding somebody.

Mr. KENNEDY. This is a most significant letter on the operation of the Teamsters and the opinion that Mr. Hoffa, Mr. Gibbons and other officials have of the Teamsters Union.

The CHAIRMAN. This letter is dated June 28, 1955. Harold J. Gibbons, Central States Drivers' Council, 1127 Pine Street, St. Louis, Mo.

DEAR FRIEND: Enclosed please find hotel bills which will cover the \$500 I received at Boynton Beach for organizing expenses. As you will note, they are from Miami Beach rather than Boynton Beach. This is due to the serious sunburn I had prior to leaving that area. Upon my recovery, I neglected to collect my paid receipts. I assume that this is satisfactory. Thank you very much for everything. When I get my hands on a bundle, I will pay you back. My kindest personal regards to yourself and your family, your friend and your brother,

TOM BURKE.

P.S. You and Hoffa are two good kids.

That letter may be made exhibit No. 70.

(The document referred to was marked "Exhibit No. 70" and will be found in the appendix on p. 14536.)

Mr. KENNEDY. I would like to ask you what this means, Mr. Burke.

When I get my hands on a bundle, I will pay you back.

Mr. BURKE. Bundle? It sounds like laundry.

I never use that expression. I don't know where it comes from.

Mr. KENNEDY. Just like Mr. Baker never uses the word package? This is your letter. It says, "When I get my hands on a bundle, I will pay you back."

(The witness conferred with his counsel.)

Mr. BURKE. I may have written that letter.

The CHAIRMAN. What does that mean?

Mr. BURKE. The bundle? I don't understand the bundle. It might be laundry. I always get a big bundle of laundry. I never use that expression.

The CHAIRMAN. You were going to pay it back with dirty laundry or clean laundry?

Mr. BURKE. I never use that expression, that is why I say, I don't know where it came from.

Mr. KENNEDY. You used it this time. There was talk about paying money. There was talk about their paying your bills.

You call them two good kids. You say when you get your hands on a bundle, you will be able to pay them back. Was this part of the money you were receiving from some of these employees?

Mr. BURKE. Sir?

Mr. KENNEDY. Was this some of the money you were receiving from these employers?

Mr. BURKE. What money?

Mr. KENNEDY. The bundle? Is that what you were talking about?

Mr. BURKE. I never received no money from no employers. If I did, I wouldn't be on that job as long as I have been.

Senator CHURCH. Mr. Chairman?

The CHAIRMAN. Senator Church.

Senator CHURCH. Mr. Burke, I heard you testify a few minutes ago that when you went to Florida you had retired and you went down for your health; is that right?

Mr. BURKE. That is right.

Senator CHURCH. At the time you retired, you received a retirement benefit or at least a payment of something in excess of \$11,000 from the Teamsters Union; is that right?

Mr. BURKE. Yes, sir.

Senator CHURCH. What was the Teamsters Union, then, doing paying you or paying hotel bills for you after you had retired in the amount of \$4,358.46? And plus additional payments.

Mr. BURKE. Well, after I arrived and stayed in Florida a month or two, I recovered somewhat and I went out and went to work, making a survey of the whole State. They paid me for my troubles. There is nothing unusual about that.

Senator CHURCH. What would you call it, fringe benefits on retirement?

Mr. BURKE. Call it what you may. Who is talking? I can't see them.

Senator CHURCH. I am talking.

Mr. BURKE. What did you say?

Senator CHURCH. I just want to know what the Teamsters Union is doing paying this very large amount of money for your hotel bills and for other things after you retired in 1954.

Mr. BURKE. Well, when I retired I was a sick man. That is why I retired. That is why I went off the payroll. I was forced to go to that climate. I was a sick man. The Teamsters Union don't forget people when they are sick. They take good care of you.

Senator CHURCH. Did you go back to work for the Teamsters Union while you were in Florida?

Mr. BURKE. Every time I got a chance to, when I felt good enough, and then maybe a couple of weeks, or 3 weeks, I would be traveling through the State, and I would have to come back to the hotel and see my doctors, and they would tell me to stay off for a month or maybe two.

Senator CHURCH. It was during that time that you worked up a \$4,358 hotel bill which the Teamsters later paid for?

Mr. BURKE. I believe that is what it was, but I did not pay the bill, and I was not there enough.

Senator CHURCH. Whether you were there or not does not seem to me to be the relevant question. The facts in evidence make it clear that the Teamsters Union paid the bill and the check was signed by Mr. Gibbons and Mr. Hoffa.

Mr. BURKE. It was delivered by Mr. Kavner. He is the one who made the payment.

Senator CHURCH. This is the kind of retirement program, I think, that most everybody would like to get in on. Mr. Burke, I have here a check in the amount of \$11,815.94, which appears to be a lump-sum payment to you. This was the payment that was made to you at the time you retired in 1954.

Mr. BURKE. That is true.

Senator CHURCH. Was that then in full settlement of your entitlement?

Mr. BURKE. That is true.

The CHAIRMAN. Mr. Bellino, is this the retirement check you testified to?

Mr. BELLINO. Yes, sir.

The Chairman. This is the original?

MR. BELLINO. Yes, sir.

The CHAIRMAN. Let it be made exhibit No. 71.

(The check referred to was marked "Exhibit No. 71," for reference and will be found in the appendix on p. 14537.)

The CHAIRMAN. Proceed.

MR. KENNEDY. You never have dealt in stolen jewelry or stolen furs, Mr. Burke?

MR. BURKE. No, sir.

MR. KENNEDY. You did not have any jewelry down there?

MR. BURKE. No, sir.

MR. KENNEDY. That is all for now.

The CHAIRMAN. All right. Are there any questions? All right, you may stand aside for the present.

Call the next witness.

MR. FITZGERALD. Can he be excused now, to be called later?

The CHAIRMAN. He may be called again this afternoon. We can't determine until we have another witness.

MR. KENNEDY. Mr. Bowers. This will be a short witness, Mr. Chairman.

The CHAIRMAN. Mr. Bowers.

Senator KENNEDY. Mr. Chairman, previously there was a comment about a phone number of Governor Harriman's found in Mr. Baker's possession when he was arrested in 1953 and the number was BUTterfield 8-8887. I have checked the Manhattan phone book and that was a publicized number of Governor Harriman in that year.

The CHAIRMAN. All right.

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. BOWERS. I do.

TESTIMONY OF B. B. BOWERS, JR.

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

MR. BOWERS. My name is B. B. Bowers, Jr., and I live at 520-530 Southwest Fourth street, Miami, Fla.

The CHAIRMAN. What is your business or occupation?

MR. BOWERS. Property management.

The CHAIRMAN. Property management?

MR. BOWERS. Yes, sir.

The CHAIRMAN. Do you waive counsel?

MR. BOWERS. I do, sir.

MR. KENNEDY. Mr. Bowers, you had an estate called Had Her Way?

MR. BOWERS. That is right.

MR. KENNEDY. And you had that estate in 1955?

MR. BOWERS. That is right, sir.

MR. KENNEDY. Were you approached in the summer of 1955 about renting that estate?

MR. BOWERS. Yes, sir.

MR. KENNEDY. By whom were you approached?

MR. BOWERS. It is on the lease there, if I could have that.

MR. KENNEDY. What is that?

Mr. BOWERS. She was supposed to be the secretary of the union on Miami Beach.

The CHAIRMAN. I present you here to refresh your memory, first for your identification, and to refresh your memory, a copy of the lease to which I think you were referring, and here is also an addenda to it, and you may examine both of them at the same time.

(Documents handed to witness.)

Mr. BOWERS. This is the original of a lease prepared by Roslyn Churnin, who was presumably or represented herself to be secretary of a union on Miami Beach.

Mr. KENNEDY. What kind of a union?

Mr. BOWERS. She did not say what kind of a union at the time, just she was secretary of a union, or the union on Miami Beach.

Mr. KENNEDY. How did you first hear about her?

Mr. BOWERS. The house was advertised for rent and I was living at the place at the time, and she came by, and she talked to me about the house, and she said that she had a lady who had asthma and wanted to move into a home of pecky cypress and she thought it would be better for her to be out on the edge of town. She asked me if I would come over to the motel, Blue Bay Motel, I think, at the end of 79th Street Causeway, and talk to her that evening.

Mr. KENNEDY. Did you go over there?

Mr. BOWERS. I did.

Mr. KENNEDY. Who did you see there?

Mr. BOWERS. I saw Miss Brougher, Mr. Baker, and some 3 or 4 other people, another lady or 2, and I don't recall just who they were. As a result of that, Mr. Baker and Miss Churnin or Mrs. Churnin, whoever she might be, drove in their Cadillac and followed us and Miss Brougher's Buick convertible down to the property south of Miami, about 12 miles from the heart of Miami. They liked the property very much.

Mr. KENNEDY. What kind of property is that?

Mr. BOWERS. It is a small estate, and it has a swimming pool, an acre and a quarter, built of pecky cypress.

Mr. KENNEDY. Go ahead.

Mr. BOWERS. So they liked the property very much, and said they would take it and the rent was \$225 a month, and they maintained the property, which is equal to about \$200 a month, or about \$425. She paid me \$125 and she wanted her attorney to prepare the lease. At the time the property was up for sale, and we agreed that in case she moved out within the year she would give me a 30-day notice, and if the property was sold she should have a 30-day notice. I don't remember whether it was the next day or 2 or 3 days after that she moved into the property. Miss Churnin is the one who paid me at all times.

Mr. KENNEDY. Did you have any conversations with them? When you say she moved into the property, who moved in?

Mr. BOWERS. Miss Brougher and her maid, and a colored fellow, and I think it was the brother of the maid or husband of the maid, and I don't recall.

Mr. KENNEDY. Who was paying all of the bills for these people?

Mr. BOWERS. I don't know about their bills, but Miss Churnin paid me.

Mr. KENNEDY. Where did you understand the money was coming from?

Mr. BOWERS. From the union.

Mr. KENNEDY. Who told you that?

Mr. BOWERS. Miss Churnin and Miss Brougher.

Mr. KENNEDY. What did Miss Brougher say?

Mr. BOWERS. She said I didn't have to worry, that the union was paying the bills.

Mr. KENNEDY. What about Mr. Baker, and what relationship did he have with this situation?

Mr. BOWERS. I did not see Mr. Baker after that until possibly 3 weeks later—2 or 3 weeks later.

Mr. KENNEDY. Where did you see him?

Mr. BOWERS. Miss Churnin had paid the bills and had brought the lease down to the house, and called me and asked me to meet her at the house, and she would have the lease. So I went down and I got there a little bit before she did, and I talked to Miss Brougher, and she happened to see this ring on my finger and she said, "Let me show you some diamonds," and she went into a room and came out with a pasteboard carton, I would say it was about 6 by about 4, and the diamonds all had little catches on them like you see in the store, a jewelry store window, I would say, and she poured them out on the table, and we were looking at them. About that time Miss Churnin came around the corner of the Florida Room, and she came in and she had the \$425 which would have been the first and last month, because they had been in there about a month, and she started counting out the money. About that time Mr. Baker walked around the corner, and Miss Brougher said, "Oh, God, this jewelry has got to get to New York tonight."

Mr. Baker walked in and walked back through the bathroom and she picked the jewelry up and walked into the bedroom. He came out first, and she came out next, and she said, "Well, that is over." Miss Churnin paid me the money and I said, "Well, Miss Churnin, I will take this lease over and look it over and you bring it by the office in the morning and we will execute it." And she did.

Mr. KENNEDY. You say Miss Brougher had a lot of jewelry at that time?

Mr. BOWERS. She did.

Mr. KENNEDY. Do you have any estimate of the value of the Jewelry?

Mr. BOWERS. Well, I saw one star sapphire that had a cluster of diamonds, 25 or 30 carats, and I can hazard a guess that the jewelry was worth approximately \$75,000 to \$100,000.

Mr. KENNEDY. She said she had to turn this over to Baker?

Mr. BOWERS. She did not say that. She said, "This must go to New York tonight".

Mr. KENNEDY. She walked with the box of jewelry into the bedroom with Baker?

Mr. BOWERS. That is right.

Mr. KENNEDY. What was her remark after she came out of the bedroom?

Mr. BOWERS. Baker came out first and she came out following, and she said, "Well, that is over with." And she said, "I have to go to New York in the next couple of days and I won't be here, any anything you do about Miss Churnin will be all right with me."

Mr. KENNEDY. Did you ever meet Tom Burke?

Mr. BOWERS. She introduced me to Tom Burke one afternoon, and I used to go down quite often to show the colored fellow how to vacuum the pool and filter the pool, and operate the sprinklers and the mortars.

Mr. KENNEDY. Who was Tom Burke? Did you know who he was?

Mr. BOWERS. I never saw or heard of him before, and I saw him a couple or three times, but that was the first time I ever saw him.

Mr. KENNEDY. What was he doing around there?

Mr. BOWERS. Well, he was just lounging around and going in the pool, and she introduced me to him as a man who owned a stable of horses.

Mr. KENNEDY. What about Baker? What was he doing?

Mr. BOWERS. They did not tell me, except Miss Churnin told me that he was her boss.

Mr. KENNEDY. Baker was her boss?

Mr. BOWERS. He was her union boss.

Mr. KENNEDY. And was he the one supposed to be paying the bills?

Mr. BOWERS. Well, she said the union would pay the bills, and I did not know whether it came from Mr. Baker or not, and he never paid me any money.

Mr. KENNEDY. How were the bills paid, by check or by cash?

Mr. BOWERS. All in cash, always.

Mr. KENNEDY. Now, did you see them much after that?

Mr. BOWERS. I never saw Mr. Baker after that at all.

Mr. KENNEDY. You never saw whom?

Mr. BOWERS. Mr. Baker.

Mr. KENNEDY. You did not see him in jail?

Mr. BOWERS. Yes, I saw him after she was in jail, and I thought you meant while they were living at the house.

Mr. KENNEDY. Tell us what happened about that.

Mr. BOWERS. Well, some 6 weeks or 2 months after the lease was signed, I was down early and her children were there, and I picked up the Miami Herald one morning, and I had heard and read, of course, of the trouble Miss Brougher had been in, through the Miami Herald, some 2 or 3 years prior to that, but I did not connect it. I saw her picture in the paper and I went down the next day and she said, "Well, I guess you saw my picture in the paper and you want me to move," and I said, "The house is sold, and I would appreciate it if I could get custody of it." And she said, "All right." So I said, "I will refund your last month's rent less your telephone bill," and her daughter came by the apartment, oh, 2 or 3 nights after that, and I gave the check and I believe it was \$143 to refund her last month's rent, less the light bill and the telephone bill, out of the \$225. I did not hear anything from Miss Brougher for maybe 2 weeks. Her daughter told me she was staying at the Bal Harbor Hotel, and I noticed that is where the check was cashed, so I went over and I got a telephone call to come up to the jail and see Miss Brougher. I went up to see her and when they brought her down, I talked to her and

Mr. Baker was there, and she mentioned something about her Buick to me. I said, "Well, I don't know whether I can do anything about it or not," and she said, "Well, we won't worry about it." I said, "Why don't you get yourself a lawyer and see what you can do?" I suggested an attorney there; he is now a judge. She said, "No," and she turned around to walk out, and she said, "No, we have plenty of power in Tallahassee."

Mr. KENNEDY. Who is "we"?

Mr. BOWERS. She was referring to Mr. Baker and he walked out.

Mr. KENNEDY. What was Miss Brougher doing, did you know? What was it, just staying at the hotel or just staying at your place?

Mr. BOWERS. I did not see her do anything, and she told me or Miss Churnin told me she moved there because of having asthma, and she was sick, and I asked a couple of times after that, and she said she felt much better.

Mr. KENNEDY. That was the end?

Mr. BOWERS. That is the last I saw of her until she walked in the courtroom.

The CHAIRMAN. Is there any doubt in your mind that Mr. Baker saw that box of jewels?

Mr. BOWERS. I can give you my opinion, that she gave him the jewels to take to New York, is my opinion.

The CHAIRMAN. I know, but when he came out, when she was displaying them there, I think you said she poured them out.

Mr. BOWERS. That was when he came in. She had them poured out on the table and Miss Churnin came in first and she had the money in cash. Then she said, "My God, there comes Mr. Baker. These jewels have got to go to New York tonight." They walked into the bedroom at this angle. He came out first. I did not see anything in his hands, and she said, "That is over."

The CHAIRMAN. The question I am trying to determine is, could there be any doubt that Mr. Baker saw the jewels there in your presence as he walked in there?

Mr. BOWERS. No, sir, there is no doubt about it.

The CHAIRMAN. They were spread out on the table.

Mr. BOWERS. She was picking them up off the table, and there was an enormous pile of them.

The CHAIRMAN. How many separate pieces of jewelry would you say, or stones, or whatever it was? You say you gave your estimate of \$75,000, roughly.

Mr. BOWERS. I did that, because I had been talking with her about the jewelry when she first came up, and she poured them out on the table. I said, "Merciful heavens, where did you get all of those diamonds?" I know that sapphire was worth ten to fifteen thousand dollars. She had diamonds of 4, 5, and 3 carats, nearly each type of diamond you could think of. It was easily worth \$75,000 to \$100,000.

The CHAIRMAN. It was not a case of 4, 5, or 6 pieces of jewelry.

Mr. BOWERS. No, sir. There was nearly a quart of them.

Senator CURTIS. Were those unmounted stones or were they mounted on rings?

Mr. BOWERS. Every one that I saw was mounted in a ring, a bracelet or something, mostly diamond rings. They had a little celluloid clip on them like you see in the windows of a jewelry store.

Senator CURTIS. That has a price tag and a number?

Mr. BOWERS. A number, and then the price is under it. Some of them were priced \$1,500, some \$25,000, some \$300, some \$10,000.

Senator CURTIS. The prices were on them?

Mr. BOWERS. On them, on the little cellophane tags.

Senator CURTIS. Those tags were on them?

Mr. BOWERS. They were on them.

Senator CURTIS. Were most of these jewels rings?

Mr. BOWERS. Rings?

Senator CURTIS. Were they all rings or some of them pins?

Mr. BOWERS. There could have been a pin or two, but I think they were practically all rings, sir.

Senator CURTIS. Why would a comparative stranger be showing you such a collection of jewels?

Mr. BOWERS. She was a comparative stranger, and the only reason she saw this ring on my finger was while we were sitting waiting for Miss Churnin to come, and she said, "Do you want to see some diamonds?" And I said, "Yes, I like diamonds." That is the only reason I can think of. I was not in the diamond market.

Senator CURTIS. I understand.

Mr. BOWERS. Yes.

Senator CURTIS. Did it create any question in your mind why you were shown what you have described as a quart of precious jewels?

Mr. BOWERS. It did not create any impression as to why I was being shown the rings, but it created an idea as to where the dickens they came from. That is all. I never saw any one person with that many diamonds in my life.

Senator CURTIS. That is all.

The CHAIRMAN. Thank you very much, sir.

Call the next witness.

Mr. KENNEDY. Thomas Douglass.

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

Mr. DOUGLASS. I do.

TESTIMONY OF THOMAS L. DOUGLASS

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

Mr. DOUGLASS. My name is Thomas L. Douglass. I live at 151 Northeast 152d Street in Miami.

The CHAIRMAN. What is your business?

Mr. DOUGLASS. I am in the jewelry business.

The CHAIRMAN. Jewelry?

Mr. DOUGLASS. Yes.

The CHAIRMAN. How long have you been in the jewelry business?

Mr. DOUGLASS. Three years.

The CHAIRMAN. Mr. Douglass, you waive counsel, do you?

Mr. DOUGLASS. I do.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You also have a place in Hyannis, Mass., is that correct?

Mr. DOUGLASS. That is correct.

Mr. KENNEDY. And you are living up there now?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. Mr. Douglass, you spell your name, D-o-u-g-l-a-s-s?

Mr. DOUGLASS. That is correct.

Mr. KENNEDY. And the name of your shop is the Parisienne Jewel Shop?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. And you have that in Hyannis, and you also had a place in Miami, is that right?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. In 1955 and 1956 you operated the Parisienne Jewel Shop at the Bal Harbor Hotel in Miami?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. On Miami Beach, Fla.?

Mr. DOUGLASS. Part of Miami Beach.

Mr. KENNEDY. This was a new hotel opened on January 1, 1955?

Mr. DOUGLASS. That is correct.

Mr. KENNEDY. And owned in part, at least, by a man by the name of Frank McKay, Grand Rapids, Mich.?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. In about March of 1955, did Mr. Tom Burke of the Teamsters move into the hotel?

Mr. DOUGLASS. He did.

Mr. KENNEDY. Shortly after, did Miss Ruth Brougher move in?

Mr. DOUGLASS. Not too long after.

Mr. KENNEDY. Could you describe in your own words what happened then?

Mr. DOUGLASS. Well, Miss Brougher moved in on the penthouse. I think there are two or three sections of it. There are quite a few rooms. I would say perhaps five rooms. Maybe three bathrooms and a sun deck. Mr. McKay has the other rooms there.

Mr. Burke lived on the floor underneath, and he had a single room, as far as I know, with a private bathroom. It was a nice room, but it wasn't on the ocean front.

Mr. KENNEDY. Were they very friendly, Burke and Brougher?

Mr. DOUGLASS. Well, they seemed to be inseparable.

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

Mr. KENNEDY. You were in the jewelry business. Did Mr. Burke have any jewelry down there?

Mr. DOUGLASS. Yes, he did.

Mr. KENNEDY. Where did he keep the jewelry?

Mr. DOUGLASS. In his room.

Mr. KENNEDY. Was there much jewelry?

Mr. DOUGLASS. I would say—took it out of a trunk and would fill the great part of the top drawer of a trunk.

Mr. KENNEDY. Did he bring you in to ask you about the jewels?

Mr. DOUGLASS. He used to visit me in my shop quite often. He visited everybody. He was very friendly and very talkative and he drank a lot. I assumed this was why he talked so much. But it was a known fact that he would just talk about the Teamsters Union and everything in general.

There wasn't anything to hide. He one time came into the shop and asked me if I would mind coming upstairs, he had some jewels he would like for me to appraise. I said, "Well, I am not a diamond jeweler." I deal in costume jewelry only. I had a very few pieces

of diamonds, diamond set pieces in my store. I am not a bonded appraiser in any way.

But I said I would be glad to come up and if I could help him, I would appraise the jewelry. I went upstairs on one occasion, because this happened several times, and he took out of a trunk a handkerchief, a big handkerchief full of diamonds. Most of them were diamonds. I don't remember any pins or bracelets, but there were many diamonds.

He intimated or said to me that these jewels belonged to Ruth Brougher. I know these jewels couldn't belong to Ruth Brougher, because she couldn't possibly wear that many diamonds or own that many diamonds. He asked me to please tell him how much they were worth, which I tried to do with the best of my knowledge. There were many size rings, from 1 carat up—I would say maybe the top ring was a 17- or 18-carat diamond which would be very valuable on today's market, maybe \$3,000 a carat, maybe \$35,000, or maybe only \$12,000, if it was a yellow diamond.

Mr. KENNEDY. It ranged from \$12,000 to \$35,000?

Mr. DOUGLASS. No, the diamonds ranged in price from about \$1,000 up.

Mr. KENNEDY. I mean this particular one.

Mr. DOUGLASS. This one, the least it could be worth would be \$6,000 and it could go up to \$30,000 for this one piece.

Mr. KENNEDY. What were most of the pieces worth? Were there a lot of pieces worth \$5,000 or \$6,000?

Mr. DOUGLASS. Yes.

Mr. KENNEDY. And did this happen or occur more than one time?

Mr. DOUGLASS. Twice.

Mr. KENNEDY. That he showed you these jewels?

Mr. DOUGLASS. That is right, and each time they were different rings.

Mr. KENNEDY. What did you feel about the value each time? What was the value of all the jewelry that you saw in that trunk?

Mr. DOUGLASS. Well, not being a judge of diamonds, only an estimated guess on my part I would say at the 2 showings I saw \$100,000 worth.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Were there any tags of any kind on those rings?

Mr. DOUGLASS. If there were any tags, I don't remember it.

Senator CURTIS. You heard the previous witness?

Mr. DOUGLASS. Yes, and I didn't remember the tags. But they may have been on there. All my rings have tags and I just wouldn't notice something like that. For a man who is not dealing in jewelry, he would notice that right off the bat.

Senator CURTIS. Did they appear to be rings that had been worn?

Mr. DOUGLASS. Yes, they had been worn. It looked to me like some of the stones were dirty, and I said, "I would have to clean these rings up before I could really tell you how much they are worth, because the dirt might tend to make a flaw in the ring, through general appearance."

Senator CURTIS. The metal parts of the ring would show whether they had been worn?

Mr. DOUGLASS. Yes, they are looked, I believe, like they had been worn. But I never saw Miss Brougher wear any of them.

Senator CURTIS. This showing to you took place in Mr. Burke's room?

Mr. DOUGLASS. That is right.

Senator CURTIS. Was anybody else present?

Mr. DOUGLASS. On one occasion, the first occasion, I don't recall anybody being there. On the second occasion, I believe some men came into the room, which I could not identify, and they were probably business acquaintances of Mr. Burke. He excused himself, which meant for me to leave the room, which I did do, and go back downstairs.

Senator CURTIS. Did Mr. Burke say anything about where he had gotten these jewels?

Mr. DOUGLASS. He intimated that they were Ruth Brougher's, and he wanted to get an appraisal and how much they were worth. But I thought, "My gosh, where could she get so many diamonds?" I couldn't imagine.

Senator CURTIS. The ring bands, were they for a lady's hand or a man's hand?

Mr. DOUGLASS. As far as I can recollect, they were all women's rings. There were large emerald cut stones, there were large stones, and pear shape, and marquise cut, and just a very nice variety of rings, like you would see in Van Cleef & Arpels, on Fifth Avenue.

Senator CURTIS. Were you surprised at the showing at the quantity?

Mr. DOUGLASS. Well, when you see that many diamonds rolled up in an handkerchief it does make you a little surprised or wonder where they came from, or something like that.

Senator CURTIS. The only explanation Burke gave was that they were Miss Brougher's?

Mr. DOUGLASS. That is the only way I knew where they came from.

Senator CURTIS. Did Burke say that they were Miss Brougher's?

Mr. DOUGLASS. He intimated that he had some rings of Ruth's that he wanted me to appraise.

Senator CURTIS. But he didn't come right out—

Mr. DOUGLASS. He said that one time, the next time he didn't tell me whose they were. He just said, "I have some more rings. I wish you would come upstairs and appraise me for it," and I went upstairs. I wasn't paid for this in any way.

Miss Brougher did buy a few things from me, but nothing of value in my ring. I did have one of her rings to fix one time, the one that has been in the discussion so much today.

Senator CURTIS. Did you find Mr. Burke pretty talkative?

Mr. DOUGLASS. He is very talkative all the time, to everybody, and I was no exception.

Senator CURTIS. You are referring to that as his general conduct around the hotel?

Mr. DOUGLASS. Yes, with all the bellboys, the manager, and all the girls at the desk. He was very friendly.

Senator CURTIS. And if he had a little more to drink, he would talk a little more freely?

Mr. DOUGLASS. I don't know. I suppose he was drinking all the time. He was on a nice vacation or something like that.

Senator CURTIS. What rings did you repair?

Mr. DOUGLASS. Pardon me?

Senator CURTIS. You repaired a ring?

Mr. DOUGLASS. I repaired the large ring that everyone has described as a star sapphire. It was not a star sapphire, it was a star ruby. It was not 25 carats, it must have been at least 100 carats. It didn't have 25 stones, it had at least 38 or 40 diamonds.

Senator CURTIS. Do you have an estimate as to its value?

Mr. DOUGLASS. This was a Lindy star ruby, and it is made from the atomic bomb program. It is considered a genuine stone, but it is a manmade stone. It is worth about \$20 a carat retail, plus the diamonds and the platinum mounting.

Senator CURTIS. That would figure up to about what?

Mr. DOUGLASS. I haven't really figured it on paper, but I could right quick, if you want me to.

Senator CURTIS. Just make a rough estimate for our record.

Mr. DOUGLASS. I would say the stone cost \$2,000, the platinum mounting \$500, and the diamonds \$500. That is \$700. I would figure the ring around \$3,200. That belonged to Miss Brougher, and she told me it was her own and I knew it to be hers, because she wore it all the time. It was a beautiful ring. It looked much more expensive than it was, however.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. Is that retail or wholesale, the \$3,200?

Mr. DOUGLASS. That is retail price.

Mr. KENNEDY. What was Burke doing down there?

Mr. DOUGLASS. He told everybody that he was on vacation and that he had been temporarily taken off the payroll of the Teamsters Union, and that when he got in good, when his behavior was corrected, they would take him back and he would again be on the payroll.

The CHAIRMAN. When his what was corrected?

Mr. DOUGLASS. When his behavior was corrected. I assumed that to mean when he would stop drinking and would know what he was doing when he was carrying on business.

Mr. KENNEDY. Did he tell you about the Teamsters Union?

Mr. DOUGLASS. Yes, he told me some things about it, as he told everybody. It was not any secret session I had with him in his room. He spoke every place, all over the lobby or in the coffee shop or any place.

Mr. KENNEDY. Did he describe to you what they could do with Florida?

Mr. DOUGLASS. He didn't say what they could do with Florida, to me.

Mr. KENNEDY. Did Mr. Baker come down then? Barney Baker?

Mr. DOUGLASS. Mr. Baker came on several occasions to the Bal Harbour Hotel.

Mr. KENNEDY. Who was Barney Baker? Who did you find out that he was?

Mr. DOUGLASS. He was supposed to be Miss Brougher's boy friend.

Mr. KENNEDY. What was he doing down there?

Mr. DOUGLASS. I don't know what he was doing down there, other than to come down to see Miss Brougher and bring her some money.

Mr. KENNEDY. Was he paying all of her bills?

Mr. DOUGLASS. I assume he was paying all of them, and as far as I know through her he was paying all of the bills for her.

Mr. KENNEDY. Was there always a considerable amount of money available?

Mr. DOUGLASS. There seemed to be plenty around every place for everybody.

Mr. KENNEDY. How often would Baker come down there and see Miss Brougher?

Mr. DOUGLASS. I am not sure how many times he came, but I believe three times, including the last time that he came after she was taken away to jail.

Mr. KENNEDY. Were there many other guests at the hotel?

Mr. DOUGLASS. No. They were just about the only guests. There were about 8 people all together during the summer there, and they made up 5 or 6 of those, counting her children.

Mr. KENNEDY. Did they pretty well run the hotel?

Mr. DOUGLASS. They seemed to have the whole run of the hotel. Naturally, they were the only ones there.

Mr. KENNEDY. What about the manager? Did they tell you anything about him?

Mr. DOUGLASS. Well, he was an old man, and he wasn't too really capable of running the hotel, and they didn't like the way he treated them. Mr. Burke said that he could have him fired, and he did, in a few days.

Mr. KENNEDY. He had the manager of the hotel fired?

Mr. DOUGLASS. He had him fired, or he was fired. I don't know if he had the power to do it or not, but the man was fired.

Mr. KENNEDY. What did he say he was going to do to him before he got fired?

Mr. DOUGLASS. In what way?

Mr. KENNEDY. To his automobile.

Mr. DOUGLASS. He told me that by pouring something into the crankcase—

Mr. KENNEDY. Shellac?

Mr. DOUGLASS. Shellac, I believe it was—that he could crack the block on it.

Mr. KENNEDY. Did he say he was going to do that to the car of the manager?

Mr. DOUGLASS. That is what he said he was going to do. Pretty soon I heard the car would not go, and it was backfiring and everything, the poor old man. It was an old, beat-up car. It was about to fall down anyway.

Mr. KENNEDY. Were there any guns around there?

Mr. DOUGLASS. Yes; plenty of them.

Mr. KENNEDY. Where did they keep their guns?

Mr. DOUGLASS. Well, Mr. Baker has already testified where he kept them, and that is where he did.

Mr. KENNEDY. Do you mean Mr. Burke?

Mr. DOUGLASS. Mr. Burke.

Mr. KENNEDY. He kept them in his room?

Mr. DOUGLASS. He kept them in his room. He carried them through the lobby.

Mr. KENNEDY. Did he walk through the lobby carrying these guns?

Mr. DOUGLASS. Sure. There was not any secret about it or anything. It was just out in the open.

The CHAIRMAN. Do you know of any target practice he engaged in?

Mr. DOUGLASS. I don't know where the targets could be.

Senator MUNDT. What kind of guns were they? Revolvers, machineguns, shotguns?

Mr. DOUGLASS. I am not familiar with guns, but they were all types.

Senator MUNDT. You said you saw him carrying them through the lobby. If they were pistols, he would probably put them in his pocket.

Mr. DOUGLASS. The only pistols I saw were in his room. He had guns upstairs, though, in leather cases, and that is the way he carried them through the lobby, in cowhide leather cases you would carry guns in.

Senator MUNDT. Would they be shotguns, sawed-off shotguns?

Mr. DOUGLASS. They looked like that type, a rifle, but I don't know.

Senator MUNDT. With a long barrel?

Mr. DOUGLASS. That is right.

Senator MUNDT. Did he have any machineguns?

Mr. DOUGLASS. Not to my knowledge.

Mr. KENNEDY. Then did they move out of the Bal Harbour Hotel?

Mr. DOUGLASS. They moved into my house.

Mr. KENNEDY. When was that?

Mr. DOUGLASS. Mrs. Brougher leased my house to live in for the remainder of the time before she was taken away to jail.

Mr. KENNEDY. What was the name of your house?

Mr. DOUGLASS. Lost Acre.

Mr. KENNEDY. What were the financial arrangements on that?

Mr. DOUGLASS. Well, the house was to be rented for \$300 a month, and Miss Brougher, or Mr. Baker, who was to pay for the house, was to pay all the expenses of the house. That included the yardman, the pool man, and any water utility bills. They paid me \$1,000 in advance and were to pay \$250 each month until the balance of the \$3,600 was paid. I did this to protect myself so that when the season came, I would have the money before it was over.

Mr. KENNEDY. Was the \$1,000 paid in advance?

Mr. DOUGLASS. That was paid in advance.

Mr. KENNEDY. Was that by check or cash?

Mr. DOUGLASS. By cash, \$100 bills.

Mr. KENNEDY. Did you receive all of your money in cash?

Mr. DOUGLASS. All of it.

Mr. KENNEDY. All in \$100 bills?

Mr. DOUGLASS. Always in \$100 bills.

Mr. KENNEDY. Where were they getting all this money?

Mr. DOUGLASS. Mr. Baker would bring it.

Mr. KENNEDY. Do you know where he was getting all the money?

Mr. DOUGLASS. Well, it was just common knowledge that the Teamsters Union was financing the whole thing. I mean that is what they all said. Even in the hotel, the Teamsters paid the bills.

Mr. KENNEDY. That is what we understand, but I wanted to find out.

Mr. DOUGLASS. I don't know that to be a fact. I mean it is just hearsay.

Mr. KENNEDY. They all had money continuously, the three of them, Burke, Baker, and Brougher?

Mr. DOUGLASS. Well, near the end, Miss Brougher did not have any money. I don't know what happened. They must have cut her money off. I went for the rent one day and she did not have it. She said, "I have to wait for Mr. Burke to bring the money to me."

Mr. KENNEDY. Mr. Baker or Burke?

Mr. DOUGLASS. Mr. Baker. I am sure she told me the truth.

Mr. KENNEDY. How much money do you think they were spending down there during this period of time, the three of them?

Mr. DOUGLASS. I have no idea. I just know what the hotel bill was, which was brought out in the trial today, that the manager and the bellhops and everybody knew what the hotel bill was for only Mr. Burke. Nobody knew what Miss Brougher was paying.

Mr. KENNEDY. Was there any question about how he was going to get the bill paid?

Mr. DOUGLASS. Yes. He told everybody that when he got in good standing with the union, they would pay the bill, and they did.

Mr. KENNEDY. Who did he talk about in the union that he was close to?

Mr. DOUGLASS. He did not talk about anybody to me.

Mr. KENNEDY. Did he mention anybody's name particularly?

Mr. DOUGLASS. No; but he showed me the letter when it came paying his last bill, but not being interested in who the union was or the names on the letters I did not read it. But he put it right in my face, and I assume that is the letter that you showed today. I don't know. I did not examine it. It is like somebody shows you something and you look at it and they take it right back.

Mr. KENNEDY. Did he say he was close to any particular person in the union?

Mr. DOUGLASS. No, not to me he did not, other than Mr. Baker. That was obvious, that he was close to him, because he was there with him.

The CHAIRMAN. Will you identify this lease?

(Document handed to witness.)

The CHAIRMAN. The lease testified to by the previous witness may be made exhibit 72 with the addenda.

(The lease referred to was marked "Exhibit No. 72," for reference and may be found in the files of the select committee.)

The CHAIRMAN. Do you identify that lease?

Mr. DOUGLASS. Yes, sir. That is the lease that was made out by me and signed by Miss Brougher. She signed Mr. Baker's name to it.

The CHAIRMAN. She signed Mr. Baker's name?

Mr. DOUGLASS. That is right, witnessed by her ex-husband, Joe Sylvestri.

The CHAIRMAN. Her ex-husband?

Mr. DOUGLASS. That is what they told me.

Mr. KENNEDY. Was he staying there with them?

Mr. DOUGLASS. He was a guest there. I don't know whether he stayed there or not. They told me that Mr. Sylvestri had a room across the street, but every time that I would have occasion to go there, he would be there.

The CHAIRMAN. That may be made exhibit No. 73.

(The document referred to was marked "Exhibit No. 73," for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Did Mr. Burke tell you during these periods of times how he organized?

Mr. DOUGLASS. He told me how powerful the union was in the coffeeshop one day, and he cited two experiences, one of which you already brought out in the case of Miss Brougher, about cutting off the electricity at the Sonja Henie ice show so she would have no ice or lights to skate by. The second thing he told me about was the collapsing of the bleachers. I don't know whether it was the side-show—I can't remember this—or the Ringling Bros. Circus, something similar to that.

Mr. KENNEDY. What happened?

Mr. DOUGLASS. And a lot of people were hurt, and I believe some people were killed, but I don't know this to be a fact. That is what he told me.

Mr. KENNEDY. Did he tell you that people were killed?

Mr. DOUGLASS. That people were killed.

Mr. KENNEDY. That they pulled the bleachers down?

Mr. DOUGLASS. They pulled the bleachers down.

The CHAIRMAN. Which one was it that told you that?

Mr. DOUGLASS. Mr. Burke. But he told that to everybody, so it was not any secret.

Mr. KENNEDY. When Ruth Brougher went to prison, did Baker tell you anything about the fact that you had been nice to her?

Mr. DOUGLASS. Yes. He called me to the house the day after she had been taken away. He wanted to thank me for being so nice to her. He asked me what kind of a car I was driving. At the time I had a Chevrolet truck, and I had the truck at the house that day. He said, "It looks like an old model. I will send you a new Chevrolet." I am still waiting for it.

Mr. KENNEDY. That was for being nice to Ruth Brougher?

Mr. DOUGLASS. That is what he said.

Mr. KENNEDY. Was he angry with George Everett?

Mr. DOUGLASS. Yes; he seemed to be angry at him, but I don't know if he really was angry at him or not.

Mr. KENNEDY. Who is George Everett?

Mr. DOUGLASS. That was Miss Brougher's lawyer.

Mr. KENNEDY. Had they given Mr. George Everett any money?

Mr. DOUGLASS. They claimed —

Mr. KENNEDY. Who is "they"?

Mr. DOUGLASS. Miss Brougher, Mr. Baker, and Mr. Sylvestri all claimed that they had given him \$9,000 for doing nothing.

Mr. KENNEDY. What was he supposed to do with the \$9,000?

Mr. DOUGLASS. He was supposed to get her off from going to prison.

Mr. KENNEDY. Was he supposed to pay this money to someone?

Mr. DOUGLASS. Well, he must have been going to pay it to someone or keep it himself; I don't know.

Mr. KENNEDY. I am just asking about what they said to you about it.

Mr. DOUGLASS. Yes. He was supposed to get her off.

Mr. KENNEDY. Was there any discussion about giving it to a judge or giving it to someone; the \$9,000?

Mr. DOUGLASS. Well, the way I would interpret what they said, it was to get—to fix it so that she would not have to go to prison.

Mr. KENNEDY. Evidently it was not successful, because she went to prison.

Mr. DOUGLASS. Well, she was rather surprised when she was called suddenly and had to go.

Mr. KENNEDY. What did Baker say about the fact that Everett was unsuccessful?

Mr. DOUGLASS. He said he would kill him for it.

Mr. KENNEDY. For being unsuccessful?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. He told you that?

Mr. DOUGLASS. He told me that.

Senator MUNDT. Who is Mr. Sylvestri? That is a new name to me.

Mr. DOUGLASS. Mr. Sylvestri is, as I understand it, an ex-jockey who was married to Miss Brougher at one time and the father of 1 or 2 of her children. I am not sure about it, but I know he was an ex-husband.

Senator MUNDT. Mrs. Sylvestri, then, married a man by the name of Brougher after that.

Mr. DOUGLASS. I don't know that to be true.

Senator MUNDT. Where does the name "Miss Brougher" come from?

Mr. DOUGLASS. I have no idea.

Mr. KENNEDY. She has been married several times. Mr. Sylvestri is known as Three-Finger Joe Sylvestri, and is now in prison.

Senator MUNDT. When you knew Miss Brougher, was Mr. Sylvestri her most recent husband?

Mr. DOUGLASS. As far as I know, he was.

Senator MUNDT. I could not quite understand. It seems like a peculiar arrangement. You rented the house. Boy Friend Baker rents a house for the mistress and the ex-husband shares the house with them. It seems like a curious arrangement.

Mr. DOUGLASS. It seems pretty mixed up to me, too.

Senator MUNDT. But that is the way it was?

Mr. DOUGLASS. Unless he could have been there to protect her. I don't know. I guess that is what he was there for.

Senator MUNDT. To protect her against Baker?

Mr. DOUGLASS. I don't know who. She was, I think, pretty frightened.

Senator MUNDT. What was she frightened about?

Mr. DOUGLASS. I guess she was frightened somebody was going to hurt her, damage her, or try to kill her; I don't know. She nailed all the windows and doors shut in the house, and I had a terrible time getting these heavy spikes out of there.

Senator MUNDT. That was not in the lease, was it?

Mr. DOUGLASS. No; it was not. She did not do any damage to the house other than that, though. She took very good care of the house; I will say that.

Senator MUNDT. Have you interviewed the gardener and the swimming pool man? They must have been there all the time.

Mr. KENNEDY. About what?

Senator MUNDT. About Baker's activities.

Mr. KENNEDY. I think we have that pretty well.

Senator MUNDT. You say there were about three times that he came there?

Mr. DOUGLASS. Well of course, I was not there all the time. They were in the house quite a while. I don't know how many times he came, but I think only three times, to my knowledge.

Senator MUNDT. When he would come, did he stay a matter of hours or a day or a week?

Mr. DOUGLASS. Just a short time. Maybe a day or 2 days at the longest.

(Senator McClellan left the room.)

Mr. KENNEDY. How did he describe what he was going to do with Mr. Everett other than kill him? Did he use any expression?

Mr. DOUGLASS. Well, he used a phrase, which he said was an Italian phrase, to me. I can't remember it exactly but it went something like this: Like wine in a bottle when one runs dry, his blood will be the same way, or something like that.

Mr. KENNEDY. You will have to say that again.

Mr. DOUGLASS. Well, I don't remember exactly, because I can't remember it.

Mr. KENNEDY. Was it anything about 24 hours?

Mr. DOUGLASS. He said in 24 hours, like wine runs dry in a bottle, his blood will be the same way.

Senator CURTIS. Mr. Chairman.

Senator IVES. Senator Curtis.

Senator CURTIS. Coming back to this hotel, where you have your jewelry store, what is the name of the hotel?

Mr. DOUGLASS. That is the Bal Harbor Hotel.

Senator CURTIS. Where is it located—what street?

Mr. DOUGLASS. It is 101st Street and Collins Avenue, Bal Harbor, Fla.

Senator CURTIS. Who owns it?

Mr. DOUGLASS. It is owned by several people, as far as I know. I don't know really who does own it. I know Mr. McKay is one of the stockholders.

Senator CURTIS. Who is Mr. McKay?

Mr. DOUGLASS. Mr. Frank McKay. He is a newspaperman, I think, from Detroit. I am not sure where he is from.

Senator CURTIS. Do you know who any of the other owners are?

Mr. DOUGLASS. Well, it was debatable who they were, Mr. Hitchy is an owner.

Senator CURTIS. Who is he?

Mr. DOUGLASS. A Ford dealer from some place in Michigan, I believe. Mr. Clark was made an owner because he was not paid his money.

Senator CURTIS. What was Mr. Clark?

Mr. DOUGLASS. He was the builder of the hotel.

Senator CURTIS. Do you know his first name?

Mr. DOUGLASS. He is dead. His name is Chauncey Clark.

Senator CURTIS. Do you know any of the other owners?

Mr. DOUGLASS. Well, there were quite a few people that claimed they owned little sections of it. I don't know whether they bought them out or how it was. I don't know the details of it.

Senator CURTIS. Where were those people from?

Mr. DOUGLASS. I don't know.

Senator CURTIS. Do you know if they were Floridians or somebody from Detroit?

Mr. DOUGLASS. I don't know that.

Senator CURTIS. A manager got fired while you were there?

Mr. DOUGLASS. Yes, he did.

Senator CURTIS. What was his name?

Mr. DOUGLASS. I can't think of his name right now.

Senator CURTIS. Do you know who fired him?

Mr. DOUGLASS. I assume Mr. McKay fired him. I don't know who fired him.

Senator CURTIS. And which one of these men was it that became angry with him and said he was going to have him fired?

Mr. DOUGLASS. Mr. Burke said he could have him fired. I don't know whether he had him fired or not. He was sort of an old man. He was rather senile. He was not really a good manager.

Senator CURTIS. Were there any of these owners or individuals thought to be owners that were personal friends of Mr. Burke and Mr. Baker?

Mr. DOUGLASS. I really don't know that.

Senator CURTIS. That is all.

Mr. KENNEDY. Did Mr. Burke or Miss Brougher introduce you to a man at the house who suggested you go into some business?

Mr. DOUGLASS. Yes.

Mr. KENNEDY. What was that? Who introduced you?

Mr. DOUGLASS. Well, they were all there one day, and this man was there. I don't remember, I cannot remember his name at the present time. I have heard it. I think I would know it. He was there with his wife—I guess it was his wife—and several days later he came to me and tried to get me to open a bookie with him. He said he was completely protected by the law enforcement and politics on Miami Beach, and if I would put up \$3,000 into his bookie, that he would see that at the end of 1 week I would have the \$3,000 back and probably another \$3,000 to go with it, and if I did not trust him, that I could sit right there and listen to all the phone calls and have a man there with me to collect the money.

Mr. KENNEDY. This was somebody you met out at this house?

Mr. DOUGLASS. This is right.

Mr. KENNEDY. That Burke and Miss Brougher introduced you to?

Mr. DOUGLASS. That is right.

Mr. KENNEDY. What was your impression about all of this? Did you understand that this was a typical union operation?

Mr. DOUGLASS. Well, I am not familiar with the unions, so I did not understand too much about it.

Mr. KENNEDY. What did you think these people were doing?

Mr. DOUGLASS. How do you mean, what do I think? Can you phrase that question a little better?

Mr. KENNEDY. What was their operation? What did you think of their operation?

Mr. DOUGLASS. Well, I thought from what Mr. Burke told me that they could be very dangerous if people did not cooperate with them.

Mr. KENNEDY. What did he tell you about that?

Mr. DOUGLASS. Just about the two things that I have already related, about the circus and the Sonja Heine show.

Mr. KENNEDY. Did Mr. Baker state anything to you about what would happen to people that opposed them, or about getting even with those people?

Mr. DOUGLASS. I don't remember.

Mr. KENNEDY. You don't remember anything about the fact that they could get even with them?

Mr. DOUGLASS. I think there was something about that, but I don't remember, except for about that lawyer that they had.

Mr. KENNEDY. I think that is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions?

If not, thank you very much. Call the next witness.

Mr. KENNEDY. Miss Brougher.

TESTIMONY OF RUTH ANN BROUGHER

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Miss Brougher, we have had some discussion this afternoon about some jewelry, some jewelry that was seen in your possession by Mr. Bowers. Did you have some of this jewelry in your possession?

Miss BROUGHER. I had some jewelry; yes, sir.

Mr. KENNEDY. Where did you obtain that jewelry?

Miss BROUGHER. Ben Graber, Miami, Fla.

Mr. KENNEDY. Who was he?

Miss BROUGHER. He is in the jewelry business and owns two dress shops there, Graber, Inc. He is located in the Biscayne Shopping Center.

Mr. KENNEDY. Does he actually have a jewelry shop?

Miss BROUGHER. He has always dealt in jewelry since I have known him.

Mr. KENNEDY. But he does not have a jewelry shop, does he?

Miss BROUGHER. Not at the present, I don't believe.

Mr. KENNEDY. Did he at that time?

Miss BROUGHER. No.

Mr. KENNEDY. He gave you jewelry to sell; is that right?

Miss BROUGHER. Yes, he did.

Mr. KENNEDY. Do you know where he got the jewelry from?

Miss BROUGHER. He bought it from a diamond market, the best of my knowledge, in Miami, and it was always tagged and he always had bills of sale for it or consignment slips for it.

Mr. KENNEDY. Who was selling the jewelry?

Miss BROUGHER. He gave me a few pieces to sell at times.

Mr. KENNEDY. Did Baker or Burke have anything to do with this?

Miss BROUGHER. Baker went to Mr. Graber's house one night and got some to take to New York.

Mr. KENNEDY. He was going to sell jewelry in New York?

Miss BROUGHER. They had the conversation privately. I really don't know. You can confirm all those facts by Mr. Graber.

Mr. KENNEDY. Did you understand that he was trying to sell jewelry as well, that Baker was?

Miss BROUGHER. The only thing I understood was, for Mr. Graber, that I was responsible for it. He knew me and he did not know the union people.

Mr. KENNEDY. Did he turn the jewelry over to you and you turned it over to him?

Miss BROUGHER. I turned it over to Mr. Baker.

Mr. KENNEDY. Was Mr. Burke involved in this?

Miss BROUGHER. I don't know whether Mr. Burke has had some of Graber's jewelry in his possession. I don't know if it is the same. I don't believe Mr. Burke or Mr. Baker had any other kind of jewelry. I think that it was legitimate jewelry.

Mr. KENNEDY. Well, as far as the——

Miss BROUGHER. The only jewelry that I ever had in my possession was legitimate jewelry.

Mr. KENNEDY. And you dealt with Baker but you did not deal with Burke.

Did you turn over some of this jewelry to Baker?

Miss BROUGHER. Baker and Mr. Graber talked together at Mr. Graber's home. I drove them out there.

Mr. KENNEDY. Did you ever turn over any of the jewelry that you had to Mr. Baker to sell?

Miss BROUGHER. Yes, some of it would be in Mr. Baker's possession.

Mr. KENNEDY. Would he go to New York to sell that jewelry?

Miss BROUGHER. He was in New York, but I took the jewelry back. He did not make the transaction. I don't know what he had in mind. I did not ask him.

Mr. KENNEDY. Did he take any jewelry to New York?

Miss BROUGHER. I don't remember whether he took the jewelry or I took it, but I know I brought it back to Mr. Graber.

Mr. KENNEDY. Were you trying to sell it in New York?

Miss BROUGHER. I don't know what he was going to do with it.

Mr. KENNEDY. What about you, when you took your jewelry up? Were you trying to sell it up there?

Miss BROUGHER. No, I did not show it to anyone.

Mr. KENNEDY. Who brought the jewelry up to New York; you said you brought it back. Did you bring some jewelry back from New York?

Miss BROUGHER. Yes.

Mr. KENNEDY. You picked up jewelry there?

Miss BROUGHER. I flew up there, but I don't remember if I flew up with Mr. Baker or alone.

Mr. KENNEDY. Who did you get the jewelry from up there?

Miss BROUGHER. If Barney and I did not take it up together, I must have took it up.

Mr. KENNEDY. Then were you trying to sell it up there?

Miss BROUGHER. I don't know what he had in mind. I think that he had a sale of jewelry in mind, yes.

Mr. KENNEDY. Who is he?

Miss BROUGHER. Mr. Baker.

Mr. KENNEDY. Then you and Baker brought some jewelry up there, and you brought it back?

MISS BROUGHER. I brought it back and returned it to Mr. Graber.

MR. KENNEDY. Did you buy any jewelry up there in New York?

MISS BROUGHER. No, I did not.

MR. KENNEDY. Who did you try to sell the jewelry to?

MISS BROUGHER. I did not try to sell the jewelry to anybody. Mr. Baker had a conversation with Mr. Graber as to who he was going to show it to, and I did not overhear the conversation.

MR. KENNEDY. Did Baker send you to Paul Dorfman with some jewelry?

MISS BROUGHER. I went to see Paul Dorfman with some jewelry and showed him some, yes.

MR. KENNEDY. Where had you gotten that jewelry?

MISS BROUGHER. Mr. Graber.

MR. KENNEDY. Did Baker arrange for that?

MISS BROUGHER. Yes, it was arranged through Baker or Mr. Burke, either one. I don't remember.

MR. KENNEDY. It was explained to you that Paul Dorfman could get rid of the jewelry?

MISS BROUGHER. I think that he buys jewelry on the side, or is in that business or interested or something.

MR. KENNEDY. And he was supposed to be a union official at that time?

MISS BROUGHER. I think so. I think he had something to do with the insurance or welfare end of it. I don't remember.

MR. KENNEDY. I have just one other thing.

Did you see Mr. Burke with any of these guns?

MISS BROUGHER. Mr. Burke had guns in his room; yes.

MR. KENNEDY. Did you ever see him take a gun out and throw it away?

MISS BROUGHER. Well, I drove with him in the car one night and he threw a gun in the bay, next to the Blue Bay Motel.

MR. KENNEDY. Do you know why he threw the gun into the bay?

MISS BROUGHER. I imagine he just didn't like it.

SENATOR GOLDWATER. Was it a pistol or a rifle?

MISS BROUGHER. A rifle.

SENATOR CURTIS. Mr. Chairman?

THE CHAIRMAN. Senator Curtis.

SENATOR CURTIS. You heard Mr. Bowers testify, didn't you?

MISS BROUGHER. Yes.

SENATOR CURTIS. Mr. Bowers was the landlord of one of the houses?

MISS BROUGHER. Yes.

SENATOR CURTIS. Will you tell us about the occasion when you showed him the jewels, brought them out in a small box. Was it substantially as he reported it?

MISS BROUGHER. Well, not quite so many gems; no. They were Mr. Graber's jewelry, and Barney wanted—I think that Barney wanted to see them. Then I think that was near the time that the Chicago trip was made.

SENATOR CURTIS. But you did show him some jewels in a box?

MISS BROUGHER. Yes, sir, because we were looking at his diamonds and we were comparing prices and color.

SENATOR CURTIS. How many do you think were in the box?

MISS BROUGHER. Well, Mr. Graber would have an itemized list of what he let us have.

Senator CURTIS. Were those new rings?

Miss BROUGHNER. No. Mr. Graber bought up rings at a price and at bargains and only when he would see an extremely good buy. He would tie his money up in it and then get rid of it at a profit, and if you sold it for him, you would split the profit with him.

Senator CURTIS. Sort of a pawnshop arrangement?

Miss BROUGHNER. Well, I never did get that personal with the man. I have known him for years, but I didn't ask him how he got his jewelry.

Senator CURTIS. Did the rings have tags on them?

Miss BROUGHNER. Yes.

Senator CURTIS. What was on the tags?

Miss BROUGHNER. The prices.

Senator CURTIS. That was the price that you would ask?

Miss BROUGHNER. And also always he would give you a slip, listing what he had given you and the prices, and also, I guess, that probably he might have, in case you were going out of town, might take a floater insurance policy.

I don't know how he handled that sort of thing. But I know that he kept them listed, and they were returned.

Senator CURTIS. The rings that you showed Mr. Bowers, did they appear to be—I am speaking not of the jewels but of the bands—did they appear to be new or nearly new, or did they show wear?

Miss BROUGHNER. Some were new, and some had been stones that had been remounted in new platinum mountings and that sort of thing.

Senator CURTIS. Do you know anything about these jewels that Mr. Burke showed to Mr. Douglass?

Miss BROUGHNER. No. I can't imagine Mr. Burke showing any kind of jewels to Mr. Douglass, other than Mr. Graber's. They wouldn't be anything that I would know anything about.

Senator CURTIS. What is Mr. Graber's first name?

Miss BROUGHNER. Ben Graber, Sr.

Senator CURTIS. Where does he live?

Miss BROUGHNER. Well, they built a new home after I was incarcerated, and I would tell you where it is.

Senator CURTIS. He lives in Miami or in Miami Beach?

Miss BROUGHNER. It is in Miami.

Senator CURTIS. Where is his place of business?

Miss BROUGHNER. At the Biscayne Shopping Center, at 79th Street and Biscayne.

Senator CURTIS. Did you ever turn over some jewels to Burke?

Miss BROUGHNER. Never—

Senator CURTIS. Either of your own or Mr. Graber's?

Miss BROUGHNER. Mr. Burke knows Mr. Graber, and they have had a diamond conversation together. I mean, he has seen Mr. Graber's diamonds. How long he has had them in his possession, I do not know.

Senator CURTIS. Did you pay Mr. Graber when you would get the jewels or after you would sell them?

Miss BROUGHNER. Only after they were sold.

Senator CURTIS. Did you ever turn any money over to Mr. Graber for Mr. Burke, for jewels he had sold?

Miss BROUGHNER. No; Mr. Burke, nor Barney Baker, to my knowledge, have never bought anything from Mr. Graber.

I bought Mr. Baker a diamond watch from Mr. Graber, with Mr. Baker's money.

Senator CURTIS. How much was the one you just described that you bought?

Miss BROUGHER. The watch?

Senator CURTIS. Yes.

Miss BROUGHER. I don't know how much it was worth retail, because Ben Graber gave it to me for a very good buy.

Senator CURTIS. What did you pay for it?

Miss BROUGHER. I think \$250 or \$300. It was not too much. I think the watch sold for around \$500, maybe, I don't know the prices of watches. It was just a plain man's watch with diamond numerals.

Senator CURTIS. These jewels that went up to New York, were they Mr. Graber's?

Miss BROUGHER. The ones I took there were Mr. Graber's. The only jewels I know about at all belonged to Mr. Graber.

Senator CURTIS. Where did this big ring that has been described as a very large ruby—was that yours?

Miss BROUGHER. That was mine.

Senator CURTIS. Where did you get it?

Miss BROUGHER. That was bought in New York.

Senator CURTIS. By whom?

Miss BROUGHER. By myself.

Senator CURTIS. You bought it?

Do you remember where?

Miss BROUGHER. No. I have a strongbox in Miami that has the receipts for the insurance and all that sort of thing on the ring.

Senator CURTIS. What did you have it insured as?

Miss BROUGHER. The ring was insured, I believe, for \$5,500, and the diamond ring was insured for around \$5,000.

You see, those policies were naturally all dropped when I went in.

Senator CURTIS. Do you remember what year you bought this big ruby ring?

Miss BROUGHER. It must have been in—it was during the war, a long time ago. The mounting was given to me as a present by Louis Ronco, who has the Americana Hotel in Miami Beach, and the mounting he paid \$1,500 for.

Senator CURTIS. What is his name?

Miss BROUGHER. Louis Ronco.

Senator CURTIS. He gave you the mounting?

Miss BROUGHER. He gave me. It was a diamond horseshoe, and he gave it to me for a present. It was valued at \$1,500, just the mounting alone.

Senator CURTIS. He still lives down there?

Miss BROUGHER. Well, the Americana—the hotel is only about a year only. He formerly was at the Traymore Hotel in Atlantic City.

Senator CURTIS. But the gentleman still lives there, to your knowledge?

Miss BROUGHER. He works there.

Senator CURTIS. He works there?

Miss BROUGHER. Yes.

Senator CURTIS. That is all.

Mr. KENNEDY. The jewelry that you turned over to Barney Baker, Baker testified that it was done with pawn tickets. Did you actually turn the jewelry over to him, or did you give him a pawn ticket or what?

Miss BROUGHER. I couldn't have given the gentleman a pawn ticket because I was in jail. If the jewelry was pawned, it would have had to be by somebody else. You can check that by the signature on the ticket.

Mr. KENNEDY. So when he says all you did was turn over to him the pawn tickets, his testimony is not correct?

Miss BROUGHER. It is not correct.

Mr. KENNEDY. You turned the jewels over to him?

Miss BROUGHER. I was in jail and I couldn't have given him pawn tickets.

The CHAIRMAN. All right. Thank you. The committee will stand in recess until 10:30 next Tuesday morning.

(Whereupon, at 5:10 p. m. the hearing recessed, to reconvene at 10:30 a. m. August 26, 1958, with the following members present: Senators McClellan, Ives, Mundt, Goldwater, and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

TUESDAY, AUGUST 26, 1958

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

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, 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 Carl T. Curtis, Republican, Nebraska;

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adleman, assistant chief counsel; Paul Tierney, assistant counsel; John J. McGovern, assistant counsel; Carmine S. Bellino, accountant; Pierre E. Salinger, investigator; Leo C. Nulty, investigator; James P. Kelly, investigator; Walter J. Sheridan, investigator; James Mundie, investigator; John Flanagan, investigator, GAO; Alfred Vittarelli, investigator, GAO; 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 Curtis.)

The CHAIRMAN. We resume the hearings that we were involved in last week. So Mr. Kennedy, you may call the witness.

Mr. KENNEDY. Mr. Lawrence J. Camie, Mr. Chairman.

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. CAMIE. I do.

TESTIMONY OF LAWRENCE J. CAMIE, ACCOMPANIED BY COUNSEL, TED A. BOLINGER

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

Mr. CAMIE. Lawrence J. Camie, 6 Blayton Lane, St. Louis 17, Mo. President City and County Contract Service, Inc.

The CHAIRMAN. You have counsel present?

Mr. CAMIE. Yes, sir.

The CHAIRMAN. Counsel, please identify yourself.

Mr. BOLINGER. Ted A. Bolinger, St. Louis, Mo., 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. You may proceed.

Mr. KENNEDY. What kind of business are you in at the present time?

Mr. CAMIE. Manpower and rental trucks, contract trucks, for city delivery purposes.

Mr. KENNEDY. You have two different kinds of businesses, one in the real estate, and one with trucking?

Mr. CAMIE. Thank you, Mr. Kennedy. I am in real estate development, yes, sir.

Mr. KENNEDY. And also a trucking company?

Mr. CAMIE. That is correct.

Mr. KENNEDY. And in the trucking company, you have approximately how many employees?

Mr. CAMIE. Fourteen employees.

Mr. KENNEDY. And you have contract with two different Teamster locals, is that right?

Mr. CAMIE. That is correct.

Mr. KENNEDY. What Teamster locals are they?

Mr. CAMIE. There are 13 members in local 610, and there is one member in 682.

Mr. KENNEDY. Now, Mr. Camie, you were a Teamster official for a long period of time?

Mr. CAMIE. Seventeen years.

Mr. KENNEDY. And you formed local 688 of the Teamsters, is that correct?

Mr. CAMIE. That is correct.

Mr. KENNEDY. That is in St. Louis?

Mr. CAMIE. St. Louis, Mo.

Mr. KENNEDY. Now, local 688 is the local that is now headed by Harold Gibbons, is that right?

Mr. CAMIE. That is correct.

Mr. KENNEDY. What is the jurisdiction? When you had 688, what was its jurisdiction?

Mr. CAMIE. Warehousing.

Mr. KENNEDY. That was during the 1940's, is that correct?

Mr. CAMIE. 1941.

Mr. KENNEDY. Is that when you formed it?

Mr. CAMIE. October of 1941.

Mr. KENNEDY. You had been a union official prior to that time?

Mr. CAMIE. Yes, sir.

Mr. KENNEDY. In another Teamster local?

Mr. CAMIE. That is correct.

Mr. KENNEDY. In the St. Louis area?

Mr. CAMIE. That is correct.

Mr. KENNEDY. Now, when did you retire from the Teamsters Union as an official?

Mr. CAMIE. About January 24 or 26, 1949.

Mr. KENNEDY. At that time, there was a merger of your local with a local union of the CIO, which was headed by Mr. Harold J. Gibbons, is that right?

Mr. CAMIE. That is correct.

Mr. KENNEDY. What was Mr. Gibbons' union?

Mr. CAMIE. United Distribution Workers.

Mr. KENNEDY. CIO?

Mr. CAMIE. Yes, sir, and I don't know the number of it, and I never did know the number of it.

Mr. KENNEDY. Approximately how many people did he have in his local?

Mr. CAMIE. I don't know, I guess he had five or six thousand, or seven thousand, and I don't know exactly how many he had.

Mr. KENNEDY. How many did you have in your local?

Mr. CAMIE. About 2,500.

Mr. KENNEDY. You told me yesterday he had about 4,500.

Mr. CAMIE. Well, as I say, Mr. Kennedy, approximately 4,500, I didn't count them.

Mr. KENNEDY. He had about twice as many as you did?

Mr. CAMIE. I think they did; yes.

Mr. KENNEDY. Now, you say there was a merger, and could you tell us whether you had some conversations with Mr. Harold Gibbons prior to the merger, and how that came about?

Mr. CAMIE. On or about January 17, 1949, I attended a Teamsters' conference of the warehouse division in Chicago, Ill. International Executive Vice President Dave Beck asked me to meet him in a room in the hotel that we were meeting in that afternoon. I went to that room and I knocked on the door, and a voice said, "come in," and Mr. Gibbons was sitting in that room.

The CHAIRMAN. Had you known him before then?

Mr. CAMIE. I had known Mr. Gibbons prior to that time, Mr. Chairman; yes, sir.

About 30 minutes later on that same date, Mr. Dave Beck came into the room and said that Mr. Gibbons was applying to the International Teamsters for a charter for his warehouse union. I believe at that time they were not affiliated with the CIO any longer.

Mr. Beck said, "I want to consult with you as we have one charter now for a warehouse union, and what do you think about it?" I said to Mr. Beck I thought two charters would be confusing for the same type of work which would be overlapping and more confusion, and the proper thing to do was to take Mr. Gibbons' union and merge it into 688 and have one union. Mr. Beck said, "Well, why don't you fellows think it over." I said, "Fine, it is a good idea, but I still say that one union was best for both of the organizations."

Mr. Gibbons' union had an LHI plan, which is known as Labor Health Institute provided medical aid and doctor's service for its members. I felt in the merger of Mr. Gibbons' union and the union that I represented, that the members would benefit by a merger, and we merged the unions.

Mr. KENNEDY. You went back and worked out the details with Mr. Gibbons?

Mr. CAMIE. That is correct.

Mr. KENNEDY. And the two unions were merged?

Mr. CAMIE. The two unions were merged, and Mr. Gibbons had a better plan, and at that time the Teamsters didn't have any welfare plan or any pension plan, and Mr. Gibbons had already had the machinery in motion with Labor Health Institute, and X-ray machines, and everything that goes in for the health of the members.

Mr. KENNEDY. Then Mr. Gibbons became the new head of the local?

Mr. CAMIE. Mr. Gibbons became president, I believe, of local 688, on the resignation of the former members of the executive board of local 688.

Mr. KENNEDY. And you were one of those who resigned?

Mr. CAMIE. I had an understanding that any board member or any officer who wanted to stay was welcome to stay.

Mr. KENNEDY. But you resigned?

Mr. CAMIE. I am coming to that, Mr. Kennedy. Anyone that wanted to resign would be paid severance pay for the duration of his term of office.

Mr. KENNEDY. How many years did you have to go?

Mr. CAMIE. About 3 years and 4 months, I believe, I think that was about right.

Mr. KENNEDY. So you elected to resign?

Mr. CAMIE. Sir?

Mr. KENNEDY. You resigned then?

Mr. CAMIE. I resigned with severance pay.

Mr. KENNEDY. How much money did you receive?

Mr. CAMIE. I received a total amount of \$36,000, which was spread out over a period of 3 years for the duration of my term of \$12,000 pay by Mercantile Trust Co. in St. Louis, on February 1, 1949, and \$12,000 was paid February 1, 1950, and the last \$12,000 was February 1, 1951, which made a total of \$36,000.

Mr. KENNEDY. Actually the union paid out the \$36,000 immediately in 1949, into an escrow account, did they not?

Mr. CAMIE. The union placed the money with the Mercantile Commerce Trust Co. for \$36,000.

Mr. KENNEDY. And for tax purposes, you took it over a period of 3 years, is that right?

Mr. CAMIE. Well, I don't know if you would call it for tax purposes. The Internal Revenue came back and commanded the money be paid all in 1 year instead of 3 years.

Mr. KENNEDY. That was the purpose of getting it over the period of 3 years?

Mr. CAMIE. Well, I don't know. If I would have stayed on, I would have got it that way, and I didn't see anything wrong with spreading it out.

Mr. KENNEDY. Was this ever put up to the membership as to whether they wanted to pay you \$36,000?

Mr. CAMIE. Mr. Kennedy, the executive board of local 688 which I headed at that time was called in to a meeting and the steward's council of the CIO, United Distribution Workers, was also called in to a meeting, and the 2 bodies of the 2 organizations went along with the merger.

Mr. KENNEDY. You didn't answer my question.

Mr. CAMIE. Pardon me. Let me have it again, please?

Mr. KENNEDY. I asked you if the membership of the union approved of your receiving the \$36,000?

Mr. CAMIE. There was no meeting called of the membership of the union, Mr. Kennedy, and it was just the executive board of the union.

Mr. KENNEDY. Was the membership ever informed that you were receiving this money?

Mr. CAMIE. It was in the paper, and I am sure they were informed.

Mr. KENNEDY. Were they ever informed at a meeting, and were they ever told that this \$36,000 was being paid to you?

Mr. CAMIE. Not to my recollection.

Mr. KENNEDY. You say it was in the papers; when was it in the papers?

Mr. CAMIE. Whatever the date of that paper is in front of you, Mr. Kennedy, that is the edition of the St. Louis Globe-Democrat.

Mr. KENNEDY. You mean about the merger?

Mr. CAMIE. The date of that paper is what date?

Mr. KENNEDY. January 27, 1949.

Mr. CAMIE. Well, the merger was before that date, because the papers didn't get the news until after the merger, but I would say the merger was probably around the 24th or the 25th of January 1949, about that time, to my recollection.

Mr. KENNEDY. Did the papers know, or is there anything in here about the fact that you were receiving \$36,000?

Mr. CAMIE. I don't know if there is.

Mr. KENNEDY. I don't think that the membership knew from the papers, from reading the papers, that you were receiving this money.

Mr. CAMIE. Mr. Kennedy, it was no secret that I received the money, because the Mercantile Commerce Trust Co., was the escrow agent, and there was no secret deal, and it was done legitimately.

Mr. KENNEDY. I asked you if it had been taken up with the membership, and evidently it had not been taken up with the membership, from your answer. Then you mentioned about the fact that this all appeared in the papers, and there is nothing in this paper that indicates that you got the \$36,000. I don't question the fact that these two unions merged, it was known to the membership, and I just questioned whether anybody ever knew that you got the \$36,000.

Mr. CAMIE. The executive board members knew, Mr. Kennedy.

Mr. KENNEDY. The executive board members of your union were the ones who were to gain, and they were the ones to either get this sum of money or stay on with the union, is that correct?

Mr. CAMIE. They had a choice, if they wanted to.

Mr. KENNEDY. They were voting, and when you say they knew about it, they were voting on a matter in which they had a personal interest, isn't that correct?

Mr. CAMIE. They were all elected at the same time I was elected.

Mr. KENNEDY. Could you answer the question, Mr. Camie?

Mr. CAMIE. I am trying to, Mr. Kennedy, but there is more to it to bring it up to date, and that is what I am trying to explain.

Mr. KENNEDY. My point to you, or my question was that these people, the members of the executive board were voting on a matter in which they themselves had a personal financial interest.

Mr. CAMIE. Whether their interest was financial or not, I am not in a position to answer that, but I can say this: They were told in a meeting that they had a choice to stay on or resign and accept severance pay, and they chose to accept their severance pay.

The CHAIRMAN. At this point, may I ask you to identify this paper so that we can make it an exhibit for reference. Do you recognize that as a copy of the paper carrying the story of the merger?

Mr. CAMIE. This was the first paper, Mr. Chairman, that carried the story, I believe, of the merger.

The CHAIRMAN. That may be made exhibit No. 74 for reference.

(Document referred to was marked "Exhibit No. 74" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. I hand you here what purports to be a photostatic copy of the check dated January 26, 1949, in the amount of \$36,360 a cashier's check, I guess, on the Federal Reserve Bank of St. Louis, Plaza Bank of St. Louis, made payable to the Commerce Bank & Trust Co. I will ask you to examine this check and see if you can identify it.

(Document was handed to the witness.)

Mr. CAMIE. Mr. Chairman, this is Mercantile-Commerce Trust Co., \$36,360.

The CHAIRMAN. Is that the check that covered the money put in escrow for you to draw your \$36,360?

Mr. CAMIE. Mr. Chairman, \$36,360 was deposited with the Mercantile-Commerce Bank & Trust Co., and \$360 which is 1 percent of the amount was paid to the escrow agent, and the \$36,000 was paid to the escrow agent to be paid to me over a period of 3 years.

The CHAIRMAN. They paid the escrow agent 1 percent or \$360?

Mr. CAMIE. That is correct.

The CHAIRMAN. And you got the \$36,000?

Mr. CAMIE. Over a period of 3 years.

The CHAIRMAN. That check represents the transactions, does it?

Mr. CAMIE. That is correct.

The CHAIRMAN. It will be made exhibit No. 75.

(Document referred to was marked "Exhibit No. 75" for reference, and will be found in the appendix on p. 14538.)

Mr. KENNEDY. Were you under contract with the union at that time?

Mr. CAMIE. Mr. Kennedy, I had no contract that was written.

Mr. KENNEDY. There was no legal obligation then on the part of the union to pay you any money, is that correct?

Mr. CAMIE. I had a 5 year elective term of office, and I still had 3 years to serve out.

Mr. KENNEDY. But there was no contract, or there was no legal obligation on the part of the union to pay you the \$36,000?

Mr. CAMIE. I just had another 3 years to go, which I think was coming to me as severance pay.

Mr. KENNEDY. Can any Teamster official who is elected for a period or term of years, say 5 years, and decides to resign after 2 years, receive the rest of his salary for doing no work?

Mr. CAMIE. Mr. Kennedy, if the corporation elects to retire an officer ahead of time, and they want to give him a severance pay for the duration of his term, I see nothing wrong with that, if it is done in the usual practice.

The CHAIRMAN. Let me ask you this question. Is there anything in your constitution and bylaws that authorizes you to resign and pay yourself the balance of your salary for the time you were elected?

Mr. CAMIE. Mr. Chairman, we followed the constitution in local 688 and we did not have bylaws.

The CHAIRMAN. All right, can you refer to any provision in the constitution that authorizes you to vote yourself a retirement or severance pay when you voluntarily retire?

Mr. CAMIE. Mr. Chairman, I did not pay myself any \$36,000.

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

The CHAIRMAN. You were on the board; were you not?

Mr. CAMIE. That came from the United Distribution—

The CHAIRMAN. It came from what?

Mr. CAMIE. United Distribution paid the severance pay. They took over the local. I mean, they took over the local, Mr. Chairman.

The CHAIRMAN. It came from another union?

Mr. CAMIE. It came from both unions, I believe; some of it was from 688, I believe.

The CHAIRMAN. Some of it came from the union of which you were an officer?

Mr. CAMIE. That is right.

The CHAIRMAN. And some of it came from the other union?

Mr. CAMIE. But I was not paying myself, sir.

The CHAIRMAN. Who were you paying?

Mr. CAMIE. I didn't sign the checks.

The CHAIRMAN. You took action on the board as a member of the board authorizing it.

Mr. CAMIE. Pardon me, sir.

(The witness conferred with his counsel.)

The CHAIRMAN. Were you a member of the board that approved this deal?

Mr. CAMIE. I was a member of the board that approved this merger.

The CHAIRMAN. All right. Let's call it a merger. Were you a member of the board that approved the payment of severance pay to you officers who wanted to retire?

Mr. CAMIE. The board voted to accept severance pay.

The CHAIRMAN. Were you a member of that board?

Mr. CAMIE. I was a member of that board.

The CHAIRMAN. All right. Then you voted to pay yourself severance pay; didn't you?

Mr. CAMIE. I went along with the board; yes, sir.

The CHAIRMAN. You voted; did you not?

Mr. CAMIE. I did not vote.

The CHAIRMAN. You were highly pleased with this action, I assume.

Proceed.

Senator Curtis?

Senator CURTIS. How much were the dues that the members were paying at that time?

Mr. CAMIE. The monthly dues?

Senator CURTIS. Yes.

Mr. CAMIE. \$3 per month.

Senator CURTIS. In both unions?

Mr. CAMIE. I don't know what the other union was charging.

Senator CURTIS. Well, if they were charging the same amount, \$36,000 would amount to the dues of a member for 1,000 months or the dues of a hundred members for 10 months. From which union did this money—\$36,000? If they paid \$36 a year that would be the equivalent of a thousand men's dues for a year. I said a month. It is 1,000 men's dues for a year. That is what it amounted to. Did this come from the treasury of both unions?

Mr. CAMIE. The money came from the treasury of both unions, as I understand.

Senator CURTIS. What other individuals got money under a similar arrangement?

Mr. CAMIE. The executive board of local 688.

Senator CURTIS. Will you name them?

Mr. CAMIE. If I can remember all the names.

Senator CURTIS. As many as you can.

Mr. CAMIE. I will give you as many as I can. Alpheus Richter was the president.

Senator CURTIS. Where is Richter now?

Mr. CAMIE. In the cemetery. He is dead.

Senator CURTIS. I see. How much did he get? Do you know?

Mr. CAMIE. He got, I think—I think his salary was \$25 a month for—I think it was \$300 a year. I believe it was around \$900 for the term.

Senator CURTIS. Who else?

Mr. CAMIE. William Queenan was vice president.

Senator CURTIS. What did he get?

Mr. CAMIE. The same amount of money.

Senator CURTIS. As Richter?

Mr. CAMIE. That is right.

Senator CURTIS. Where is he now?

Mr. CAMIE. I think he joined Richter.

Senator CURTIS. Who else?

Mr. CAMIE. Robert Campbell.

Senator CURTIS. How much did he get?

Mr. CAMIE. The same amount. All the board, sir, got the same amount.

Senator CURTIS. Where is Campbell now?

Mr. CAMIE. Robert Campbell was the recording secretary of the union. I think Mr. Campbell has passed away.

Senator CURTIS. Who else?

Mr. CAMIE. One of the trustees. His name was Ted. The last name I don't recall any more.

Senator CURTIS. Ted, a trustee?

Mr. CAMIE. That is right.

Senator CURTIS. About how much would he have gotten?

Mr. CAMIE. The same amount, sir. They were all the same.

Senator CURTIS. Who else?

Mr. CAMIE. August Berneking.

Senator CURTIS. How much did he get?

Mr. CAMIE. The same amount. I think he is dead.

Senator CURTIS. Anybody else?

Mr. CAMIE. There was one more. I believe his name was William Stevens. The same amount.

Senator CURTIS. These were officers of the old union that had been under the CIO?

Mr. CAMIE. That is right. The 688 you are talking about, A. F. of L?

Senator CURTIS. Well—

Mr. CAMIE. The ones I mentioned were board members of the union I headed up. Is that what you meant?

Senator CURTIS. Yes.

Mr. CAMIE. That is right.

Senator CURTIS. Was that the board that voted to give this money?

Mr. CAMIE. That was the board that voted to accept severance pay and the board that voted to merge the union.

Senator CURTIS. Did anybody vote on that action that did not get any pay?

Mr. CAMIE. Did anybody vote on that action that did not get any pay?

Senator CURTIS. That did not get any severance pay.

Mr. CAMIE. The entire board and myself got severance pay.

Senator CURTIS. It took a majority on the board action?

Mr. CAMIE. The entire board. There were seven people on the board and they all voted for it.

Senator CURTIS. That is seven, including the president?

Mr. CAMIE. Including myself, yes, sir, there were seven.

Senator CURTIS. Did it take all of the money that was in the treasury?

Mr. CAMIE. To pay?

Senator CURTIS. To pay these items.

Mr. CAMIE. No, I don't think so.

Senator CURTIS. How much did you have left, would you estimate?

Mr. CAMIE. I beg your pardon. I don't think we had that kind of money in local 688. I don't believe we had that much money. We might have had around between \$20,000 and \$30,000 in the treasury.

Senator CURTIS. Where did you get the rest of the money?

Mr. CAMIE. The rest of the money, I guess, came from the CIO distribution workers.

(The witness conferred with his counsel.)

Senator CURTIS. The officers had no ownership in the union, did they?

Mr. CAMIE. They only had membership in the union. I don't think anybody, one particular person, owned the union.

Senator CURTIS. In other words, isn't it true that in truth and in fact you were in a fiduciary capacity, that is, you were handling other people's money?

Mr. CAMIE. I was the secretary of the union, and I was trusted with the money and I was bonded.

Senator CURTIS. You see, the purpose of these hearings is legislative. That is the only legal reason we have for existing. It seems to me that the law must recognize that union officials are fiduciaries, just the same as court-appointed trustees, just the same as guardians, just the same as administrators and executors, and they are handling other people's money.

This isn't the first instance that has been brought to light where leaders have gotten together and when someone left the union or there was a merger, a sum was paid. I am certainly not trying to chastise you in public. What happened in 1949 happened. That is over. I commend you for your frank answers and your relating the truth as you remember it. But I do want the record to show that I point it out as a general proposition that the Congress and maybe the States have up to now been negligent in protecting the rights of the workers and putting unions in a different category than other businesses, in a different category than other voluntary associations.

They have had certain immunities. These immunities not only run along this line but many other lines. Here in this country we have no place for immunities. All citizens should live under the same law. I commend you for giving us an account of what happened.

I think the problem is such that it needs legislative correction. That is all.

The CHAIRMAN. The chairman asked you a while ago if you voted on this board to pay this money. You said no, that you went along with the board. I understood you in answer to Senator Curtis that all seven of you voted to pay yourselves that money. Which is correct?

Mr. CAMIE. I would say, Mr. Chairman, we all agreed to accept the money, the severance pay.

The CHAIRMAN. And to vote to pay it out of the union treasury?

Mr. CAMIE. No, that amount of money, sir——

The CHAIRMAN. Part of it came out of your own treasury, did it not?

Mr. CAMIE. I do not deny that. I have here what came out of 688.

The CHAIRMAN. You did not have enough money to pay all of it, or put this money up in escrow, and you had to borrow some of it, didn't you?

Mr. CAMIE. I did not borrow any of it.

The CHAIRMAN. Who borrowed it?

Mr. CAMIE. I don't know who borrowed it. I didn't know where the money came from at that time. I know now where it came from. It was publicized where it came from.

The CHAIRMAN. Where did it come from?

Mr. CAMIE. \$6,000 from Labor Health Institute. That was the United Distribution Workers.

The CHAIRMAN. That was the one that was taking you over?

Mr. CAMIE. I think we took them over, I think, according to the record. We merged.

The CHAIRMAN. You took them over and then you got out?

Mr. CAMIE. We merged and it was approved by the international president and the executive vice president of the international.

The CHAIRMAN. Was it approved by the membership?

Mr. CAMIE. It was approved by the executive board.

The CHAIRMAN. Was it approved by the membership?

Mr. CAMIE. By the membership? No, sir, but what was the best part of it was the membership was gaining by going over to that union, Mr. Gibbons', under the LHI plan, which gave aid to all the members. They were gaining by it.

The CHAIRMAN. How long after were the dues raised?

Mr. CAMIE. I left the union, sir, 9 years and 7 months ago, and I don't know.

The CHAIRMAN. When you left, you left, is that right?

You got yours and got out?

Mr. CAMIE. I might say this, Mr. Chairman, I don't think the dues were raised, because I was still a member of that organization for a year after I took severance pay, and they wasn't raised on me.

The CHAIRMAN. You call it severance pay.

Mr. CAMIE. That is right.

The CHAIRMAN. Would you recognize a copy of the escrow agreement?

Mr. CAMIE. I have it here.

The CHAIRMAN. Would you identify this document as a copy of the escrow agreement?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. CAMIE. Mr. Chairman, I have the original here, and if you want to use that—this looks like a copy of it. I have the original here.

The CHAIRMAN. You have the original?

Mr. CAMIE. I have the original. I might say this looks like it.

The CHAIRMAN. For the present, I will make that exhibit No. 76. If it is not a true copy, you may compare it or your attorney may compare it during the recess hour, and if it is not a true copy, it will be removed from the record. I think it is.

(The document referred to was marked "Exhibit No. 76" for reference and may be found in the files of the select committee.)

Mr. CAMIE. Also, Mr. Chairman, the amount is correct, as I see it here.

The CHAIRMAN. Can you point out anywhere in there where the words "severance pay" are mentioned? Does it refer to severance pay at all?

Look at your original, if you care to.

(The witness conferred with his counsel.)

Mr. CAMIE. I don't see it.

The CHAIRMAN. I didn't either. Proceed.

Mr. KENNEDY. As a matter of fact, what happened was you and the rest of the executive board sold the union to Harold Gibbons for this amount of money, is that true, Mr. Camie?

Mr. CAMIE. Mr. Kennedy, I don't think that I would have the right to sell the property that belonged to somebody else.

Mr. KENNEDY. That is why you are here today.

Mr. CAMIE. I didn't sell that union, and I could not sell it if I wanted to. It was not advertised for sale, I am sure.

Mr. KENNEDY. I would think that that would be correct, if this had all been taken up with the membership. But the executive board is the group that made the decision, the executive board is the one that decided to take the money, accept what you call severance pay, which doesn't appear in this escrow agreement at all, and turn the union over to Harold Gibbons. Between you, you got a good sum of money. I would like to call, Mr. Chairman, a committee investigator to disclose how much money actually was paid out of union funds by Harold Gibbons for this union.

The CHAIRMAN. All right. Place him on the stand.

TESTIMONY OF THOMAS EICKMEYER—Resumed

The CHAIRMAN. You have been previously sworn.

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. Mr. Eickmeyer, have you made an examination of the records of the union to determine what the situation is regarding Mr. Gibbons taking over local 688 and making entrance into the Teamsters Union?

Mr. EICKMEYER. Yes, sir, I have.

Mr. KENNEDY. Can you tell us if there was anyone else who received any money other than the ones Mr. Camie has discussed?

Mr. EICKMEYER. Mr. Karsh, and Mr. Church.

Mr. KENNEDY. What was Mr. Karsh's position?

Mr. EICKMEYER. I believe he was a business agent.

Mr. KENNEDY. How much money did he receive?

Mr. EICKMEYER. He received a total of \$18,355.

The CHAIRMAN. What?

Mr. EICKMEYER. \$18,355. And Mr. John Church, John J. Church, also received \$18,355.

Mr. KENNEDY. What was Mr. Church's position at that time?

Mr. EICKMEYER. I believe he was also a business agent.

Mr. KENNEDY. What was the total amount that was received by Mr. Camie, Mr. Karsh, and Mr. Church?

Mr. EICKMEYER. \$73,010.

Mr. KENNEDY. I believe there were 4 or 5 other individuals who received some \$900 apiece?

The CHAIRMAN. \$600, I believe.

Mr. EICKMEYER. Six others would be at \$900, so that would be \$5,400 more. That would be about \$78,500, approximately.

Mr. KENNEDY. Where did they receive this money? Was there that amount of money in the treasury?

Mr. EICKMEYER. No, sir, there wasn't. On January 26, 1949, \$6,000 was borrowed from the Labor Health Institute.

The CHAIRMAN. Borrowed?

Mr. EICKMEYER. Borrowed. \$13,000 was borrowed from the Unity Welfare Association.

Mr. KENNEDY. What is the Unity Welfare Association?

Mr. EICKMEYER. I believe it is a pension fund or something of that nature.

The CHAIRMAN. Give those again?

Mr. EICKMEYER. \$6,000 from the Labor Health Institute, \$13,000 from the Unity Welfare Association, and then they took \$7,360 out of local 688, which Mr. Camie headed, and they took \$10,000 out of the United Distribution Workers, which Mr. Gibbons ran at the time. That was a total of \$36,360 which was the source of the funds of the escrow agreement.

The CHAIRMAN. That is the escrow agreement with reference to Mr. Camie?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. So all of that money was borrowed for Mr. Camie?

Mr. EICKMEYER. \$13,000.

Senator CURTIS. When was it repaid and by whom?

Mr. EICKMEYER. \$6,000, I understand, was repaid in approximately 60 days.

Senator CURTIS. By whom?

Mr. EICKMEYER. By the merged local, 688. The \$13,000 borrowed from the Unity Welfare Association was never repaid and was written off the books.

Senator CURTIS. The Unity Welfare Association? What was that? Do you know?

Mr. EICKMEYER. I think Mr. Gibbons had sort of a pension fund set up at the time, and this money was borrowed out of that. I don't believe it was completely set up as it is now, as a pension.

Senator CURTIS. An informal arrangement, would you say?

Mr. EICKMEYER. Yes, sir.

Senator CURTIS. Who was it to pay pensions to?

Mr. EICKMEYER. I don't know that, sir. I don't have any records back that far. The records that we were able to get from local 688 only went back to July of 1952. Records prior to that time had been destroyed or somebody else had them. We have not been able to get them.

Mr. KENNEDY. Is there any other money that was borrowed?

Mr. EICKMEYER. No. The two payments to Karsh and Church were paid out of the funds of the merged local.

Mr. KENNEDY. When were they paid?

Mr. EICKMEYER. In 1950 there were several payments. On February 10, 1950, \$10,000 was paid to Karsh and then on the 1st of March, April, May, and June of 1950, \$2,000 was paid. On June 3 of 1955, the balance was paid, making a total of \$18,355.

John Church had a similar agreement and received similar amounts.

The CHAIRMAN. Those two got all of their pay within 1 year?

Mr. EICKMEYER. Yes, sir.

The CHAIRMAN. Whereas Mr. Camie was carried over for a period of 3 years?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. It is 1 year or 2 years that Karsh and Church—

Mr. EICKMEYER. No, they all received it in the year 1950.

The CHAIRMAN. Karsh and Church received all of theirs in the year 1950?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. What kind of security was given for these loans? Who signed the papers? Were you able to find out?

Mr. EICKMEYER. No, sir, we didn't have any records going back that far. We had to go to the banks and other sources.

The CHAIRMAN. Proceed.

TESTIMONY OF LAWRENCE J. CAMIE, ACCOMPANIED BY COUNSEL, TED A. BOLINGER—Resumed

Mr. KENNEDY. Mr. Camie, during the period of 1949, 1950, and 1951, were you doing any other kind of work?

Mr. CAMIE. In the year of 1950, April, I bought an interest in the Plaza Express Co., which is a common carrier hauling company, and I was vice president of it.

Mr. KENNEDY. That was a trucking company, was it?

Mr. CAMIE. That is correct.

Mr. KENNEDY. And you were receiving income from that during this period of time?

Mr. CAMIE. I was receiving income from Plaza Express.

Mr. KENNEDY. As well as this money that you received?

Mr. CAMIE. The money I received from the escrow agreement? Yes.

Mr. KENNEDY. Have you received some money in connection with any labor-management relations work that you have done?

Mr. CAMIE. In what years?

Mr. KENNEDY. Well, in the last few years or any time?

Mr. CAMIE. I have done some labor relations work in 1956.

Mr. KENNEDY. For whom?

Mr. CAMIE. Coca-Cola Bottling Company of St. Louis.

Mr. KENNEDY. How much money did you receive for that?

Mr. CAMIE. Reluctantly they sent me to accept \$2,000, and I sent it back to them with a letter stating that there was no charge. It was doing a favor for a friend. The management says:

Twenty-five years of friendship. I don't feel we are paying you as labor relations, but you have helped us out of a tight spot. You formerly were in the union business, and we appreciate your service.

The same year they sent me a check for \$1,500, making a total of \$3,500 for the year of 1956.

Mr. KENNEDY. Have you received any other payments from them?

Mr. CAMIE. I tried to tell my dear friend, Mr. Cox, that I did not make a practice of labor relations business, but he says, "We have to have somebody, and you seem to be the best fellow we know for it."

So I guess, Mr. Kennedy, I wound up with a labor relations job that I didn't want.

Mr. KENNEDY. What other payments did you receive from them?

Mr. CAMIE. I believe in 1957, I don't have my records at hand, there was \$3,000.

Mr. KENNEDY. In 1956 it was \$3,500; is that right?

Mr. CAMIE. I am pretty sure. It is in my tax record, whatever it is.

Mr. KENNEDY. Well it is approximately \$3,500 in 1956 and \$3,000 in 1957; is that right?

Mr. CAMIE. That is correct.

Mr. KENNEDY. You say they were in difficulty. Who were they in difficulty with?

Mr. CAMIE. Coca-Cola Bottling Co. driver-salesmen had an independent union for quite a long time.

Mr. KENNEDY. What union were they in difficulty with?

Mr. CAMIE. In about November of 1955, they went over to local 688, to join the union. The members of the independent union voted to go to the Teamsters, and from what I read in the paper they decided to take a strike vote.

Mr. KENNEDY. What is the answer to the question?

Mr. CAMIE. They were on strike for about 6 months, I think.

Mr. KENNEDY. What union? Was it local 688 they were having difficulty with?

Mr. CAMIE. 688, that is right.

Mr. KENNEDY. Had Mr. Harold Gibbons approached you originally on this?

Mr. CAMIE. Mr. Harold Gibbons asked me if I knew the Coca-Cola bottling plant people, and I said, "Yes, I know them very well." He said, "Will you go and see them in my behalf?" He said, "Larry, if you do, I will compensate you for it."

Mr. KENNEDY. How much money did he say he would give you?

Mr. CAMIE. Well, he said \$10,000, but I think maybe he was joking, but anyhow, that was the amount set.

Mr. KENNEDY. Mr. Gibbons offered you \$10,000 to go see the Coca-Cola Bottling Co.?

Mr. CAMIE. I think he was joking, but anyhow I told him I would call him the next morning, after I would talk to the management that night, and see if they were in a frame of mind to talk to the union. I

called Mr. Gibbons the following morning, and told him that I talked to Mr. Cox, and he would be glad to sit down and have a meeting with him. I said, "Harold, —" laughingly I said this, "That \$10,000, I think you are pulling my leg, but I don't want any money from you, and I don't want anything. I will do it as a favor for you and my friend, Mr. Cox."

Mr. KENNEDY. So you arranged the meeting between them?

Mr. CAMIE. I arranged the meeting between them.

Mr. KENNEDY. You were not paid by the union but you were paid by Mr. Cox reluctantly?

Mr. CAMIE. I would not accept anything from the union, Mr. Kennedy, as they had a hard enough struggle, and from one who had been in the union business and went through these strikes, he knows what the other fellow has to go through.

Mr. KENNEDY. So you received the money from Mr. Cox, instead?

Mr. CAMIE. Reluctantly, I did; yes, sir.

Mr. KENNEDY. Reluctantly you got your \$6,500?

Mr. CAMIE. Sir?

Mr. KENNEDY. Reluctantly you took the money?

Mr. CAMIE. The \$2,000, and then the \$1,500 for the same year.

Mr. KENNEDY. And then the \$3,000?

Mr. CAMIE. Yes, but it is like having fleas on a dog's back; he won't let them get off.

Mr. KENNEDY. Was it cash or a check?

Mr. CAMIE. Nobody pays me in cash. It was a check.

Mr. KENNEDY. You cashed the check?

Mr. CAMIE. The first one you are talking about, the first \$2,000, I did not. I sent it back with a letter.

Mr. KENNEDY. Did you get it back again, then?

Mr. CAMIE. I got it back, and I had to take it back.

Mr. KENNEDY. Did you ever cash the check?

Mr. CAMIE. Oh, yes.

Mr. KENNEDY. Did you cash the check for \$1,500?

Mr. CAMIE. Yes, sir.

Mr. KENNEDY. Did you cash the check for \$3,000?

Mr. CAMIE. I cashed the check for \$2,000 and the check for \$1,500, in the year 1956.

Mr. KENNEDY. And then in 1957?

Mr. CAMIE. In 1957 I cashed the check for \$1,500, and the last half of 1957, another \$1,500, and that was \$3,000.

Mr. KENNEDY. Did you cash them at all reluctantly?

Mr. CAMIE. I had no choice, may I say, and I am still representing him.

Mr. KENNEDY. Have you represented anybody else in labor relations?

Mr. CAMIE. Yes, I have. I have represented the Black & White Taxicab Co., on a contract.

Mr. KENNEDY. How much do you receive from them?

Mr. CAMIE. \$500.

Mr. KENNEDY. That is the total amount you have received.

Mr. CAMIE. That is the total amount.

Mr. KENNEDY. What year was that?

Mr. CAMIE. I believe that was last year.

Mr. KENNEDY. What was that for?

Mr. CAMIE. Or this year, I don't know.

Mr. KENNEDY. Was that with local 405 of the Teamsters?

Mr. CAMIE. Let me correct one thing. I am just getting a little bit closer to this, what you are asking me. In 1957 in the negotiation of that contract for Black & White Cab Co., I received no money. But in 1957, I beg your pardon to clear that, 1958 I negotiated another agreement with Black & White for the dispatchers and the order takers, and in that connection they paid me \$500.

Mr. KENNEDY. Were there any other moneys that you received?

Mr. CAMIE. I received no other money for any favors or any labor relations business done by the companies to the best of my recollection.

Mr. KENNEDY. The problem that this cab company had was with local 405, was it?

Mr. CAMIE. Local 405.

Mr. KENNEDY. Has Mr. Gibbons offered you any money on any other occasion to make arrangements with any employers?

Mr. CAMIE. No.

Mr. KENNEDY. This was the only time?

Mr. CAMIE. It was the only time.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any other questions?

Senator CURTIS. I have no questions.

The CHAIRMAN. Mr. Camie, why was this matter not submitted to the membership?

Mr. CAMIE. Mr. Chairman, I believe it was past at a meeting, and another thing, it was past the regular meeting and there was cold weather, would not have brought out a handful of members because most of our members worked in the lumberyards with outside workers, and when the men get home at night, they stay home, and they did not have transportation, probably all of them.

The CHAIRMAN. Don't you think that the membership should know when it is being traded off or merged with some other union?

Mr. CAMIE. As long as my superior of the international union was acquainted with what was going on, Mr. Daniel J. Tobin, I felt that that was sufficient enough to go on and make a merger, and the AFL was gaining a little scope on the CIO.

The CHAIRMAN. That is quite typical, and that is the very thing that this committee is concerned about. The membership are just handled like they were chattels, and not human beings, and not given a chance to express their views, or their will, or to determine what should be done with their money, but a few labor leaders get together and make a deal out of which they expect to profit. You could have submitted this to the membership of your union, could you not? You know that now, and in retrospect you know you should have done it as just a moral principle, don't you?

Mr. CAMIE. Probably, Mr. Chairman. I didn't look at that time at it, and I was only looking as to what benefits they were going to get out of the merger, because of this health institute Mr. Gibbons had.

The CHAIRMAN. Could you see beyond the benefits that you were going to get out of it?

Mr. CAMIE. I don't think, Mr. Chairman, that I benefited by it.

The CHAIRMAN. You do not?

Mr. CAMIE. I don't think so at all.

The CHAIRMAN. You had 3 years to work at anything you wanted to and go in business and get your money just the same.

Mr. CAMIE. That is true, Mr. Chairman, but let us go back to the inception of this union, when I did not get any pay for 6 months, and they did not have any money. That is where we should start, from the beginning.

The CHAIRMAN. Do you not think that your membership ought to have something to say about your pay? When you go to sell out here, you take care of yourself without consulting them.

Mr. CAMIE. Mr. Chairman, this was not a sellout deal. That was not advertised for sale. This was known publicly.

The CHAIRMAN. A lot of sales are made and transactions of this nature that are never advertised.

Mr. CAMIE. Don't corporations merge without advertising?

The CHAIRMAN. No, sir, I do not think that they do. Stockholders have to approve it.

Mr. CAMIE. Stockholders don't approve all of the sales.

The CHAIRMAN. They don't approve all sales, but they approve all sales of assets, where it is in book.

Mr. CAMIE. They send you a proxy, and they say whatever other business comes before the board, that is O. K.

The CHAIRMAN. Did you send the membership a proxy?

Mr. CAMIE. The membership knew there was a meeting.

The CHAIRMAN. What?

Mr. CAMIE. They knew when the meeting nights were.

The CHAIRMAN. But you said you did this after a regular meeting night.

Mr. CAMIE. The executive board was sufficiently qualified to run the union.

The CHAIRMAN. That is the position you folks take. That is exactly what is wrong. That is exactly what is permitting all of this corruption in unionism, in some unions at least. You officers take the position that you own it, and you can run it and do what you please with it, and the membership need not be consulted. You arrogate unto yourselves the judgment and the authority to deal with it as you please. That is why this committee is concerned, and that is why the Congress is looking to the Congress today to enact some legislation to protect the men and women of this country who belong to unions, and who pay their dues.

All right. Thank you, and you may stand aside.

Call the next witness.

Mr. KENNEDY. Capt. Thomas L. Moran.

The CHAIRMAN. Captain Moran, will you come around, please?

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

Mr. MORAN. I do.

TESTIMONY OF THOMAS L. MORAN

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

Mr. MORAN. Thomas Moran, 5387 Queens Avenue, St. Louis, Mo., detective captain, St. Louis Police Department.

The CHAIRMAN. Do you waive counsel, Captain?

Mr. MORAN. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. We have just had the testimony on how Mr. Harold Gibbons entered into the Teamsters movement, and got control over a Teamsters local. I would like to call Captain Moran to give us some background regarding the activities of Mr. Gibbons prior to the time he came into the Teamsters Union, and since he has been a Teamster Union official.

Now, you have been in the police department in St. Louis for how many years?

Mr. MORAN. This is my 24th year.

Mr. KENNEDY. What have your duties been?

Mr. MORAN. Since 1941 I have been on the bombing and arson squad, which handles labor trouble.

Mr. KENNEDY. Since what year?

Mr. MORAN. 1941.

Mr. KENNEDY. Have you been the head of this squad?

Mr. MORAN. Not all of that time.

Mr. KENNEDY. How long have you been head of it?

Mr. MORAN. Since 1947.

Mr. KENNEDY. Now, during the course of your work, have you had an opportunity or a chance to see the operation of Mr. Harold Gibbons in the unions in which he has been associated?

Mr. MORAN. Yes, I have.

Mr. KENNEDY. When did he first come to St. Louis, or when was he first brought to your attention?

Mr. MORAN. About 1941.

Mr. KENNEDY. What union was he with then?

Mr. MORAN. The CIO warehouse local.

Mr. KENNEDY. Has there been any single characteristic or difficulty that you have had with Mr. Gibbons and the unions that he has been associated with?

Mr. MORAN. Well, practically every union that he has been connected with has had one incident after another of violence and disturbances on picket lines.

Mr. KENNEDY. What kind of violence do you have in mind?

Mr. MORAN. Well, going back to early 1948, there was a CIO local 22 that was organizing colored taxicabs, and Harold Gibbons and Richard Kavner were the main people in local 22. During that time we had numerous incidents of violence and destruction of cabs and shooting up cabs, and beating of cabdrivers, and it was quite a violent deal.

Then in 1949 when the merger between local 688 and Harold Gibbons' independent union started with an organizing attempt at the Rawlings Manufacturing Co. by local 688, we had instances of shellac and varnish being placed in the trucks, and freezing the motors, and the same year Gray Manufacturing Co., a subsidiary of Rawlings, had an organizing attempt by local 688, and we had the same type of instances relating to their trucks, and later in 1949—

The CHAIRMAN. May I interrupt there? Was Mr. Gibbons in charge of or president of 688 at the time you are now testifying about?

Mr. MORAN. Yes, this is 1949, after Mr. Gibbons was in local 688.

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

The CHAIRMAN. And the trouble you are testifying about now, this attempt to organize this company, was after he became president of 688?

Mr. MORAN. That is right.

The CHAIRMAN. All right.

Mr. MORAN. Later in 1949, at the Rawlings Manufacturing Co., we had an incident where phosphorus was thrown through a louver ventilator on their shipping room floor. It landed on the concrete floor and disintegrated and there were small instances of fires in cardboard cartons.

Mr. KENNEDY. What is the phosphorus? Can you explain that to us?

Mr. MORAN. Well, phosphorus is a chemical that, as we came in contact with it on these incidents, was in stick form. Apparently it was a larger stick. It comes in two size sticks. The small stick is about the diameter of a lead pencil and the larger stick is about three-fourths of an inch in diameter. Both sticks are approximately 8 inches long. Phosphorus has to be kept under water at all times. It obtains self-ignition at ordinary room temperature. After it is out of the water for just a short while, as soon as the temperature of the phosphorus get to about 75 or 76 degrees, it will ignite itself. There are some variations as to how quickly it will light, depending upon weather conditions and the moisture in the air.

Senator CURTIS. I have a brief question at this point. Suppose the phosphorus is kept under water and dropped or placed in a room that is, say 76° or 77° F. About how much time would elapse before it would ignite?

Mr. MORAN. Well, like I say, it does depend on weather conditions. On a cold night or a damp night, it is going to take longer for the phosphorus to warm up.

Senator CURTIS. Give me the two extremes. I am interested in the time element there. Give your best estimate.

Mr. MORAN. Well, on a day like today, probably, it would be a matter of just a few minutes.

Senator CURTIS. 15, 20, or 5?

Mr. MORAN. Less than that. I can give you a concrete example on how quickly it will ignite.

Senator CURTIS. All right.

Mr. MORAN. In lectures I was conducting at the fire department training school, after these incidents, I was using phosphorus as an illustration. I would take a small piece out of the jar of water and let it smolder and begin to give off its fumes so the firemen could detect the odor of phosphorus.

Then I would place it back in the jar. On one incident, on a fairly warm day, I was talking about my phosphorus just a little too long and in less than about 3 minutes the phosphorus went up right while I was demonstrating it. So it will go up very quickly in a matter of several minutes on a hot, dry day.

Senator CURTIS. That is all.

Mr. KENNEDY. Now will you go ahead?

Mr. MORAN. After this phosphorus attempt at Rawlings, which happened in September of 1949, in March of 1950 we had phosphorus thrown at the Grady Manufacturing Co. In May of 1950 an employee

of the Adler Manufacturing Co., which was being picketed also by 688, had his truck parked in front of his home and the truck caught on fire. The fire was extinguished quickly enough for us to recover some phosphorus from the driver's compartment.

Then 3 nights later the same truck, parked in the same location, was completely destroyed by fire. In the second fire, the destruction was so great we were unable to uncover any evidence of ignition from the damaged truck. Then a month later, in June of 1950, we had phosphorus thrown through the rear window of the Adler Manufacturing Co.

An investigation at that scene disclosed that the phosphorus was thrown through a window in the alley, and at the base of the window was found a man's wrist watch. This wrist watch was checked by serial numbers from the manufacturer to a local jeweler in St. Louis, who sold it to a Mrs. San Soucie, who gave it to her husband, Eugene San Soucie, as a birthday present. Eugene San Soucie was a business agent for local 688.

Mr. San Soucie was arrested about a month later, and at the time of his arrest he was suffering from chemical burns on the hand. The examination at the city hospital after his arrest indicated that he had received treatment from somebody for the injuries. Mr. San Soucie made no attempt to explain to us how or where he received the injuries. Of course, he did not admit throwing the phosphorus into the Adler Manufacturing Co. Warrants were applied for against Mr. San Soucie and he was held for the grand jury. At the grand jury hearings an indictment was refused. Then going beyond that, in July of 1950, a picket line at the Louis Howe Drug Co., shellac, again, in the motors of automobiles.

In August of 1950, the same drug firm, stench bombing. Then also in March of 1952, 688 was attempting to organize the wholesale liquor industry. During this organizing attempt, the wholesale liquor people were trying to make deliveries of liquor to their various accounts. They had salesmen that were working soliciting business. Their drugs were being followed by carloads of, apparently, union people or union sympathizers. They were being shunted into the curb. They were quite alarmed and they asked for police protection from the men following them. We did talk to quite a few of the union members who were picketing the place, and some of those that were following the cars. We explained to them that they clearly had a right, if they so desired, to follow these cars to determine where deliveries were being made, but they definitely had no right to pull them into the curb, to threaten them or try to intimidate them in any way. During that organizing attempt, an employee of Stickney Hoelscher, a Floyd Debalt, was on his way home from work and two cars occupied by several men pulled him into the curb. He was given a beating, and the windows in his automobile were broken.

A witness at the scene got the license number of a black Ford, and we were furnished that description of the car and the license number, and a very good description of the driver of the car. The injured man was interviewed and he looked at pictures that we had at the police department and he picked out a picture of a man that assaulted him, the driver of the car, and an arrest order was put out for that man. An investigation was made at local 688's headquarters at 1127 Pine Street for the particular automobile, whose license was issued

to the Teamsters at 1127 Pine. We were informed that they did not know where the car was, that it was always left in the parking lot adjoining union headquarters, with the keys in the ignition.

Mr. KENNEDY. Whose automobile was it?

Mr. MORAN. It was one that the union had assigned to Harold Gibbons, and it was equipped with a mobile telephone that was assigned to Harold Gibbons. In checking the parking lot, in the place where the black Ford should have been parked was a taxicab. The taxicab was the one used by a man, Herman Hendricks, whose picture had been identified as the assailant.

Mr. KENNEDY. How do you spell his name?

Mr. MORAN. H-e-r-m-a-n H-e-n-d-r-i-c-k-s.

Mr. KENNEDY. Was he associated with the local?

Mr. MORAN. He was a business representative of local 688. We checked our records later to see if the union had reported the car stolen. To this day that car, the property of local 688, has never been reported stolen, has never been recovered, as far as I know. In the course of our investigation, about 3 to 4 weeks after this incident, that car—someone in that car made a telephone call on the mobile transmitter in Chicago, and that bill was paid for by the union. So the union still had control of the car 4 weeks later.

The CHAIRMAN. But the car was in Chicago and not in St. Louis?

Mr. MORAN. That is the only time we located it, through a telephone call placed on the mobile transmitter in Chicago, 3 or 4 weeks after the incident.

The CHAIRMAN. That same car was in Chicago 3 or 4 weeks later?

Mr. MORAN. Yes, sir.

The CHAIRMAN. And they called the local union, and the local union paid for the call?

Mr. MORAN. That is right. The call was billed to the union through the telephone company, but the union, as late as a month, I know as late as a month, after the incident, the union had never reported that mobile unit as being out of service due to the car being stolen.

Mr. KENNEDY. That was the automobile that was clearly identified as the automobile used in the assault?

Mr. MORAN. Yes, which was used in the assault. Then during that same organizing attempt at the liquor stores, one of the salesmen that was working during the strike for the liquor company had a fire on the rear part of his garage. The fire was started in the alley. Witnesses described to us a car with a broken muffler or a damaged exhaust. It made an awful noise and that is why they noticed it so well. They supplied us with the license number. Our investigation clearly indicated an attempt was made to set the door on fire. It was not an accidental fire. As a result of the information obtained from witnesses we arrested a Jack Ballard and a Charlie Chew in that automobile.

Our witnesses positively identified the automobile, but because the incident happened in the alley they could not identify the individuals. Both Ballard and Chew were paid picket line men at the Stickney Hoelscher Liquor Co. Then later on, an organizing attempt was made at the Mavrakos Candy Co. We had numerous instances of stench fluid being used at Mavrakos. It was not a stench bomb thrown in the place. It was stench fluid that was being forced under

the doors and through the keyholes at night, and when the place of business, the candy stores would be opened in the morning, of course, the inside was thoroughly saturated with a very obnoxious odor.

Senator CURTIS. Could I ask you a question right there?

Mr. MORAN. Yes.

Senator CURTIS. Were these businesses that were unorganized?

Mr. MORAN. Not always. Mavrakos had been organized some time before by 688.

Senator CURTIS. Was this harassment and this violence committed in order to compel individuals to come into the union or did it have the aspects of being an extortion?

Mr. MORAN. No, I would say it was for intimidation purposes to encourage the owners to negotiate and settle rather than suffer more damage or more loss of business.

Senator CURTIS. In order for the owners to sign up with the union?

Mr. MORAN. Yes, sir. I would say that at no time during all the trouble we had with 688 to our knowledge was there any attempt at extortion.

Senator CURTIS. It was to have the union go into that place of business and establish themselves as the bargaining agent?

Mr. MORAN. That is right.

Senator CURTIS. Were there any cases where it was individually owned or family owned business and they wanted to get the owners to join the union?

Mr. MORAN. I don't recall any circumstances like that.

Senator CURTIS. That is all.

Mr. MORAN. Then I just wanted to continue on Mavrakos. During the course of that labor trouble we had alerted all of our crews riding at night to pay particular attention to any Mavrakos candy stores in St. Louis. One of our crews riding in South Grand Union chased a car from the front of a Mavrakos store. They did catch the car and the occupants. One of the occupants was Jack Ballard, whom we previously had arrested for the arson attempt during the strike. In the car were quart jars containing a fluid, I believe our chemist said it was ammonium valerate. It was a very, very obnoxious odor, and syringes which were used to syringe the fluid through the doors of the Mavrakos stores. Ballard again was connected with 688.

The CHAIRMAN. What position did he have; was he an officer?

Mr. MORAN. No, sir. He was a paid picket walker.

The CHAIRMAN. In other words, he was not an employee of the place where they were trying to organize, but he was hired just as a picket?

Mr. MORAN. That's right.

The CHAIRMAN. By the union?

Mr. MORAN. That's right.

The CHAIRMAN. Do you know whether he was from St. Louis?

Mr. MORAN. Yes, he is from St. Louis.

Mr. KENNEDY. Will you briefly give us some of the other examples you have. Take us up through 1952 or 1953.

Mr. MORAN. I am up to 1952.

Well, in January 1952, Mr. Gibbons made an application to the police department to carry a revolver. Now that application was in the form of a private watchman's license. Nobody in St. Louis is given a permit to carry a revolver other than law enforcement officers like myself or licensed private beat watchmen or licensed watchmen

for particular premises where they are employed. When Mr. Gibbons went to our personnel office to fill out this application he was told he would have to get this employer to fill it out, stating what his job was with the company and the necessity for carrying the revolver.

Mr. Gibbons did not come back to process the rest of the application. So on our records it shows as an application that was denied.

Then 2 months later he contacted the police department and claimed to have received anonymous threats on the telephone and wanted police protection, and we did agree to alert the footmen and the car crews riding around the building.

Mr. KENNEDY. He said he had received these telephone calls and they threatened him?

Mr. MORAN. Anonymous phone calls, threatening his life and threatening to bomb the building.

Mr. KENNEDY. He wanted police protection for himself?

Mr. MORAN. That is right; himself and the building. He had no idea who was making the calls, and he could not give us very good reasons for receiving the calls.

So we did the usual police procedure. We did alert the men patrolling the area where the union building was located and also the men riding in the scout cars.

Then in December 1953 there was a series of meetings at the Teamster hall, 4141 Forest Park Boulevard, of Teamster Local 682. At those meetings Teamster Local 682 had been divided into segments. The union, instead of meeting as one whole group, would meet in relation to what type of chauffeurs they were. It was a construction union. The lumber drivers would belong to one division of the local; the gravel material drivers to another, and so forth.

The first meeting was one in which a James Ford and a Peter Higgins, both members of 682, attended the meeting. It seems that at this meeting there was some opposition to Mr. Gibbons' control of the local, quite vehement arguments on the floor, and Mr. Gibbons apparently was asked to answer and the meeting broke up in a brawl.

The police were not detailed during the meeting. We had no advance notice that there may be trouble. Later, after another meeting of the same local, but different segment of the local, Mr. Ford and Mr. Higgins came again to the meeting and at the door of the hall they were denied admittance. There evidently were some words passed, and as a result, James Ford received a terrific beating and was thrown out.

Mr. KENNEDY. What happened to him?

Mr. MORAN. His injuries consisted of a broken nose, a fractured cheekbone, the front teeth were knocked or kicked out. He had broken ribs and I believe a pierced lung. He was beaten in the hall and out toward the door and then thrown over the top railing out on the sidewalk.

I interviewed Mr. Ford at the hospital. He was unable to name specifically any person who actually struck him. His story to me was that he was being hit by so many so often that he could not pick out an individual.

The CHAIRMAN. What was he attempting to do, attend a union meeting of a local of which he was a member?

Mr. MORAN. Yes, but it so happened it was not a segment that he belonged to. It was broken down into five, so that local 682 would not meet in an entire body. It would only meet in a portion.

After Mr. Ford got a beating there were some additional meetings scheduled for the other segments of local 682. We procured a uniform police detail at the Teamster Building, myself and another crew of detectives were also there. We were inside the building but not in the union hall. I attended about three consecutive meetings of that group, that is Teamster Local 682. The majority of the people I saw at meetings were members of Teamster Local 405, cabdrivers.

Mr. KENNEDY. What did Mr. Gibbons have to do with 682?

Mr. MORAN. 682 was one of the locals he took over as trustee.

Mr. KENNEDY. He was trustee of that and had control over that local; is that right?

Mr. MORAN. That's right.

Mr. KENNEDY. And 405, also?

Mr. MORAN. The same way.

Mr. KENNEDY. 405 was the taxicab local?

Mr. MORAN. That's right.

Mr. KENNEDY. When Mr. Ford was questioned by you, didn't he state there was a large number of men from local 405 present at the time he got his beating?

Mr. MORAN. Yes. He said he got his beating from cabdrivers.

Mr. KENNEDY. Those were 405 men who were allowed at the meeting of local 682 when he, who was a member of 682, was not allowed at the meeting?

Mr. MORAN. That is correct.

Mr. KENNEDY. We are going into that a little bit more, Mr. Chairman, who was responsible and who sent the individuals to local 682 and caused the beating of Mr. Ford.

The CHAIRMAN. In other words, the ones that did the beating were not actually members of that local at all?

Mr. MORAN. Yes, sir.

The CHAIRMAN. But they were permitted in the meeting?

Mr. MORAN. Yes, sir.

The CHAIRMAN. But the members of the local were forcibly prevented from attending the meeting of the local?

Mr. MORAN. These particular men who tried to attend were denied.

Mr. KENNEDY. Go ahead.

Mr. MORAN. These incidents of severe violence, property damage, have abated. We are not having that violence now. We haven't had for the last couple of years.

Mr. KENNEDY. You had them in 1953?

Mr. MORAN. That's correct.

Mr. KENNEDY. A considerable number in 1953?

Mr. MORAN. That's right.

Mr. KENNEDY. In connection with the Yellow Cab strike?

Mr. MORAN. That's right.

Mr. KENNEDY. That was very violent, was it not?

Mr. MORAN. Well, the Yellow Cab strike in 1953 was a violent strike. There were numerous instances of violence, sluggings, destruction of cabs, and even larceny of a cab.

Mr. KENNEDY. One of the cabs was stolen?

Mr. MORAN. That's right.

Mr. KENNEDY. Were you ever able to find out what happened to it?

Mr. MORAN. The stolen cab was in December of 1953, and just a matter of several months ago we recovered that from the river about approximately four blocks from the scene of the theft.

Mr. KENNEDY. Then in 1954 there were once again in the Allen Cab strike, acts of violence, were there not?

Mr. MORAN. That's right.

Mr. KENNEDY. The violence in the Yellow Cab strike of 1953 lasted from December 4, 1953, to about May 1954, was it? Well, all the way through December 1953; is that right, for the Yellow Cab strike?

Mr. MORAN. The Yellow Cab strike was settled on December 29, 1953.

Mr. KENNEDY. So the violence took place during the month of December?

Mr. MORAN. The month of December 1953.

Mr. KENNEDY. Then the Allen Cab strike was from November 1954 through May of 1955; is that right?

Mr. MORAN. That's correct.

Mr. KENNEDY. Again there was considerable damage done to persons and property?

Mr. MORAN. That's right. There is just a slight difference. In the Allen Cab strike that is what we call a Negro taxicab company. It has been in existence for a long time and has all Negro drivers. The last couple of years we do have Negro drivers with other white cabdrivers. This is an old Negro cab company.

In their violence we did have numerous cabs that were shot up, burnt, and also damaged with breaking the windows out.

In the Yellow Cab we didn't have the shooting-up of taxicabs like we did the Allen cabs.

Mr. KENNEDY. You have gone through 6 or 7 years in which there was a considerable amount of violence and many different strikes. Is this a pattern with other unions in the St. Louis area?

Mr. MORAN. Definitely not.

Mr. KENNEDY. Is this kind of violence associated just with Mr. Harold Gibbons? Do you find it with other Teamster locals?

Mr. MORAN. No, we find this type of violence, the type of organizing, picket-line disturbances, and whatnot, is common practically only to local 688 or unions that are dominated by Harold Gibbons.

Mr. KENNEDY. Now, this goes far beyond just picket-line violence as you described it here today, where you have bombings, where you have attempted arsons and larcenies, where you have people beaten up. It goes far beyond picket-line violence.

Mr. MORAN. That is right.

Mr. KENNEDY. Is this something that is unique with the locals under the direction of Mr. Harold Gibbons?

Mr. MORAN. Yes, sir, I would say it is. We don't have this trouble with other locals in St. Louis.

Mr. KENNEDY. Can you give any explanation for that?

Mr. MORAN. Well, it is the same pattern that was used when he was a member of the CIO. Going back long before Mr. Gibbons joined the Teamster movement we did have serious trouble with CIO organizers; they were a more militant group and they were more apt to

cause violence. Going back to our CIO strikes they were great advocates of mass picketing where they would have large numbers of people surround the building, actually more people than could actually fit in the space they were using, a number of people that would cause the police department to bring out large details of men to try to keep the peace.

That was a common CIO practice. It was a practice that the AFL, not only Teamsters, but all the AFL unions in St. Louis, did not indulge in.

After Mr. Gibbons came into the AFL by virtue of the merger with 688, then we began to get mass picketing from the Teamster Local 688 and we had the same type of trouble as far as the police department is concerned, with certain Teamsters locals after Mr. Gibbons came in that we did have with the CIO prior to that.

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

MR. KENNEDY. What about the association with the underworld figures in St. Louis? Do you find that the membership of the local and Mr. Gibbons himself have associated with what you consider and have found to be the underworld figures in St. Louis?

MR. MORAN. They seem to have more than a talking acquaintanceship with some of our leading underworld characters, and with some of the men who we deem to be, in our opinion, about as bad as there are in the country.

MR. KENNEDY. Who would they include?

MR. MORAN. Johnnie Vitale.

MR. KENNEDY. Does Mr. Gibbons know him?

MR. MORAN. Yes, he knows John Vitale. He knows Anthony Giardano. He knows Anthony Lopiparo.

MR. KENNEDY. Joe Costello?

MR. MORAN. And Joe Costello.

MR. KENNEDY. Do your other union officials in St. Louis associate or know these kind of individuals?

MR. MORAN. I don't know of any other union officials that to my knowledge have been seen associating with them, and I seriously doubt if they know them. They probably know of them.

MR. KENNEDY. It is not necessary in the St. Louis area to be a union official and have an acquaintanceship or an association with these kind of individuals; is that right?

MR. MORAN. It is not only not necessary, but it is to their advantage not to be seen with them, because we have in St. Louis a hoodlum squad or an intelligence unit which is constantly surveilling our known hoodlums, particularly our really bad hoodlums. It is definitely to a union official's disadvantage to be seen or to be going anywhere with them because that winds up in our records as a memorandum, and, of course, it also has a tendency to guide our opinions as to what type of union officials they are. So it absolutely is not necessary and it is not to their advantage to associate with them.

MR. KENNEDY. Then you have two situations, one of the association with the underworld figures in St. Louis, which is an association that Mr. Harold Gibbons and certain of the other union officials under him in local 688 have, which other union officials do not have. Then you have the resort to violence, which Mr. Harold Gibbons and his

union have used, but which other unions and union officials have not used in the St. Louis area. Is that correct?

Mr. MORAN. That is right.

Mr. KENNEDY. What has his relationship been toward the police department?

Mr. MORAN. Well, since his arrival in St. Louis, or, I will put it this way, since I first met him, up to the present time, he has clearly indicated he has absolutely no use for the police department or for policemen.

His attitude is that we do things that we are not paid to do by sticking our nose into his business, by checking on picket lines or by interfering with his type of picketing, and he has gone to great lengths to impress upon his people that the policeman is definitely against unions and definitely against them; that we are strikebreakers; we are on the side of management.

He attempts to have the men on the picket line start out with a resentful attitude toward the police department.

Mr. KENNEDY. Wasn't his brother a policeman at one time?

Mr. MORAN. He had a brother on the police force in Chicago.

Mr. KENNEDY. Did he tell you anything about him?

Mr. MORAN. Yes, sir. On one of my first meetings with Mr. Gibbons I interpreted it to be his way of straightening me out on his attitude toward me and the police department. There was an occasion where we were checking on his organizing attempt of the Negro taxicabs and he claimed to have a CIO charter. At that time there was another CIO charter that had been in St. Louis for some time. We wanted to see his charter, to see how bona fide his organizing attempt was.

He told us that we had no business to ask to look at his charter, we had no business to doubt his word, but he would show us the charter anyway. At that time he told me that he had a brother on the police force in Chicago, and he has not talked to him since the day he went on.

Mr. KENNEDY. There was a wildcat strike by the members of local 405 against Mr. Gibbons in 1956. Were there any hoodlums hired at that time in St. Louis by Mr. Gibbons?

Mr. MORAN. Yes, sir. An article appeared in the paper where Mr. Gibbons stated that there would be 50 official cars, official union cars, patrolling the streets.

Mr. KENNEDY. Were these people hired through Joe Costello, do you know?

Mr. MORAN. It is my understanding that there were some brought over from East St. Louis, and there were some members of local 405 who had made a reputation for being tough, or had done time, and they were employed to ride around and try to line up the cab drivers who were out and force them back.

Mr. KENNEDY. There was quite a number of them with criminal records, is that right?

Mr. MORAN. That is right, sir.

Mr. KENNEDY. What about Mr. Barney Baker?

The CHAIRMAN. Do you know who hired these people? Do you have definite information as to who actually hired them and brought them in there?

Mr. MORAN. I do not, sir.

Mr. KENNEDY. We will have some information on that.

The CHAIRMAN. All right.

Mr. KENNEDY. Did you ever have a chance to come across Mr. Barney Baker?

Mr. MORAN. Yes, I have talked to him and I have arrested him.

Mr. KENNEDY. What was he doing there?

Mr. MORAN. Barney Baker, as a rule, appeared in St. Louis when intimidation or force was going to be necessary because immediately after Mr. Baker's appearance, it would seem like the strike would take on a violent tinge and incidents would happen.

Mr. KENNEDY. You arrested him in 1956, did you?

Mr. MORAN. No; not in 1956. I arrested him prior to that. I arrested Baker in about the middle of 1954.

Mr. KENNEDY. Was this in connection with some man being beaten?

Mr. MORAN. Not my arrest, no. My arrest was just because we happened to run across him and we brought him in to see what he was doing.

Mr. KENNEDY. But he was arrested in 1956, was he? That was when a man got beaten with a baseball bat?

Mr. MORAN. That is right. He was arrested after an incident where a driver was assaulted by four men in a car, and he was struck across either the side of the face or the side of head with a bat. He gave a description of the automobile and the occupants, and later four men were arrested and in the car was a bat. The victim identified one of the men positively as being the one that assaulted him, but he could not identify the other three. Baker was one of the other three.

Mr. KENNEDY. Was Mr. Barney one of those who was arrested?

Mr. MORAN. Mr. Baker was one of the four who was arrested.

Mr. KENNEDY. And Mr. Lou Shoulders, Jr., was another one?

Mr. MORAN. That is right, Lou Shoulders, Jr., and a Mr. Cannella.

The CHAIRMAN. Have you any questions, Senator?

Senator CURTIS. Yes. In regard to the cab that was pushed into the river, could you establish about when it was pushed in? Was there anything about the report of the theft or the contents of the cab, such as a driver's sheet or instruments on the cab, or anything else?

Mr. MORAN. No. In recovering the cab there was no way we could determine how long it had been in the river. It had been in there such a long period of time that the interior of the cab was completely filled with silt from the river bottom.

Senator CURTIS. Did the owner ever identify the cab?

Mr. MORAN. It was easy to identify the cab because the license plate was still on it, and the cab number, three, was still visible on the side in front of the front door.

Senator CURTIS: I may be in error, but I think that the former wife of Barney Baker testified about his remark to her that he pushed a cab into the river. Based upon your knowledge of when this trouble was and when this cab was stolen, could you tell me now about the time that it was probably pushed into the river?

Mr. MORAN. Shortly after, I would say within an hour or so, after the cab was stolen, an investigation was being made on the larceny of the cab. We received information —

Senator CURTIS. What was that date?

Mr. MORAN. That was December 6, 1953. We received information to the effect that the cab had been run into the river. The way we were receiving that information was more or less mouth to mouth from people who probably knew and did not want to be involved. We tried to check it down further to locate just where on our levee it had been run into the river.

We could not come up with any positive information on exactly where it was run into the river, but we were convinced immediately after the theft was reported that the cab was in the river, from the information that was channeled to us.

Senator CURTIS. The Mississippi is quite a river there in St. Louis, isn't it?

Mr. MORAN. Yes, sir.

Senator CURTIS. How deep is it?

Mr. MORAN. Well, it will vary, but when we recovered the car, we recovered it from about 25 feet of water.

Senator CURTIS. You spoke of the alliance between hoodlums and the criminal element. I want to establish for the record this point: East St. Louis is across the river in Illinois, isn't it?

Mr. MORAN. That is right.

Senator CURTIS. And that does create some jurisdictional problems when you are pursuing or investigating someone. You have your authority from the State of Missouri and the city of St. Louis, is that true?

Mr. MORAN. There is difficulty. Of course, they can stay away from us so easily by living in East St. Louis or by getting out into East St. Louis.

Senator CURTIS. And it has been regarded by some, because of that difficulty, that East St. Louis has been sort of a refuge for some bad actors; is that correct?

Mr. MORAN. I would say that is correct.

Senator CURTIS. Did some of these union people, these Teamster people that you have been talking about, have contacts and alliances with East St. Louis hoodlums?

Mr. MORAN. Well, Lou Shoulders, Jr., whose name was mentioned as being in company with Barney Baker when he was arrested, is quite a frequenter on the East Side. In fact, he is still under indictment for murder over on the east side of the river. There are a number of hoodlums from the east side of the river that we like to think in the past few years don't bother to come to St. Louis any more, because we have made it a little too hot for them.

Senator CURTIS. But that is the same crowd that associated with these Teamster leaders and agents?

Mr. MORAN. That is right.

Senator CURTIS. Lieutenant Shoulders—who is his father?

Mr. MORAN. Lou Shoulders, do you mean?

Senator CURTIS. Lou Shoulders.

Mr. MORAN. His father was former Lieutenant Shoulders.

Senator CURTIS. And he was the man whose name cropped up in the Greenlease money?

Mr. MORAN. That is right.

Senator CURTIS. When did this mass picketing occur, during what years, both under CIO and under the new union?

Mr. MORAN. Throughout the 1940's we had numerous instances of mass picketing at various places being organized by the CIO.

Senator CURTIS. Did it continue after 1948?

Mr. MORAN. Yes, sir. It continued after 688 was merged with the independent union of Mr. Gibbons. It did continue for a while after that.

Senator CURTIS. As I recall, the Taft-Hartley law outlaws that, and that was completed in 1948.

I would like to ask the staff—I think I have a general idea, but for the purpose of the record what are Harold Gibbons' official positions with unions at the present time, and the various capacities?

Mr. KENNEDY. He is a vice president of the international, which is his most important job, and I would think that he has at least probably a half-dozen other jobs. He is still president of 688?

Mr. MORAN. He still retains his office in 688, and I believe local 405 is still under trusteeship.

Senator CURTIS. And he is one of the trustees?

Mr. KENNEDY. Yes.

Mr. MORAN. Mr. Gibbons is the international trustee who took over all of these various local in St. Louis. Then he appointed other men to conduct those particular locals under his supervision as a national trustee.

Senator CURTIS. Does he have any position in the Central Conference?

Mr. KENNEDY. He is secretary-treasurer of the Central Conference of Teamsters, of which Mr. Hoffa is president.

Senator CURTIS. And that is an area comprising a number of States.

Mr. MORAN. I believe it is 13 States.

Mr. KENNEDY. He is also executive secretary—he replaced Einar Mohn. He took over Einar Mohn's position in connection with Dave Beck.

Mr. MORAN. Do you mean in the international?

Mr. KENNEDY. Yes.

Mr. MORAN. He is an international vice president; yes.

Mr. KENNEDY. He is an international vice president and he is also, I believe, executive secretary or vice president.

Senator CURTIS. Does he have any position involving pension and welfare funds?

I will ask either the witness or the staff that question. I want to establish this for the record.

Mr. MORAN. His position in that regard would be due to being the head of local 688, in local 688 you do have welfare plans and you do have the LHI, which are separate funds. He has control over those through his position in local 688.

Senator CURTIS. Now, the Central Conference of Teamsters extends, generally speaking, from the Chicago area on the west, whereas the Western Conference begins in the Mountain States, is that right?

Mr. MORAN. I would think so. I don't know that they are those States, but it would be through the entire Midwest.

Mr. KENNEDY. He is also president of the joint council in St. Louis.

Mr. MORAN. He is trustee of the joint council. He took over the joint council and his office was abolished and he served as trustee.

Mr. KENNEDY. He is head of the national warehouse division. So he has a number of jobs.

Senator CURTIS. Did he have any convictions?

Mr. MORAN. No, sir. He did do some time in the city jail for contempt during a grand-jury investigation for failure to produce books. That is the only time that I know of.

Senator CURTIS. He has been arrested a number of times.

Mr. MORAN. Yes, he has been arrested.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Anything further?

Mr. KENNEDY. Mr. Chairman, I just want to thank Captain Morgan, who has been extremely helpful during the course of all our investigations. The chief of police in St. Louis, Jeremiah O'Connell, Mr. Chairman, has been very helpful, and also the chief of detectives, James Chapman. We received as much cooperation from the St. Louis Police Department as we have from any other group in the United States.

The CHAIRMAN. Thank you very much, Captain. I think you have made a very fine contribution to our record.

Mr. MORAN. Thank you.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Lew Farrell.

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

Mr. FARRELL. I do.

TESTIMONY OF LEW FARRELL

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

Mr. FARRELL. My name is Lew Farrell. I live at 1115 Caulder Avenue, Des Moines, Iowa. I am now unemployed.

The CHAIRMAN. You waive counsel, Mr. Farrell?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. What was your former employment?

Mr. FARRELL. I respectfully decline at this time to answer, and under the fifth amendment of the United States Constitution I assert my privilege not to be a witness against myself.

The CHAIRMAN. Mr. Farrell, I hand you a document here and ask you if you received the original of it. It is a carbon copy of the subpoena, a duplicate of the subpoena served upon you, and ask you to examine that and state if you received the original and if it was served on you.

Mr. FARRELL. Yes, sir; I did.

The CHAIRMAN. The return on that subpoena shows it was served on the 21st day of August; is that correct?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. The subpoena may be printed in the record at this point.

(The subpoena is as follows:)

UNITED STATES OF AMERICA
CONGRESS OF THE UNITED STATES

To LEW FARRELL, *Des Moines, Iowa, 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 forthwith 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 produce your personal financial records for the years January 1, 1948 to date, including records of all bank accounts, open or closed, bank statements, cancelled checks, check stubs, deposit slips, records of loans, investment records, safety deposit records, records of all businesses in which you have or have had an interest and all other records relating to your personal financial affairs.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 21st day of August, in the year of our Lord one thousand nine hundred and fifty eight.

JOHN McCLELLAN,
Chairman, Senate Select Committee on Improper Activities in the Labor or Management Field.

The CHAIRMAN. The subpoena calls you directly to produce your personal financial records for the years January 1, 1948, to date, including records of all bank accounts, open or closed, bank statements, canceled checks, check stubs, deposit slips, records of loans, investment records, safety-deposit records, records of all businesses in which you have or have had an interest, and all other records relating to your personal financial affairs. Have you brought your records in obedience to the subpoena, Mr. Farrell?

Mr. FARRELL. Yes, sir; I did.

The CHAIRMAN. You have them present?

Mr. FARRELL. I do.

The CHAIRMAN. Are you ready to deliver them to the committee?

Mr. FARRELL. No.

The CHAIRMAN. You are ordered to deliver them to the committee in obedience to the subpoena.

Mr. FARRELL. I respectfully decline at this time to answer, and under the fifth amendment of the United States Constitution I assert my privilege not to be a witness against myself.

The CHAIRMAN. Mr. Farrell, have you brought all the records and documents called for by the subpoena? Have you brought them with you?

Mr. FARRELL. Whatever you asked for.

The CHAIRMAN. I said all of them. Have you brought all of them? Do you have them here with you now?

Mr. FARRELL. Yes; I do.

The CHAIRMAN. That is all right. That is all that is covered by the subpoena; you have them with you?

Mr. FARRELL. Yes.

The CHAIRMAN. Will you show us a bundle of these, please, sir? I may say that all I am trying to do is ascertain whether what you say now is correct; that you have complied with the subpoena by producing them. Now I want to inquire as to where they are so that I may know that your testimony with respect to having produced them is correct.

Mr. FARRELL. I honestly believe that if I am forced to answer the question I will be forced to be a witness against myself.

The CHAIRMAN. Well, you are ordered and directed to exhibit the records in bulk, at least, so that the committee can determine whether you have actually complied, as you say you have, with the terms of the subpoena.

Mr. FARRELL. I decline on my constitutional rights.

Senator CURTIS. Where are they now? Are they in this hearing room?

Mr. FARRELL. Yes, sir.

Senator CURTIS. Will you show them to us?

Mr. FARRELL. They are in this suitcase.

Senator CURTIS. Show us how many you have.

Mr. FARRELL. No, sir.

The CHAIRMAN. I have no way of determining what is in that suitcase. I don't know whether they are records or not. You swear they are. Having sworn they are, the Chair, with the approval of the committee, orders and directs you to open the suitcase and expose the records which you have brought. I am not at this time ordering and directing you to turn them over to the committee, but I am ordering and directing you to expose them to the committee for observation so that we can determine whether you have, in fact, complied with the subpoena.

Mr. FARRELL. I respectfully decline at this time.

The CHAIRMAN. You do not have counsel here. But the question is now whether you have actually produced the records that you were ordered to do. You say you have them all in a little briefcase here. Give us a picture of that briefcase. Set it up so we can see how big it is.

Mr. FARRELL. Here it is, underneath the table.

The CHAIRMAN. You say that is all the records that you have brought?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. In compliance with this subpoena.

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Will you open the suitcase, grip, bag, or whatever it is, and expose the contents of it so that the committee may see them?

Mr. FARRELL. Senator, years ago when I was asked to bring my records in here, and then I was advised that I waived my immunity. Therefore, I decline as this time under my constitutional rights.

The CHAIRMAN. This committee was not in existence years ago. I don't know. The committee does not know. The point is I don't know whether—

Mr. FARRELL. You have records to show years back that I was asked to bring my records here.

The CHAIRMAN. Will you wait just a minute. I don't know, the committee does not know, and I cannot determine by looking at the suitcase what is in it. Now, you have sworn that there are records in it. I am asking you to simply open and expose it to the committee so that we may know that it does contain records.

Mr. FARRELL. Senator, I brought the suitcase. I don't have any way of opening up the suitcase because I don't have the keys.

The CHAIRMAN. I think you are placing yourself in contempt of the Senate. I am not trying to get a contempt charge against you,

but I can't tell, and no one else can, whether you are complying, whether you have complied with this subpoena with respect to producing your records.

Mr. FARRELL. Your records show there—

The CHAIRMAN. My record does not show what is in that bag you have brought. I am trying to find out and this committee wants to know whether that contains the records that you say you brought in response to this subpoena.

Mr. FARRELL. I brought the records in response to the subpoena.

The CHAIRMAN. I am going to order and direct you, with the approval of the committee, now to open that grip, that briefcase, whatever you term it, in which you say the records are, and expose the records, so that we may see them in bulk.

Mr. FARRELL. I decline.

The CHAIRMAN. All right. That order stands throughout the day, throughout the time you remain here. I want to say to you very frankly that I think you are placing yourself in contempt of the Senate. You don't have counsel. You may be smarter than any lawyer, I don't know, but I am giving you warning, and upon your continuing to decline I will have no other alternative except recommending that the committee cite you for contempt of the United States Senate. You understand that?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. All right. You may remain here—

Senator CURTIS. I would like to ask, over how long a period of time do these records pertain?

Mr. FARRELL. You asked me to bring my records from 1940 up until the present day.

Senator CURTIS. You did that?

Mr. FARRELL. Yes, sir.

Senator CURTIS. How heavy is that bag?

Mr. FARRELL. It is not too heavy. I don't have too many records.

Senator CURTIS. Were some of your transactions in cash?

Mr. FARRELL. I don't have too many transactions.

Senator CURTIS. What is your business?

Mr. FARRELL. At the present time I am unemployed.

Senator CURTIS. What has been your business?

Mr. FARRELL. I have been in the beer business, beer distributorship.

Senator CURTIS. Have you ever been in business in Omaha?

Mr. FARRELL. No, sir, I have not.

Senator CURTIS. You have been over there a few times?

Mr. FARRELL. Yes, sir, I have been over there.

Senator CURTIS. Do you know Barney Baker?

Mr. FARRELL. I respectfully decline at this time to answer and under the fifth amendment of the United States Constitution I press my privilege not to be a witness against myself.

Senator CURTIS. Do you know Harold Gibbons?

Mr. FARRELL. I decline to answer that question under the fifth amendment.

Senator CURTIS. Do you know Barney Baker's father-in-law?

Mr. FARRELL. I decline to answer that question under the fifth amendment.

Senator CURTIS. Why would that incriminate you to know those people?

Mr. FARRELL. Why? Because the spacemen that you fellows receive your information from is without foundation, sprinkled with imagination. In other words, where you get your information from.

Senator CURTIS. Now, your businesses have been lawful, have they?

Mr. FARRELL. Yes, sir, every one.

Senator CURTIS. Why don't you at least let us see what records you brought, if they are all lawful transactions?

Mr. FARRELL. I respectfully decline at this time to answer, and under the fifth amendment of the United States Constitution I assert by privilege not to be a witness against myself.

Senator CURTIS. Now, I contend that records of lawful transactions could not incriminate anybody and you have stated under oath that these were lawful transactions.

Mr. FARRELL. At one time I was told the same thing and then they claimed I waived my immunity. That word "immunity" sounds bad.

Senator CURTIS. When did that happen? What committee subpoenaed you?

Mr. FARRELL. Years back.

Senator CURTIS. A committee of the Senate?

Mr. FARRELL. Yes, sir.

Senator CURTIS. Who was the chairman of it?

Mr. FARRELL. That fellow with the raccoon hat, what was his name?

Senator CURTIS. Senator Kefauver. Were you ever in Chicago?

Mr. FARRELL. I was born there.

Senator CURTIS. Did you know Al Capone?

Mr. FARRELL. I respectfully decline at this time to answer and under the fifth amendment of the United States Constitution I assert my privilege not to be a witness against myself.

Senator CURTIS. But all your transactions have been legal, you say?

Mr. FARRELL. All of them.

Senator CURTIS. You are placing yourself directly in contempt because you say every transaction was legal and therefore they could not possibly incriminate you and therefore you are defying the committee in not showing them.

The CHAIRMAN. You said we got our information from spacemen who had an imagination, I believe, is that correct?

Mr. FARRELL. That is right.

The CHAIRMAN. I will tell you what you can do. You can relieve a lot of our imagination right now if you just open that grip. We will dispel it right there.

Mr. FARRELL. There is a story. The spacemen gave you imagination that there is something in the grip that is wrong. I am telling you that isn't right.

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

The CHAIRMAN. I think you could prove it, if you would open it; do you want to open it?

Mr. FARRELL. No, sir.

The CHAIRMAN. You will remain here during the rest of the day. You are under a continuing subpoena. You will be recalled for further questioning.

Mr. FARRELL. Yes, sir.

The CHAIRMAN. In the meantime, you will hold yourself subject to call.

Mr. FARRELL. Yes, sir.

The CHAIRMAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:42 p. m. a recess was taken, to reconvene at 2 p. m. of the same day. The following members were present at the taking of the recess: Senators McClellan and Curtis.)

AFTERNOON SESSION

(At the reconvening of the committee, the following members were present: Senators McClellan, and Curtis.)

The CHAIRMAN. The committee will come to order.

Call the next witness.

Mr. KENNEDY. Mr. James Ford.

The CHAIRMAN. 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. FORD. I do.

TESTIMONY OF JAMES FORD

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

Mr. FORD. My name is James M. Ford. I live at 6400 Cabanne Avenue, St. Louis, Mo. I am not working at the present time.

The CHAIRMAN. You waive counsel, Mr. Ford?

Mr. FORD. I got no counsel.

The CHAIRMAN. I beg your pardon?

Mr. FORD. I got no counsel.

The CHAIRMAN. I say, do you waive counsel?

Mr. FORD. I guess so.

The CHAIRMAN. What is your former employment, Mr. Ford?

Mr. FORD. Well, at one time I used to be a chauffeur.

The CHAIRMAN. A what?

Mr. FORD. A chauffeur. And with the Teamsters.

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

Mr. KENNEDY. Mr. Ford, you were a Teamster Union official?

Mr. FORD. Yes, sir, at one time.

Mr. KENNEDY. For how long?

Mr. FORD. About 14 or 15 years.

Mr. KENNEDY. Were you a business agent for local 600?

Mr. FORD. I was, yes, sir.

Mr. KENNEDY. Local 600 of the Teamsters. This was during the 1940's? Is that right?

Mr. FORD. Well, I was business agent from 1938 up until about 1946.

Mr. KENNEDY. Well, during the 1940's, at least part of the 1940's?

Mr. FORD. Business agent for 600, yes, sir.

Mr. KENNEDY. That was the largest local, is that correct?

Mr. FORD. Yes, sir.

Mr. KENNEDY. That local was considered to be too big and was broken up by the international, is that correct?

Mr. FORD. Yes, sir.

Mr. KENNEDY. It was broken up into locals 600, 632, and local 682?

Mr. FORD. Yes, sir.

Mr. KENNEDY. Three locals?

Mr. FORD. Yes, sir.

Mr. KENNEDY. The international sent a man by the name of Theorin?

Mr. FORD. Harold Theorin and Mr. Flynn came down there, Tom Flynn.

Mr. KENNEDY. T-h-e-o-r-i-n?

Mr. FORD. Yes, sir.

Mr. KENNEDY. And Tom Flynn came?

Mr. FORD. Yes, sir.

Mr. KENNEDY. Mr. Theorin is in jail at the present time, is he?

Mr. FORD. I don't know.

Mr. KENNEDY. I believe he is in for not paying his taxes.

Mr. FORD. I don't know.

Mr. KENNEDY. You became, then, secretary-treasurer of local 632?

Mr. FORD. Yes, sir, I did.

Mr. KENNEDY. And you remained as secretary-treasurer until what time? 1950?

Mr. FORD. 1950.

Mr. KENNEDY. And then you left 632?

Mr. FORD. No, I was given instructions from Mr. Harold Theorin at that time, he was international trustee, with a form letter by the international, that I was requested to resign.

Mr. KENNEDY. Why were you requested to resign?

Mr. FORD. I was given no just cause for why I was requested to resign.

Mr. KENNEDY. Did they go through your books and records?

Mr. FORD. They did, yes, sir.

Mr. KENNEDY. Did they find any money missing?

Mr. FORD. They found 6 cents short, and I had given that out of my pocket.

Mr. KENNEDY. But there wasn't any other reason?

Mr. FORD. They didn't give me no other reason.

Mr. KENNEDY. They presented a letter for you to sign, saying you resigned.

Mr. FORD. Requesting me to resign.

Mr. KENNEDY. And why did you sign the letter?

Mr. FORD. Well, I guess I signed it because they requested me to resign.

Mr. KENNEDY. But you didn't have to sign the letter, did you?

Mr. FORD. Well, I was instructed to sign it, or else.

Mr. KENNEDY. Who told you that?

Mr. FORD. Well, I was told that by Theorin.

Mr. KENNEDY. Who was representing the international?

Mr. FORD. That is right.

Mr. KENNEDY. Had they moved in on a number of different locals there in the St. Louis area?

Mr. FORD. Well, at that time, I guess they did. They affiliated them all into different locals then. I was out of the picture then. I don't know what actually was taken after that.

Mr. KENNEDY. Did you continue to work as a teamster?

Mr. FORD. I couldn't get a job as a teamster nowhere.

Mr. KENNEDY. Even after that?

Mr. FORD. After that.

Mr. KENNEDY. Even after you resigned?

Mr. FORD. That is right.

Mr. KENNEDY. What kind of jobs did you try to get?

Mr. FORD. Well, I tried to get teamsters, driving truck, and every place I would go they would tell me "Have you got a book?" And I would tell them "Yes, I got a book" and they would tell me "Well, we will call you a little later on." But that was all.

Mr. KENNEDY. Did you ever go into any other local of the Teamsters?

Mr. FORD. Then I transferred to 682.

Mr. KENNEDY. When did you transfer to 682?

Mr. FORD. Well, I think that was around 1952. Around 1952, somewhere.

Mr. KENNEDY. Who was running that local?

Mr. FORD. At that time, Mr. Higgins was running the local.

Mr. KENNEDY. What is his first name?

Mr. FORD. Pete.

Mr. KENNEDY. Was he removed?

Mr. FORD. He was the president of that local at that time.

Mr. KENNEDY. 1952?

Mr. FORD. Yes, sir.

Mr. KENNEDY. Was he removed as an officer later on?

Mr. FORD. I heard he was, yes, sir.

Mr. KENNEDY. Was local 682 put in trusteeship?

Mr. FORD. Yes, sir, it was.

Mr. KENNEDY. What time?

Mr. FORD. Well, after I was out of the picture. I don't know.

Mr. KENNEDY. All right. Then did you have any difficulties in local 682?

Mr. FORD. Well, I couldn't get a job, so I asked Mr. Higgins if he could put me to work somewhere. So he give me a job driving a dump truck at one of the housing projects.

Then I worked at one of them for about a couple of months, 3 months, I think it was, and went to one of the meetings and there seemed to be some difficulty in one of these meetings. That was after it was put in trusteeship. Mr. Higgins kind of accused Mr. Gibbons of having some kind of affiliation with the Communist movement.

Mr. KENNEDY. With the Communist Party?

Mr. FORD. Yes, sir.

And Mr. Gibbons strictly objected to it, and explained that he never did belong to it and never did intend to belong to it, and he never had any work in regard with the Communist movement for anything at all. So one argument led to another, and one fellow by the name of—well, anyhow, a fight started. In this fight, somebody got kicked around real good.

Mr. KENNEDY. Who was that?

Mr. FORD. I don't know the member's name who got kicked around. I wouldn't know.

Mr. KENNEDY. Did you kick him around?

Mr. FORD. I wasn't even in the fray at all. I was sitting back on my stool back there when it all started.

Mr. KENNEDY. Did you raise some questions with Mr. Gibbons at that time?

Mr. FORD. At that time I did. I think it was brought up on the floor at that time in regards to having separate meetings for each group, and I told them then off of the floor, I said "Harold, I think the international requested us to have one meeting for all the rank and file members of local 600 at least once a month."

Mr. KENNEDY. What he was doing was breaking down the meetings into various groups?

Mr. FORD. That is right.

Mr. KENNEDY. And you felt that all the membership should get together and discuss whatever issue or point they needed to discuss, all in one group, is that right?

Mr. FORD. That is right.

Mr. KENNEDY. That this was a disadvantage for the membership to be broken up in various meetings?

Mr. FORD. That is right, yes, sir.

Mr. KENNEDY. They could not all get together, and if they opposed the leadership, they could not make their opposition known, is that right?

Mr. FORD. That is right.

Mr. KENNEDY. You raised a question at the meeting about this?

Mr. FORD. I did, but there was objection to it, and I was out of order, and I sat down.

Mr. KENNEDY. So you and Higgins were raising questions, is that right?

Mr. FORD. That is right.

Mr. KENNEDY. That was a meeting of your group?

Mr. FORD. That is right; yes, sir.

Mr. KENNEDY. This was 1953; was it not?

Mr. FORD. 1953.

Mr. KENNEDY. Did you decide that you would go to the next meeting of the union?

Mr. FORD. The following month they had another meeting with a group of agitating drivers. That is the ones that drive for the concrete trucks. They belonged to 682 the same as I did, so I figured, well, if they belonged to it, and they were a member of local 682, my card was the same as theirs, I was eligible to go to that meeting. But it seemed like my eligibility did not last very long because no more than I hit the door I was asked to show my book, and I showed my book, and somebody took a swing at me and then I wound up in a hospital.

Mr. KENNEDY. Who did you show your book to?

Mr. FORD. Mr. Walla.

Mr. KENNEDY. Walla? W-a-l-l-a?

Mr. FORD. That is right.

Mr. KENNEDY. What was Mr. Walla's position?

Mr. FORD. He was president of the local at that time.

Mr. KENNEDY. That was when it was under trusteeship to Mr. Gibbons?

Mr. FORD. That is right.

Mr. KENNEDY. And he was running the local?

Mr. FORD. Yes, sir.

Mr. KENNEDY. He would not let you in?

Mr. FORD. He told me, he said, "Jim, I don't think they will let you in there." I said, "Gene, I got a book the same as you have, and I am eligible to go in there."

Finally, before he got done talking to me, somebody took a swing at me, and then the fray started.

Mr. KENNEDY. What happened then?

Mr. FORD. I wound up in a hospital.

Mr. KENNEDY. Did other people take swings at you?

Mr. FORD. There was so many popping me in the head I didn't know how to turn around.

Mr. KENNEDY. What happened to you, other than ending in the hospital? You broke your nose?

Mr. FORD. Well, I had a broken nose, a split cheek, knocked all my lower teeth out, busted three of my ribs, and punctured my lung.

Mr. KENNEDY. Then they threw you over the railing?

Mr. FORD. Threw me over the railing on the sidewalk and let me lay there.

Mr. KENNEDY. Then somebody took you to the hospital?

Mr. FORD. The police come and got me and took me to the hospital.

Mr. KENNEDY. Were there people present that were not members of local 682?

Mr. FORD. Yes.

Mr. KENNEDY. There were outsiders there?

Mr. FORD. Yes. There were bound to be, because a lot of the fellows there were my friends and would not have done that to me, I think.

Mr. KENNEDY. These were outsiders that came in?

Mr. FORD. Yes.

Mr. KENNEDY. The people that hit you, did you recognize them?

Mr. FORD. I couldn't recognize any of them.

Mr. KENNEDY. They were not from local 682?

Mr. FORD. I am pretty sure they were not.

Mr. KENNEDY. Did you see anybody from local 405, the taxicab local?

Mr. FORD. I could not identify anybody.

Mr. KENNEDY. Joe Bommarito?

Mr. FORD. Joe might have been there, but I could not identify him hitting me.

Mr. KENNEDY. Was he there?

Mr. FORD. He was there, yes.

Mr. KENNEDY. He is from local 405; is he not?

Mr. FORD. I wouldn't know.

Mr. KENNEDY. You never identified anybody that hit you?

Mr. FORD. I couldn't identify nobody.

Senator CURTIS. I would like to ask you this: Do you think this trouble that ended in your being beaten so severely, that the main cause of it was you raising the question of Communist connection or activity or at least sympathy?

Mr. FORD. Well, I couldn't say that was the main cause of it. I don't know what the cause of it was.

Senator CURTIS. Well, in your own mind, do you know of anything else —

Mr. FORD. Well, they say I was charged, according to the executive board where they brought me before, disturbance in a meeting.

Senator CURTIS. Had you disturbed the meeting?

Mr. FORD. I didn't do a thing, but I was charged with that.

Senator CURTIS. Who was running the meeting?

Mr. FORD. Mr. Walla at that time. He was president.

Senator CURTIS. Was Mr. Gibbons around there?

Mr. FORD. I don't know. I did not see him.

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

Senator CURTIS. The union followed pretty much Mr. Gibbons' directions?

Mr. FORD. I couldn't say that.

Senator CURTIS. At any rate, you were out of sympathy with what was going on, and you wanted to ask some questions, and you ended up getting beaten up?

Mr. FORD. You are right.

Senator CURTIS. You are satisfied that this reason you got beaten up was because you questioned some things, and if that had not happened, you probably would not have been beaten up?

Mr. FORD. I could not actually say that was the cause of it.

Senator CURTIS. Do you know of anything else that caused it?

Mr. FORD. Well, they say I disturbed the meeting.

Senator CURTIS. But you didn't do you?

Mr. FORD. I didn't. So I don't know what else could have happened, what it was for.

Mr. KENNEDY. Tell me this: Did you go to work after you got out of the hospital then?

Mr. FORD. I couldn't work.

Mr. KENNEDY. Why not?

Mr. FORD. Well, I couldn't work for at least 6 months after I got out of the hospital on account of my ribs and my lung.

Mr. KENNEDY. What about after that?

Mr. FORD. After that, I got jobs as a laborer.

Mr. KENNEDY. Why didn't you get jobs as a driver?

Mr. FORD. I couldn't get jobs as a driver because they took my affiliation away from me, my card away from me.

I didn't belong to the Teamsters no more.

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

Senator CURTIS. Why couldn't you get a job even though you did not belong to the Teamsters?

Mr. FORD. Everywhere I would go they would ask me if I had a book and I wouldn't work anyhow without a book.

Senator CURTIS. Who would ask you that?

Mr. FORD. Any employer that hires me, they ask do you belong to the union and I would have to tell them no. Anyhow I wouldn't have worked anyhow. If I wasn't a union member I wouldn't work.

Senator CURTIS. In other words, by taking your membership away from you they took your right to work away?

Mr. FORD. Well, I couldn't say they took my right to work. I went somewhere else to work but I couldn't work as a teamster, that is all.

Mr. KENNEDY. You were no longer able to get a job as a teamster?

Mr. FORD. Not as a teamster.

Mr. KENNEDY. You have not been working up to this time?

Mr. FORD. I have been working as a laborer and at different other crafts. I haven't worked 4 months in the last year.

Mr. KENNEDY. There is no question that the reason you were beaten up is the fact that you were an agitator at these meetings and raising

a question at these meetings. There is no question in your mind about that?

Mr. FORD. Maybe that is so.

Mr. KENNEDY. Don't you know that is correct?

Mr. FORD. It is a known fact I rejected a lot of stuff they were trying to put over; yes.

Mr. KENNEDY. That was the reason you were beaten up at the time you came to this meeting hall?

Mr. FORD. That is right.

Mr. KENNEDY. You have never been able to get a job?

Mr. FORD. I haven't; no, sir.

Mr. KENNEDY. Did you receive a trial from the Teamsters?

Mr. FORD. Well, I received a trial, the local executive board first. No more than I walked in the room I seen the setup. That is all there was to it. They said the exact words, everyone in there, and I was guilty.

Mr. KENNEDY. This is the executive board?

Mr. FORD. This is the local executive board they had at that time.

Mr. KENNEDY. Was that Mr. Walla?

Mr. FORD. Mr. Walla was president.

Mr. KENNEDY. He is the one that was involved in your personal differences, was he not? He was involved in the fight originally?

Mr. FORD. I never had no personal difference actually with Mr. Walla.

Mr. KENNEDY. He was present during the time you got beaten up?

Mr. FORD. He was there in the hall at the time I had the fray; yes.

Mr. KENNEDY. He was the one you showed the card to and tried to get into the meeting?

Mr. FORD. He told me at that time they would not let me in.

Mr. KENNEDY. He is the one and he also sat on the executive board that was trying you, isn't that right?

Mr. FORD. That is right.

The CHAIRMAN. How long was that after you were beaten up?

Mr. FORD. Sir?

The CHAIRMAN. How long was the trial after you were beaten up?

Mr. FORD. I would say that was 30 days, maybe 5 or 6 weeks.

The CHAIRMAN. How long did you stay in the hospital?

Mr. FORD. I was in the hospital 2 weeks and I requested to come out of the hospital because that was the city hospital then. I said I just as soon be home than laying in the city hospital.

The CHAIRMAN. Were any charges ever filed against you?

Mr. FORD. What kind of charges would you say?

The CHAIRMAN. Did they write you and say you were charged with having done this or that?

Mr. FORD. The local union did.

The CHAIRMAN. What kind of charges did they prefer?

Mr. FORD. Causing a disturbance in the meeting.

The CHAIRMAN. You caused a disturbance?

Mr. FORD. That is right.

The CHAIRMAN. Trying to show your card to get in a union meeting you were a member of?

Mr. FORD. That is right.

The CHAIRMAN. You found others in there that you were quite certain were not members?

Mr. FORD. That is right.

The CHAIRMAN. They are the ones who beat you up?

Mr. FORD. I don't know who beat me up I tried to tell you. I never seen nobody beat me up.

The CHAIRMAN. At any rate they not only beat you up and sent you to the hospital but they expelled you from the union?

Mr. FORD. That is right.

Mr. KENNEDY. This is of some interest, Mr. Chairman, as we have discussed over the period of the past few weeks the fact that Mr. Hoffa and the rest of the Teamsters hierarchy have not taken any action against other individuals in the Teamsters who would seem at least on the surface to have performed more heinous crimes than this gentleman: for instance, taking \$25,000 of union funds to make a pay-off to a judge.

That is all.

The CHAIRMAN. This is in keeping with the pattern of the testimony we have had about this union all the way through. Any other questions?

Thank you very much, Mr. Ford. You may stand aside. Call the next witness.

Mr. KENNEDY. Mr. Mitchell.

The CHAIRMAN. Will you be sworn, sir?

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. MITCHELL. I do.

TESTIMONY OF OLDRON A. MITCHELL

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

Mr. MITCHELL. My name is Oldron A. Mitchell. I live at 3958 Lexington Avenue.

The CHAIRMAN. What town?

Mr. MITCHELL. St. Louis, Mo. I am at the present time managing and running a barbershop.

The CHAIRMAN. Thank you very much. You waive counsel, do you?

Mr. MITCHELL. Yes.

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

Mr. KENNEDY. Mr. Mitchell, you were a member of Teamster Local 405?

Mr. MITCHELL. I was a member of Teamster 405, 682, and 600.

Mr. KENNEDY. You were with 405 when it was under the trusteeship of Harold Gibbons, is that right?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. You were driving a taxicab at that time?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Mr. Mitchell, you have been arrested a number of times, have you, and spent some time in jail?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. This was prior to the time that you went with local 405?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Now, local 405, the Yellow Cab Co., went out on strike, did it not?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. That strike started November 30, 1953?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Did you join a group of individuals from that local and have meetings periodically with them?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. What was the purpose of your group that was organized?

Mr. MITCHELL. I had two jobs at that time with the local. I was taking up money at Laclede Cab from 2 o'clock in the afternoon until 12 o'clock at night. After 12 o'clock I run a scout car.

Mr. KENNEDY. What was a scout car?

Mr. MITCHELL. A scout car was patrolling the city, mostly patrolling the northwest part of St. Louis.

Mr. KENNEDY. What were you patrolling for?

Mr. MITCHELL. Watching Yellow cabs to see where they were going, what they were doing, and so forth.

Mr. KENNEDY. What would you do when you saw a Yellow cab?

Mr. MITCHELL. Well, my intentions were to get them off the street.

Mr. KENNEDY. How would you go about getting them off the street?

Mr. MITCHELL. Well, any manner we could get them off.

Mr. KENNEDY. How many of you were there that were doing this kind of work?

Mr. MITCHELL. There were approximately 3 or 4 carloads at night after 12.

Mr. KENNEDY. Did you have a number of people that you carried around in your car?

Mr. MITCHELL. That is right.

Mr. KENNEDY. Who was this group organized by?

Mr. MITCHELL. Mr. Bommarito.

Mr. KENNEDY. When you saw a Yellow cab you would run it off the road?

Mr. MITCHELL. Run it off the road, wreck it, or anything that we could possibly do.

Mr. KENNEDY. This group that was patrolling the streets after midnight?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. There were 3 or 4 of you out every night, is that right?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Would you have a meeting of this group each day?

Mr. MITCHELL. Ordinarily after we got through patrolling we would go into the union office at 1127 Payne.

Mr. KENNEDY. Could you tell me some of the other people who were in this group?

Mr. MITCHELL. Joseph Bommarito, Poole.

Mr. KENNEDY. That is John Poole?

MR. MITCHELL. John Poole. Joe Ferrara.

MR. KENNEDY. That is F-e-r-r-a-r-a?

MR. MITCHELL. That is right. And Sparky.

MR. KENNEDY. That is Harold Sparks?

MR. MITCHELL. Harold Sparks.

MR. KENNEDY. Nick Eboli?

MR. MITCHELL. There are quite a number of men in that group that I would recognize.

MR. KENNEDY. Ben Saltzman?

MR. MITCHELL. Ben Saltzman at that time was not in the group that was on patrol. He wasn't at that particular time that I speak of here, of these particular men, Ben Saltzman was not with this particular group. However, he was at the office at the time.

MR. KENNEDY. Now, were there any union officials who would meet with you in connection with the work you were doing?

MR. MITCHELL. Yes, they would. Pete Saffo, the gentleman that was sent to prison from St. Louis for bribery.

MR. KENNEDY. That is Lou Berra?

MR. MITCHELL. Lou Berra. Another gentleman, I forget his name, he looks a lot like Lou Berra, about the same weight as Lou Berra.

MR. KENNEDY. How about Mr. Kavner?

MR. MITCHELL. Kavner?

MR. KENNEDY. He was there also?

MR. MITCHELL. Yes, sir.

MR. KENNEDY. Did you ever see Mr. Harold Gibbons?

MR. MITCHELL. Yes, sir.

MR. KENNEDY. Did any of these union officials give you any instructions as to keeping the Yellow cabs off the street?

MR. MITCHELL. They all did. Any meeting that was held they said there were too many cabs going on the street and to get them off.

MR. KENNEDY. Did Mr. Harold Gibbons ever discuss this matter with your group?

MR. MITCHELL. Yes, sir.

MR. KENNEDY. What did he say?

MR. MITCHELL. I discussed the matter with Mr. Gibbons after we had wrecked a cab out on Folsom Avenue.

MR. KENNEDY. I will go into that later. We will come to that. But did he ever give you any general instructions about keeping the cabs off the street?

MR. MITCHELL. At meetings, yes.

MR. KENNEDY. At that meeting? What did he say to you?

MR. MITCHELL. Mr. Gibbons, Pete Saffo, Kavner, most all of them recommended to keep the cabs off the street.

MR. KENNEDY. Was there damage done to these cabs by your group?

MR. MITCHELL. By my group there was not any cab attacked. We did run one one night and turned off after we thought the police was following.

MR. KENNEDY. You ran after one and turned off?

MR. MITCHELL. Yes.

MR. KENNEDY. Did you know a cabdriver by the name of Leon Smith?

MR. MITCHELL. Yes, sir.

Mr. KENNEDY. He was a Yellow Cab driver?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Are you aware of the fact that his cab was smashed?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. That was while he was carrying the passenger's bags into the house?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. The cab was smashed and the windshield was broken, is that right?

Mr. MITCHELL. That is right, sir.

Mr. KENNEDY. Did you ever know who was responsible for that?

Mr. MITCHELL. Bommarito and Joe Ferrara.

Mr. KENNEDY. How did you know that?

Mr. MITCHELL. Through them telling us after a patrol.

Mr. KENNEDY. How about Alvin Mercer, who was also a Yellow Cab driver? Did you hear about him?

Mr. MITCHELL. Yes, sir, more or less, hearsay.

Mr. KENNEDY. What happened to him?

Mr. MITCHELL. His cab was wrecked and he was beat up.

Mr. KENNEDY. Did you hear who was responsible for that?

Mr. MITCHELL. The business agent at that time and another one or two.

Mr. KENNEDY. Do you remember who that was?

Mr. MITCHELL. Ben Saltzman I believe was the business agent at that time. This was more or less discussed after a patrol.

Mr. KENNEDY. What about Paul Herzwurm, who was a Yellow Cab driver? Was he beaten?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Who were you told was responsible for that?

Mr. MITCHELL. Mr. Saltzman was responsible for that. He was talking about it, expecting to be arrested.

Mr. KENNEDY. Now around December 5, 1953, was there a meeting of a group to discuss having a girl decoy go out and get a cab?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Why was that felt to be necessary?

Mr. MITCHELL. Well, they wanted to put the cab in a special district, so that was taken up at the union headquarters. We had just come off a patrol and I was hanging around there at the time, just hanging around, you might say, the hall. So the discussions came up about the cars and so forth, we didn't have the right cars, enough cars to do the job, so Mr. Poole got a lady, he knew a lady he could get.

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

Mr. KENNEDY. Who was this discussed with?

Mr. MITCHELL. Well, I was in the outer office, myself, and it was discussed between Pete Saffo, the business agent, and Bommarito, and others.

Mr. KENNEDY. And Poole?

Mr. MITCHELL. And Poole, yes.

Mr. KENNEDY. Who do you mean as a business agent? Who would that be?

Mr. MITCHELL. That would have been Saltzman.

Mr. KENNEDY. Was Richard Kavner there also?

Mr. MITCHELL. Richard Kavner and Pete Saffo. It was in the inside office.

Mr. KENNEDY. They went in there. Then did they come out and tell you what the plan was?

Mr. MITCHELL. That is right.

Mr. KENNEDY. What was the plan, that Poole was going to get hold of a girl?

Mr. MITCHELL. That is right.

Mr. KENNEDY. She would go down and get a taxi and bring it to a certain spot, is that right?

Mr. MITCHELL. That is right.

Mr. KENNEDY. You were to bring your automobile?

Mr. MITCHELL. That is right.

Mr. KENNEDY. And they were also going to rent a car?

Mr. MITCHELL. That is right.

Mr. KENNEDY. And there was going to be even a third car which would come along?

Mr. MITCHELL. That is right.

Mr. KENNEDY. A girl was obtained? Poole got a girl by the name of Mary Lou Bledsoe?

Mr. MITCHELL. I believe so; that was her name.

Mr. KENNEDY. And a man by the name of Joseph Ferrara went along with her.

Mr. MITCHELL. That is right.

Mr. KENNEDY. He was one of this group?

Mr. MITCHELL. We picked Joe Ferrara up at the hotel and they continued on then and picked up the girl. We waited at the hotel while they got the girl and came back to the hotel. Then we went from there to Folsom, and Ferrara and the girl went down at the union station, picked the cab, went out on Folsom.

Mr. KENNEDY. So they came out on Folsom Avenue, is that right, the girl and Ferrara?

Mr. MITCHELL. That is right.

Mr. KENNEDY. When they got out there, did the three carloads of your group get out and stop the cab?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. What did you do with the cab then?

Mr. MITCHELL. I pulled in front of the cab, and Ferrara and the girl got out. They started to cross a lot. There was three carloads of us. There was three carloads of men around, with the exception of the drivers, around the car, and they were trying to turn it over. I tried to get my car out before they turned it over. In the meantime, we heard the police sirens. So when we heard the police sirens, they wasn't making very much success at turning the car over so Joseph Bommarito he said he hurt his back or something.

Mr. KENNEDY. Trying to turn the car over?

Mr. MITCHELL. So after he said that, some of the boys grabbed the snow chains out of my car and beat out the windows and then a few of them jumped in my car. I took one carload away and came back for the second load. At that time, by the time I had got back to get the second load of men away, the police were there. There is a saloon right up from where this occurred, so I stopped at the saloon and went in and had a beer. I came back out and I picked up some young

fellow that did not even belong to the union that was with us. He and I, as far as I know, was the only ones that was not picked up.

Mr. KENNEDY. Everybody else was arrested?

Mr. MITCHELL. I believe so. I don't know for sure.

Mr. KENNEDY. Miss Bledsoe made a statement to the police, did she?

Mr. MITCHELL. That is right.

Mr. KENNEDY. But she refused, ultimately, to testify?

Mr. MITCHELL. I believe she did.

Mr. KENNEDY. So nobody was prosecuted in this case, is that right?

Mr. MITCHELL. I believe so, I don't remember.

Mr. KENNEDY. Did you go back to the union hall then?

Mr. MITCHELL. Yes. I went back and then he found out that there were some that had been arrested. Poole had my overcoat or topcoat, and he was arrested, and I went down there to pick up my topcoat and that is when I found out that he was arrested.

Mr. KENNEDY. Did you discuss this with Harold Gibbons at all?

Mr. MITCHELL. No, not for a few days later, after that.

Mr. KENNEDY. What about your automobile? Were you given any instructions about your automobile?

Mr. MITCHELL. I was given instructions to keep my automobile away from there due to the fact that my car was seen at the scene of the crime.

Mr. KENNEDY. Who told you that?

Mr. MITCHELL. Mr. Gibbons, for one, and most all of them around the office told me to keep away from there.

Mr. KENNEDY. Did you have any conversations subsequent to that? Would you tell us what happened then?

Mr. MITCHELL. Well, after the men were all arrested, with the exception of me and this other kid, he was under age, he was approximately 18 or 19 years old, he could not drive a cab, he was too young—and why he was with us, I don't know—anyway, I told Mr. Gibbons after that that I would not, under no condition, work with a bunch of men again.

Mr. KENNEDY. Why didn't you want to work with a bunch of men?

Mr. MITCHELL. Well, all of them had been caught but me. I didn't want to go to prison. We will put it that way. So I just told him I would be a lone wolf and work by myself.

Mr. KENNEDY. O. K. Tell us what happened.

Mr. MITCHELL. Well, it was agreed that I should work by myself.

Mr. KENNEDY. So did you work by yourself then?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. What did you do?

Mr. MITCHELL. Well, after, I think it was, the next day, I was off from my collecting, I had the day off, so I was walking up Pine Street not far from the union hall and I met Mr. Gibbons. We set up the deal on the automobile that was shoved in the river.

Mr. KENNEDY. How did you set that deal up?

Mr. MITCHELL. Well, I was supposed to meet someone at the Missouri Athletic Club.

Mr. KENNEDY. Did you arrange this? How was it arranged?

Mr. MITCHELL. Between Mr. Gibbons and I.

Mr. KENNEDY. Was anyone else present?

Mr. MITCHELL. No. Mr. Gibbons had come across the street with Mr. Kavner and maybe an attorney and a couple of other men.

Mr. KENNEDY. What did you arrange?

Mr. MITCHELL. We arranged that I should pick up the cab at the Missouri Athletic Club. I told him I would take care of it.

Mr. KENNEDY. How was he going to get the cab to the Missouri Athletic Club?

Mr. MITCHELL. I didn't—

Mr. KENNEDY. How were you going to get the cab to the Missouri Athletic Club?

Mr. MITCHELL. Some lady brought it there. The arrangements was that someone was to decoy the cab to the Missouri Athletic Club, send the driver in, and I would take the car from there.

Mr. KENNEDY. These are the plans you made with Mr. Gibbons?

Mr. MITCHELL. That is right.

Mr. KENNEDY. Did that happen, then?

Mr. MITCHELL. Yes, sir, it did happen.

Mr. KENNEDY. Did the driver go inside?

Mr. MITCHELL. The driver went inside, and when the driver went inside I took the cab. The young lady that was in the cab I let out in front of the bus terminal. As soon as she got out and I saw her safely across the street, I took the cab and run it in the river.

Senator CURTIS. How did you do that? You didn't stay in it?

Mr. MITCHELL. No, sir.

Senator CURTIS. Tell us how it happened?

Mr. MITCHELL. I went down over Broadway to Delmar, back from Delmar to Lucas, down the hill at Lucas Avenue, and build up the momentum as much as I could in the car, jumped out of the car at the last street before you hit the levee. The car went in the river.

Senator CURTIS. Who was the woman decoy; do you know?

Mr. MITCHELL. No, I don't.

Senator CURTIS. Did you ever see her before?

Mr. MITCHELL. I never saw her before and never saw her afterward, as far as I know.

Senator CURTIS. Do you know who the driver was?

Mr. MITCHELL. No, sir.

Senator CURTIS. Why was this war being carried on with the Yellow Cab?

To get them to join your union?

Mr. MITCHELL. It was to get them to settle the strike. We were on strike.

Senator CURTIS. Did the owners of any other cab companies assist in this harassment of the Yellow Cab?

Mr. MITCHELL. As far as I know, no.

Senator CURTIS. In various organization drives, and so on, were owner-drivers compelled to join the union, some one who owned their own cab, do you know?

Mr. MITCHELL. Owner-drivers are compelled, in fact, you have to pay your union dues when you pay your monthly proration to the company. Otherwise, you don't work.

Senator CURTIS. Even though you own your own cab and you are your own boss?

Mr. MITCHELL. That is right.

Senator CURTIS. Who paid all of this expense of this scout car patrol that harassed these drivers after midnight?

Mr. MITCHELL. Well, I was furnished gasoline by the union, and I was given \$35 a week compensation to just help me along.

Senator CURTIS. Who paid then to help these men defend themselves when they were picked up?

Mr. MITCHELL. The union said that they would protect any man that got in trouble.

Senator CURTIS. Who, for the union, said that?

Mr. MITCHELL. Mr. Gibbons. All of those business agents said that.

Senator CURTIS. These Yellow Cabs that you were driving off of the street, and one of you put in the river, and so on, were any of their drivers ever injured at any time?

Mr. MITCHELL. Yes. There were several of them beat up. Very badly.

Senator CURTIS. How would they be beaten up?

Mr. MITCHELL. With men that did it.

Senator CURTIS. More than one man?

Mr. MITCHELL. Oh, yes. There was always 3 or 4.

Senator CURTIS. You never took one man against one man?

Mr. MITCHELL. On one occasion, I believe there was one man against one man.

Senator CURTIS. Did they use clubs or weapons or any kind?

Mr. MITCHELL. They used anything they could get their hands on.

Senator CURTIS. What, for instance?

Mr. MITCHELL. For instance, they used baseball bats.

Senator CURTIS. Car tools?

Mr. MITCHELL. Car tools.

Senator CURTIS. Were any of these drivers critically and severely injured that you know of?

Mr. MITCHELL. I believe there was several of them.

Senator CURTIS. That was generally known by everybody engaged in the activity?

Mr. MITCHELL. Yes, sir.

Senator CURTIS. And it was known by Mr. Kavner and Mr. Gibbons and the other union officials?

Mr. MITCHELL. Very much so, sir.

Senator CURTIS. That is all.

The CHAIRMAN. Mr. Langenbacher, will you come forward, please?

May I ask you, do you know Mr. Langenbacher?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. You have had some conferences with him? Have you been interviewed by him at different times?

Mr. MITCHELL. That is so.

The CHAIRMAN. Did you finally tell him where he might find this car in the river?

Mr. MITCHELL. I told, him, yes, sir, where he would find the car.

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. LANGENBACHER. I do.

TESTIMONY OF IRWIN LANGENBACHER

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

MR. LANGENBACHER. Irwin Langenbacher, Hyattsville, Md., assistant counsel of this committee.

The CHAIRMAN. You have been employed by the committee for some time?

MR. LANGENBACHER. About 14 or 15 months.

The CHAIRMAN. Did you interview the witness, Mr. Mitchell, who is now on the stand?

MR. LANGENBACHER. Yes, sir.

The CHAIRMAN. Acting on the information he gave you, did you, with the assistance of the St. Louis police, or did they with your assistance and the information you gave them, which you obtained from this witness, locate the car that Mr. Mitchell says he drove in the river?

MR. LANGENBACHER. Yes, sir. I had some hints previously as to where it was, and finally he told me where it was. I then told the police.

The CHAIRMAN. Of St. Louis?

MR. LANGENBACHER. Of St. Louis, Captain Moran. He agreed to hire a diver. We had the Coast Guard probe around until they hooked on. We hooked the wrong car first and pulled it out. It had a body in it.

The CHAIRMAN. It had a body in it?

MR. LANGENBACHER. Yes, sir. So then we probed around some more and hooked on to it and pulled it out.

The CHAIRMAN. Were you present when it was pulled out?

MR. LANGENBACHER. Yes.

The CHAIRMAN. Were you present when identification was made of it?

MR. LANGENBACHER. I was.

The CHAIRMAN. I will ask you to identify these four pictures, please.

(Photographs handed to the witness.)

MR. LANGENBACHER. I identify each of these pictures. They were made in my presence shortly after the cab was pulled out. Mr. Mitchell had told me that it was Yellow Cab No. 3 that was run into the river, and one of the pictures indicates that it was No. 3 that was pulled out.

The CHAIRMAN. How long after it was pulled out before the pictures were made?

MR. LANGENBACHER. Well, they were made a few minutes apart. I would say they had all been made within 1 hour after the cab was pulled out. The cab was full of dirt and it took some time for the firemen to wash the dirt off and out of the cab before the pictures were made.

The CHAIRMAN. The pictures will be made exhibit No. 77, in bulk.

(The documents referred to were marked "Exhibit No. 77" for reference and may be found in the files of the select committee.)

TESTIMONY OF OLDRON A. MITCHELL—Resumed

The CHAIRMAN. Present the pictures to the witness, particularly the one that shows cab No. 3.

(The photographs were handed to the witness.)

The CHAIRMAN. Mr. Mitchell, see if you can identify that cab as the one you have been testifying about.

Mr. MITCHELL. Sir, it is a little different, according to this picture, of when it went in, when I sent it in there. That fender was not marked up on it. Well, it was not scarred up like it is here.

The CHAIRMAN. It has been in there for how many years?

Mr. MITCHELL. Since 1956, I believe.

Mr. KENNEDY. 1953.

Mr. MITCHELL. 1953.

The CHAIRMAN. And you had told Mr. Langenbacher exactly where you drove it into the river?

Mr. MITCHELL. That is right, sir.

The CHAIRMAN. Do you have any doubts that is the same car?

Mr. MITCHELL. I don't doubt it at all, sir.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Do you know anything about the car that had the body in it?

Mr. MITCHELL. No, sir.

The CHAIRMAN. Mr. Langenbacher, was that a cab too?

Mr. LANGENBACHER. No, sir. That was a late model Oldsmobile station wagon. It had only been in there 3 or 4 months. It was just by accident. When we went fishing, we did not know what we were going to catch. We happened to hook onto that one first. When we pulled it out, we saw it was the wrong car. So a couple of days later we got the right one.

The CHAIRMAN. So that first one you pulled out presented another unsolved crime for the police?

Mr. LANGENBACHER. No, the police know pretty well the conditions there. Apparently the man committed suicide.

The CHAIRMAN. All right.

Mr. KENNEDY. What did you do after you dumped the cab in the river? What did you do then?

Mr. MITCHELL. I walked over to the Black & White Cab Co., called a cab, took a cab uptown to about 8th and Olive, and then I walked over by the union hall, and one of the stewards was going into the union hall and I told him, I said, "Tell them that No. 3 don't exist anymore."

Mr. KENNEDY. Do you know who the steward was?

Mr. MITCHELL. No. I would if I saw him.

Mr. KENNEDY. Did you have any further discussions about the taxi?

Mr. MITCHELL. No, sir.

Mr. KENNEDY. You didn't discuss it any more?

Mr. MITCHELL. No, sir.

Mr. KENNEDY. There was an injunction issued against the union during the course of the strike?

Mr. MITCHELL. That's right.

Mr. KENNEDY. Did Mr. Gibbons tell you anything about that?

Mr. MITCHELL. Yes. Mr. Gibbons said there was an injunction and that he had to order us back to work, but if we went back to work, we were scabs.

Mr. KENNEDY. You spoke about Bommarito hurting his back during the time he tried to turn the other taxicab over; is that correct?

Mr. MITCHELL. That's correct.

Mr. KENNEDY. Was he treated at union expense for the injury to his back?

Mr. MITCHELL. He told me he was being treated by the union because he didn't have money to do it himself.

Mr. KENNEDY. Was he also put on the payroll of the union?

Mr. MITCHELL. A little later, yes, he was.

Mr. KENNEDY. As a trainee; is that correct?

Mr. MITCHELL. I believe—

Mr. KENNEDY. Was there any question raised over the fact he was on the payroll by the membership?

Mr. MITCHELL. Yes, we raised that question several times in union hall.

Mr. KENNEDY. What was the answer?

Mr. MITCHELL. Well, the answer was that Bommarito had did all this for the union and that he thought he should draw pay for it.

Mr. KENNEDY. What about Saltzman? After he was arrested was he also kept on the union payroll?

Mr. MITCHELL. I believe he was, yes, sir. He told me he was anyway.

Mr. KENNEDY. Do you know of any work he did for the union, 405?

Mr. MITCHELL. Not after he was taken—Mr. Gibbons decided to put another business agent in his place called Rudolph, so after that Rudolph had an assistant—

Mr. KENNEDY. Well, he was kept on the payroll for a couple of years?

Mr. MITCHELL. Yes.

Mr. KENNEDY. We have some testimony here regarding Mr. Ford's being beaten up. Do you know anything about that?

Mr. MITCHELL. Yes.

Mr. KENNEDY. Will you tell us what you know about it.

Mr. MITCHELL. Well, there were several of us at the union hall at the time. Mr. Gibbons said he wanted volunteers to go out at Forest Park.

Mr. KENNEDY. What is Forest Park?

Mr. MITCHELL. That is the union hall for local 682.

Mr. KENNEDY. What did he want you to go out there for?

Mr. MITCHELL. To keep Mr. Ford from going in the hall.

Mr. KENNEDY. Why did he want that done?

Mr. MITCHELL. I presume he wanted to get rid of him.

Mr. KENNEDY. Did he say you should be paid for attending the meeting?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. So did you go over?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. How many of you went over?

Mr. MITCHELL. About 3 or 4 carloads of us went over there.

Mr. KENNEDY. All from local 405?

Mr. MITCHELL. Some of them may have been from other locals, but most of them were from 405.

Mr. KENNEDY. Were they the same people you were talking about here?

Mr. MITCHELL. Bommarito, Ferrara, Lloyd Young, Joe Bova.

Mr. KENNEDY. John Poole?

Mr. MITCHELL. Poole, I believe.

Mr. KENNEDY. Harold Sparks?

Mr. MITCHELL. Harold Sparks rode in my car.

Mr. KENNEDY. Tony and Joe Capraro?

Mr. MITCHELL. Joe Capraro in my car.

Mr. KENNEDY. Saltzman?

Mr. MITCHELL. Ben Saltzman. He didn't ride in my car, though.

Mr. KENNEDY. You all went over to the local. Where did you go once you got there?

Mr. MITCHELL. I went right on into the hall.

Mr. KENNEDY. You went into the hall?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Is that Mr. Walla, Gene Walla's local?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Did you talk to him at all?

Mr. MITCHELL. I spoke to him as I went into the door.

Mr. KENNEDY. Did he say anything about what you should do?

Mr. MITCHELL. Yes, he told me.

Mr. KENNEDY. What did he say?

Mr. MITCHELL. Shortly after that Ford came in, so a bunch of us gathered around, and fists started flying, and I think Mr. Walla's was the first fist that hit him. So just how many there was in on it, it is hard to say.

Mr. KENNEDY. What did Mr. Walla say your job was? Did he explain to you what you were supposed to do over there?

Mr. MITCHELL. Yes, to get rid of Ford, get him out of the hall.

Mr. KENNEDY. Did you get him out of the hall?

Mr. MITCHELL. When he came we did, yes. When he came to the door he didn't know what hit him.

Mr. KENNEDY. He was thrown out of the hall?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Did you get paid for that?

Mr. MITCHELL. I got \$35.

Mr. KENNEDY. Do you know whether the others got paid?

Mr. MITCHELL. I heard they got \$25.

The CHAIRMAN. You got \$35 for beating this fellow up, keeping him out of the union hall?

Mr. MITCHELL. I didn't beat him up. I didn't even get in one lick.

The CHAIRMAN. You got paid \$35 for being present?

Mr. MITCHELL. I got \$35 for being in the fun.

The CHAIRMAN. Did you give any part of that to anyone else?

Mr. MITCHELL. No, sir.

The CHAIRMAN. Were you supposed to keep all of it?

Mr. MITCHELL. I did.

The CHAIRMAN. Well, were you supposed to?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Then they paid the others individually just as they paid you?

Mr. MITCHELL. I presume. I didn't stay around. I took off as soon as I got mine.

The CHAIRMAN. When did you get yours?

Mr. MITCHELL. From Mr. Walla.

The CHAIRMAN. The president of the local?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Right after you beat the fellow up?

Mr. MITCHELL. That's right, sir.

The CHAIRMAN. You got your pay and left?

Mr. MITCHELL. That's right.

The CHAIRMAN. Did those people that came with you leave with you?

Mr. MITCHELL. No, sir. I told them that I was going to leave early.

The CHAIRMAN. You got your job done and left early?

Mr. MITCHELL. That's right.

The CHAIRMAN. How much was the total cost to get Mr. Ford beat up that night?

Mr. MITCHELL. I really don't know, sir. About 3 or 4 carloads of them I know.

The CHAIRMAN. You were sent over from another local to go over there and beat up this man?

Mr. MITCHELL. That's right.

The CHAIRMAN. They did not keep you out of the hall, did they?

Mr. MITCHELL. Well, they have tried to several times.

The CHAIRMAN. I am talking about this night.

Mr. MITCHELL. No, sir.

The CHAIRMAN. Is that the way the union is run, by force and violence rather than by the right to vote and the right to speak?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Has that been your experience generally with the Teamster Union locals?

Mr. MITCHELL. Since Mr. Harold Gibbons has taken over, yes.

The CHAIRMAN. I see. Ever since he took over that has been the policy?

Mr. MITCHELL. That has been the policy.

The CHAIRMAN. That has been the rule that you follow?

Mr. MITCHELL. That's right.

The CHAIRMAN. How much do you get for dumping a car in the river?

Mr. MITCHELL. I got my regular \$35 a week.

The CHAIRMAN. \$35 a week for that?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Let me ask you now. Was all of this violence going on that you testify to with Mr. Gibbons' full knowledge?

Mr. MITCHELL. Yes, sir, I would say so.

The CHAIRMAN. When you went back to the union hall after your tour of patrolling, would you report what you had been doing?

Mr. MITCHELL. We would more or less discuss it. It wasn't exactly a report.

The CHAIRMAN. In other words, it is not possible that Mr. Gibbons knew nothing about it. You know he knew what was going on?

Mr. MITCHELL. Oh, yes, he knows what is going on in his union.

The CHAIRMAN. I would not doubt that; and you are sure he knew what was going on at that time?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Were you present in the hearing room, Mr. Mitchell when Mr. Ford testified today?

Mr. MITCHELL. Yes, sir.

Senator CURTIS. You heard him describe his injuries?

Mr. MITCHELL. Yes, sir.

Senator CURTIS. His teeth being knocked out, his nose broken, his lungs punctured, and so on. From what you know about it, do you have an opinion as to whether or not it would be true that his injuries would amount to that much?

Mr. MITCHELL. My opinion of Mr. Ford's case was that it wasn't what he said to Harold or anything, it was strictly to get him out of the union because he was a power in 682. He was a power. He might have been able to swing that union over. They wanted him out of that union.

Senator CURTIS. He wanted a clean, properly run union?

Mr. MITCHELL. That is right. I worked under Mr. Ford and Mr. Ford has represented me and he probably wouldn't even recognize me today.

Senator CURTIS. I am talking now about the extent of his injuries. Do you think they were as bad as he described?

Mr. MITCHELL. I think so.

Senator CURTIS. Now, did Barney Baker have anything to do with this dumping the cab in the river or making suggestions with reference to it?

Mr. MITCHELL. No, sir.

Senator CURTIS. Did he know about it?

Mr. MITCHELL. I don't remember whether he was even in town or not. I imagine he was; I don't know.

Senator CURTIS. But he would be around there quite a little?

Mr. MITCHELL. He was around the union hall quite often.

Senator CURTIS. What was his job supposed to be?

Mr. MITCHELL. Organizer.

Senator CURTIS. What particular activities was he good at in organizing?

Mr. MITCHELL. Well, pretty good at pushing people around—big enough.

Senator CURTIS. He was one of the strong-arm boys?

Mr. MITCHELL. Yes, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. What were you told to do if you were arrested?

Mr. MITCHELL. We were told to give our name and our address, and that was all.

Mr. KENNEDY. Who told you that?

Mr. MITCHELL. Mr. Gibbons.

Mr. KENNEDY. Who was going to provide the attorney? Were you told about that?

Mr. MITCHELL. The union would provide the attorney.

Mr. KENNEDY. And your bond?

Mr. MITCHELL. Bond; yes.

Mr. KENNEDY. The union would provide that, also?

Mr. MITCHELL. That's right.

Mr. KENNEDY. You weren't to give any further information other than your name?

Mr. MITCHELL. That's right.

Mr. KENNEDY. Do you know of a memorandum that was prepared by the attorney on the fifth amendment, taking the fifth amendment?

Mr. MITCHELL. No, sir; I do not.

Mr. KENNEDY. You don't know anything about the circulation of the memorandum during that period of time?

Mr. MITCHELL. No; I don't.

Senator CURTIS. Who were the attorneys that defended you in such cases?

Mr. MITCHELL. I really don't know, sir. I didn't go around the city hall investigating it.

Mr. KENNEDY. You were told if you answered one question you would have to answer them all, and that would be a problem for you?

Mr. MITCHELL. No; I wasn't told that.

Mr. KENNEDY. You have testified as to what you were told?

Mr. MITCHELL. Yes.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. You don't get along with your people now, as I understand it?

Mr. MITCHELL. Let us say I have been more or less bucking Mr. Gibbons for quite a spell.

Mr. KENNEDY. Have you also been kicked out of the union?

Mr. MITCHELL. No; not that I know of. I asked the business agent. I said, "Say, you sent me a copy that I was not supposed to be tried. Then I heard that you was going to try me again," and I said, "What happened to that trial?" Mr. Bommarito said that I refused to take the letters, or something, and that they never did try me.

Mr. KENNEDY. What were the charges against you? Do you have them there?

Mr. MITCHELL. Yes, sir; I believe so.

Mr. KENNEDY. You had been talking a lot at meetings?

Mr. MITCHELL. Oh, I used to give them hell at all the meetings.

Mr. KENNEDY. Now, the charges against you were violation of the oath of loyalty to the local and the international?

Mr. MITCHELL. I believe they are more to blame than I am for that, sir.

Mr. KENNEDY. You are not guilty?

Mr. MITCHELL. Not guilty.

Mr. KENNEDY. Gross disloyalty or conduct unbecoming a member. What about that one?

Mr. MITCHELL. I could be guilty of something like that.

Mr. KENNEDY. Secession or fostering the same. You were guilty of secession or fostering the same?

Mr. MITCHELL. Well, I was in a strike in 1956, a wildcat strike. Mr. Gibbons said that I should go; he sent me a letter informing me that I should go back to work. My boss never had told me that I had to go back to work, so I never went back to work. About a month afterward, Mr. Gibbons said I would never drive a cab—Bommarito told me that I would never drive a cab in the city of St. Louis again.

I went up and paid my dues after the strike. After everybody had gone back to work, I went up and paid my dues. I sent the book up to Mr. Gibbons, informing Mr. Gibbons that they had just accepted my dues and that I would go back to work. So Mr. Gibbons found—

Mr. KENNEDY. You were accused of secession or fostering same. The fourth one is abuse of fellow members and officers by written or oral communication.

Mr. MITCHELL. Well, I sent Mr. Gibbons' letter back to him, informing him that I would go back to work when I pleased.

Mr. KENNEDY. The fifth charge against you is activities which tend to bring the local or the interational into disrepute.

Mr. MITCHELL. No.

Mr. KENNEDY. This had nothing to do, of course, with your driving the cab into the river. These were things that you had done since then, is that right, in opposition to Mr. Gibbons?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. There were no charges brought against you for doing any of these acts of violence?

Mr. MITCHELL. No, sir.

Mr. KENNEDY. Dumping the cab into the river?

Mr. MITCHELL. No, sir.

Mr. KENNEDY. It was since then, since you turned on this group and they turned on you; is that right?

Mr. MITCHELL. That is right.

Mr. KENNEDY. The next one is disobedience to the regulations and rules, mandates, and decrees of the local, or of the officers of the inter-national. The last one is such other acts and conduct which shall be considered inconsistent with the duties, obligations, and fealty to a member of a trade union, and for violation of sound trade union principles.

Mr. MITCHELL. I don't think there is a sound trade union principle about local 405 or any other union that Harold Gibbons has anything to do with.

Mr. KENNEDY. Once again, Mr. Chairman, these charges made against this witness are interesting in view of the charges that have not been made against all the other people that we have been discussing over a period of the past year and a half, including Mr. Hoffa.

The CHAIRMAN. It seems as long as you are a criminal, you are in good standing. When you cease to be, when you begin to challenge something, charges are preferred against you. Is that about the way it operates?

Mr. MITCHELL. Well, Mr. Gibbons—you have to either go along with Mr. Gibbons, he is the boss, and he is going to be the boss. If you don't go along with him, you just don't exist.

The CHAIRMAN. You don't get a job?

Mr. MITCHELL. He is going to try to get you out of one.

The CHAIRMAN. And get you beat up, too?

Mr. MITCHELL. Well, I don't know whether they beat up me or not.

The CHAIRMAN. They have not yet?

Mr. MITCHELL. They have not tried it.

The CHAIRMAN. You are not much afraid; are you?

Mr. MITCHELL. If I was, do you think I would be here?

The CHAIRMAN. No, sir; I don't think you would.

Mr. KENNEDY. Were any of them carrying guns during the period of time?

Mr. MITCHELL. Yes.

Mr. KENNEDY. Who were carrying guns?

Mr. MITCHELL. There were their business chiefs, shop stewards, and so forth.

Mr. KENNEDY. What kind of guns were they carrying?

Mr. MITCHELL. They carried a .32 automatic.

Mr. KENNEDY. These are stewards?

Mr. MITCHELL. It is a small gun, a little bigger than a .25. It is about one that would fit in your hand.

Mr. KENNEDY. They all had the same kind of guns?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. When was this, that they were carrying guns?

Mr. MITCHELL. Well, they more or less had influence over the boys to let them know—

Mr. KENNEDY. When were they carrying guns, during what period of time?

Mr. MITCHELL. Well, one of them showed me his gun after the Yellow Cab strike and I was already working at Black and White.

Mr. KENNEDY. This was in 1954, then?

Mr. MITCHELL. Yes, sir.

Mr. KENNEDY. Did you see any of them carrying guns after that?

Mr. MITCHELL. Yes; I have also saw several of them carrying guns.

Mr. KENNEDY. Were you ever threatened in connection with a gun?

Mr. MITCHELL. Yes; I have been threatened with a gun. I told one of them I would take it away from him and shove it.

The CHAIRMAN. After you told him that, he did not use the gun?

Mr. MITCHELL. No, sir.

The CHAIRMAN. Do you know who provided them with the guns?

Mr. MITCHELL. They told me they got them from headquarters.

The CHAIRMAN. Headquarters provided the guns for them?

Mr. MITCHELL. That is right.

The CHAIRMAN. Do you know who in headquarters provided the gun?

Mr. MITCHELL. Well, they was at one time the Federal Government was investigating or it was brought up in a trial or something about 13 guns or something being bought and they could not find out who had them. If they had of shook all those shop stewards and business agents down they would have found them.

The CHAIRMAN. Were the guns purchased by the union?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Which headquarters do you refer to?

Mr. MITCHELL. I refer to 1127 Pine, Mr. Gibbons' stronghold.

The CHAIRMAN. Were the guns provided out of his headquarters?

Mr. MITCHELL. Yes, sir.

The CHAIRMAN. Are there any further questions?

Do you have any further use for these documents?

Mr. MITCHELL. No, sir.

The CHAIRMAN. The documents submitted by the witness from which the counsel has referred and made interrogation upon, may be made exhibit No. 78, in bulk.

(The documents referred to were marked "Exhibit No. 78" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Joe Bommarito.

The CHAIRMAN. Mr. Bommarito, 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. BOMMARITO. I do.

TESTIMONY OF JOSEPH BOMMARITO, ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN

The CHAIRMAN. Mr. Bommarito, state your name, your place of residence, and your business or occupation, please.

Mr. BOMMARITO. My name is Joseph Bommarito. I reside at 10131 Farrington Drive, St. Louis, Mo.

The CHAIRMAN. And your occupation, please, sir?

Mr. BOMMARITO. At this time, I decline to answer. I am taking the fifth amendment.

The CHAIRMAN. Do you have counsel?

Mr. BOMMARITO. Yes; I have.

Mr. CHAIRMAN. Mr. Counsel, identify yourself for the record.

Mr. MELLMAN. I am Bernard J. Mellman, 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. Thank you. Proceed, Mr. Kennedy.

Mr. KENNEDY. You are business agent for local 405, are you not?

Mr. BOMMARITO. I decline to answer on the basis of taking the fifth amendment.

The CHAIRMAN. Is that a Teamsters Union?

Mr. BOMMARITO. I decline to answer.

The CHAIRMAN. I think we can establish it. I don't know whether you are doing anything, only reflecting upon yourself, when you decline to answer whether the union is a Teamsters Union, if you know. Is it?

Mr. BOMMARITO. I take it that it is. I don't really know.

The CHAIRMAN. You think it is?

Mr. BOMMARITO. I think it is.

The CHAIRMAN. Don't you know that it is?

Mr. BOMMARITO. No.

The CHAIRMAN. Sir?

Mr. BOMMARITO. I don't know, sir.

The CHAIRMAN. Are you a member of it?

Mr. BOMMARITO. I decline to answer on the basis of taking the fifth amendment.

The CHAIRMAN. You have answered me that you don't know. If you do know, then I think you are committing perjury.

Now I am asking you definitely if you know.

Mr. BOMMARITO. I don't think that is a big secret that there is such a thing as a Teamsters local.

The CHAIRMAN. I don't know whether it is a secret or not. I am asking you.

Mr. BOMMARITO. What is the question?

The CHAIRMAN. Read the question to him, Mr. Reporter.

(The pending question was read by the reporter, as requested.)

Mr. BOMMARITO. If I know what?

The CHAIRMAN. If you know whether local 405, is a Teamsters Union.

(The witness conferred with his counsel.)

Mr. BOMMARITO. Yes, it is.

The CHAIRMAN. All right. Do you belong to it?

(The witness conferred with his counsel.)

Mr. BOMMARITO. I decline to answer on the fifth amendment.

The CHAIRMAN. You better say it a little plainer now. You decline to answer what?

Mr. BOMMARITO. On the basis that it may incriminate me.

The CHAIRMAN. On the basis —

Mr. BOMMARITO. I decline to answer on the grounds that it may tend to incriminate me.

The CHAIRMAN. It may tend to incriminate you?

Mr. BOMMARITO. Yes, sir.

The CHAIRMAN. Does it have that kind of a reputation?

(The witness conferred with his counsel.)

Mr. BOMMARITO. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Let me ask you: Do you honestly believe that if you gave a truthful answer to the question of whether you belong to this local 405, that you say is a Teamsters Union, do you honestly believe that a truthful answer to that question might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. BOMMARITO. Yes, I do.

Senator CURTIS. Where were you born, Mr. Bommarito?

Mr. BOMMARITO. Right here in the city of St. Louis.

Senator CURTIS. How old are you?

Mr. BOMMARITO. 52 years of age.

Senator CURTIS. Where did you go to school?

(The witness conferred with his counsel.)

Mr. BOMMARITO. Patrick Henry.

Senator CURTIS. That is a high school?

Mr. BOMMARITO. No, sir.

Senator CURTIS. Where did you go to high school?

Mr. BOMMARITO. Central High.

Senator CURTIS. Did you graduate?

Mr. BOMMARITO. No, sir.

Senator CURTIS. What was the first job you had after you got out of high school?

(The witness conferred with his counsel.)

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. What were you doing just before you went to work for the Teamsters?

Mr. BOMMARITO. The same thing, I decline to answer.

(The witness conferred with his counsel.)

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. How long have you worked for the Teamsters?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Have you ever been arrested?

(The witness conferred with his counsel.)

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Have you ever been convicted of any offense?

Mr. BOMMARITO. I again decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Do you know Harold Gibbons?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Do you know Dick Kayner?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Do you know Barney Baker?

Mr. BOMMARITO. I decline on the grounds it may tend to incriminate me.

Senator CURTIS. Do you know Jesse Farrell, over in Des Moines?

Mr. BOMMARITO. I decline to answer; it may tend to incriminate me.

The CHAIRMAN. Do you realize that when you decline to answer questions, such as how long have you worked for the union, that you cast reflection upon the people that you presumably are representing? Do you realize what you are doing to the cause of unionism, to the unionism movement in this country?

You prefer charges against a fellow for doing things unbecoming and bringing disrepute upon the union. Do you know, can you think of anything you can do that will come nearer bringing disrepute upon honest, decent unionism than to come up here and take the fifth amendment on a question of how long have you been working for the union? Do you realize you are trying to give the impression to everyone who hears your testimony, who reads it, that there is something about unionism that is degrading, that one must be ashamed of, and if he admits having anything to do with it, it might incriminate him? Is that the way you want to leave this record?

I asked you a question.

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You are leaving it that way insofar as you are concerned. If people get any different impression about it, they will have to get it from some other source. They could not get any different impression from your testimony.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Bommarito, you are now business agent for local 405, which is in trusteeship under Mr. Harold Gibbons, isn't that right?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. And you were appointed to this position by Mr. Harold Gibbons?

Mr. BOMMARITO. I decline to answer for it may tend to incriminate me.

Mr. KENNEDY. Isn't it correct that you are now and have been a close associate of Joe Costello, Lou Shoulders, Jr., and at times of Barney Baker?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. We had the information that in December of 1953 there was an attempt to turn over a taxicab and that you injured your back in the course of that.

Is that correct? Did you?

Mr. BOMMARITO. I decline to answer. It may tend to incriminate me.

Mr. KENNEDY. And after you injured your back, it was arranged through Mr. Harold Gibbons and the other union officials that your hospital bills and other bills would be taken care of.

Is that right?

Mr. BOMMARITO. I decline to answer for it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that you did go to the hospital and that you were incapacitated for approximately 6 or 7 months, and that your hospital bills were taken care of by the local?

Mr. BOMMARITO. I decline to answer for it may tend to incriminate me.

The CHAIRMAN. I present to you a file, No. 3333, from Faith Hospital, 3300 North Kingshighway, St. Louis, Mo. It purports to be the file of Joseph Bommarito, admitted to the hospital, it shows, on the 5th of December 1953.

Will you examine this file and state if that is the hospital record upon the time that you were a patient there, please?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined the documents presented to you?

Mr. BOMMARITO. Yes; I have.

The CHAIRMAN. Do you recognize them?

Mr. BOMMARITO. I decline to answer. It may tend to incriminate me.

The CHAIRMAN. Could it possibly incriminate you for having your back treated at a hospital?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. How much did the union pay you for your backache?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Well, I think we are going to prove it. If you will not divest the knowledge I think we will be able to give you the information so if you are asked about it again you will be able to answer pretty accurately.

Let this hospital record be made exhibit No. 79.

(Document referred to was marked "Exhibit No. 79" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. The hospital records show he went to the hospital for a fracture of the 12th vertebra. Did you fracture that turning the car over?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. It was not when you were beating somebody up with 6 or 12 other people; it was when you were turning the automobile over?

Mr. BOMMARITO. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Then you started receiving money from the union for this fine act?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. In connection with this may I call a witness?

The CHAIRMAN. What is this witness' position now?

Mr. KENNEDY. He is a business agent for local 405 which is now under trusteeship, and the trustee is Mr. Harold Gibbons. He runs the local.

The CHAIRMAN. Mr. Harold Gibbons has the authority to discharge you, does he?

Mr. BOMMARITO. Is that a question, sir?

The CHAIRMAN. Yes.

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You were not elected by the members of the local to the position you now hold?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. In other words, if Mr. Gibbons is unhappy about the quality of leadership and service that you provide in the union he could fire you before the sun goes down, could he not?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Senator CURTIS. Mr. Chairman, I would like to inquire of the staff if they know who placed this local under the trusteeship? Who appointed the trustee?

Mr. KENNEDY. The international is the group that places the local under trusteeship. It has been under trusteeship for a long period of time, since 1953.

Senator CURTIS. Would that be Mr. Beck or Mr. Flynn?

Mr. KENNEDY. Mr. Beck was international president. Tom Flynn was out there cleaning up the locals in Saint Louis. That is when he brought Barney Baker out there to assist him, to clean out the locals, and then he placed a number of these locals in trusteeship, including local 405.

Senator CURTIS. I don't understand the term "clean them up."

Mr. KENNEDY. Clean up in the Teamsters style.

The CHAIRMAN. Let us have the other witness.

Mr. KENNEDY. Mr. Eickmeyer has already been sworn.

TESTIMONY OF THOMAS EICKMEYER—Resumed

Mr. KENNEDY. We have had the testimony that the attempt to turn over the car and the wrecking of the car occurred in December 1953?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. Do we find any cash payments then to Mr. Bommarito in December 1953?

Mr. EICKMEYER. Yes, sir. During December of 1953 he received four \$125 cash payments for weekly expenses.

The CHAIRMAN. For what?

Mr. EICKMEYER. Weekly expenses. That was a total of \$500 he received in December 1953. That was charged to strike expense.

The CHAIRMAN. Strike expense?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Then he had this injury to his back and he had these various hospital bills, is that right?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. Who took care of the hospital bills for him?

Mr. EICKMEYER. The union paid all of the hospital expenses.

Mr. KENNEDY. How much did that total?

Mr. EICKMEYER. \$524.75.

Mr. KENNEDY. During that period of time, that would be from December 1953 to June 1954, is that right?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. The hospital bills for that period of time were \$524.75?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. During that period of time was he also receiving money from the union?

Mr. EICKMEYER. That is correct. Beginning January the 6th, 1954, through June 23, 1954, he received a total of \$3,125 in the form of weekly checks for \$125 a week.

The CHAIRMAN. Three thousand what?

Mr. EICKMEYER. \$3,125 he received. This was charged to staff expense.

The CHAIRMAN. Staff expense?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. So during the convalescent period he had this trouble with his back he was put on the payroll, is that right?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. At \$125 a week. So after this difficulty in December of 1953 he was promoted and given these additional sums of money, is that right?

Mr. EICKMEYER. That is right.

Mr. KENNEDY. So for a total during the period of December 1953 to June of 1954 he received \$4,149.75, is that correct?

Mr. EICKMEYER. Out of union funds.

Mr. KENNEDY. Out of union funds. Now all the books and records are not available from 405?

Mr. EICKMEYER. That is correct. Some back there in 1953, particularly during this particular strike, are missing.

Mr. KENNEDY. So what we can show and know went to Mr. Bommarito is \$4,149.75, there may be more than that?

Mr. EICKMEYER. There could be.

Mr. KENNEDY. After June of 1954 was he promoted even to a higher post or position?

Mr. EICKMEYER. I believe in June of 1954 he took over the position as business agent for a local.

Mr. KENNEDY. How much did he receive then?

Mr. EICKMEYER. He was increased to \$160 a week. It was still being charged to staff expense.

Mr. KENNEDY. Is that the way it has remained?

Mr. EICKMEYER. That is the way that it remained for a month then they changed over and gave him \$135 a week salary and then \$25 a week staff expense which still totaled this \$160 a week.

Mr. KENNEDY. He has continued with that?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. Now you have received more money than that, haven't you, Mr. Bommarito?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You made special arrangements to buy an automobile from the union?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The same kind of operation that Herman Kierdorf had in Mr. Hoffa's local in Detroit?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The records show he did buy the automobile from the local union?

Mr. EICKMEYER. Yes, sir. In October of 1955 Mr. Bommarito purchased a 1953 Dodge from the local for \$450. I sent away to the National Automobile Dealers Association to find out what the value of the automobile was at that time and they said it was worth \$1,150 at the time. So in his purchase he made approximately \$700 profit.

Mr. KENNEDY. Did any other official of the union do the same thing?

Mr. EICKMEYER. William Rudolph, who I believe was secretary-treasurer at that time, also purchased a 1953 Pontiac from the local. He also paid \$450 for the car. The report from the association was that that car at that time was worth \$1,265, therefore he made a profit of \$815 on the purchase.

Mr. KENNEDY. Not only did he make the profit but the union lost this amount of money?

Mr. EICKMEYER. The union lost this amount of money.

Mr. KENNEDY. Is that correct, Mr. Bommarito?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. He was involved in this strike in 1953 as a taxicab driver. Were you actually a taxicab driver Mr. Bommarito, or were you just brought in as a toughy to beat people up?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Isn't it a fact that according to the information we understand that during 1953 you stated that you only had made \$6.18 as a taxicab driver?

Mr. BOMMARITO. I again refuse to answer on the grounds that it may tend to incriminate me.

Mr. KENNEDY. And all the rest of the money came from the union, did it?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Didn't you deduct all your hospital bills during 1953 even though they were paid by the union?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Have you ever given the membership any report as to the finances?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Have you ever given them any information regarding the operation of the local?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Can you tell us whom you received your instructions from as to beating these other taxicab drivers up and wrecking these automobiles?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Did those instructions come from Mr. Harold Gibbons?

Mr. BOMMARITO. I again refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Mr. Richard Kavner?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Mr. Pete Saffo?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do you know Mr. Norman Fortner?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. F-o-r-t-n-e-r, do you know him?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. He is a taxicab owner-operator, is he not?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Have you ever done a decent thing in your life that you can talk about?

Mr. BOMMARITO. Is that in the form of a question?

The CHAIRMAN. That is a question.

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Here is a signed affidavit, signed copy of it by Mr. Fortner.

Mr. KENNEDY. The last paragraph, Mr. Chairman, is important.

The CHAIRMAN. This affidavit is an affidavit from Norman S. Fortner, who says that he is a taxicab owner-operator. He says he was a member of Teamsters Local 405 in St. Louis from 1952 to 1957. The local refused to accept his dues on September 1956 to November 1957, "at which time I was expelled for supporting a strike against local 405." The full affidavit may be printed in the record.

(The affidavit is as follows:)

5702 CLEMENS AVENUE, *St. Louis, Mo.*

I, Norman S. Fortner, taxicab owner-operator, voluntarily make this statement to Irwin Langenbacher who has identified himself as Assistant Counsel, Senate Committee on Labor and Management. I was a member of Teamster Local 405 in St. Louis from 1952 to 1957. The local refused to accept my dues from September 1956 to November 1957 at which time I was expelled for supporting a strike against Local 405.

I owned four taxicabs and was associated with the Black & White Cab Company which had a labor contract with Local 405. Beginning on August 18, 1956, there was a strike of drivers against Local 405 because Harold J. Gibbons, Trustee of the local, required the cab companies to employ colored drivers contrary to the labor contract. The labor contract called for a union shop whereunder the cab companies were permitted to choose their own drivers who were then required to join the union within thirty days. I took my cabs out of service for the duration of the strike which lasted about twelve days, and after the strike was not permitted by the Black & White Cab Company to place my cabs back in service.

The company explained that my name was on a list of unacceptable persons submitted by Local 405. This list contained the names of persons who had supported the strike. While I later heard the charges were filed against me immediately after the end of the strike, I did not receive a copy of the charges until about ten months later in June 1957. Meanwhile, about January 1957, I was expelled by the local without notice of the hearing and without being present. I appealed to Joint Council 13, which reversed the decision and called for a new trial.

I then received notice and was tried about November 1957, at which time I was again expelled on the grounds that I was one of the leaders of the strike. Sidney Zagri was Chairman of the Trial Board, appointed by Harold Gibbons, although he was not a member of Local 405. I immediately appealed my expulsion to Joint Council 13, but have received no notice of action taken.

Between the time of the strike and the date of my expulsion, I offered to pay my dues on two occasions but they were refused by Pete Saffo who is Secretary-Treasurer of Joint Council 13 and is in charge of Local 405. I turned my cabs over to one Herke who owns and operates other cabs, but the union would not permit them to be used. They have been idle since the strike, which was over sixteen months ago, and I still own three of them.

In December 1956 I was threatened by Joe Bommarito, business agent of Local 405, who said he would have me killed for interfering in union affairs. He said I would be worked over and no one would ever know who did it. I reported this to the police whereupon he was picked up but later released. On one occasion before, and on one occasion since this threat, I received telephone calls from Bommarito who threatened bodily harm to me and my family. He said he would get my little girl on her way home from school and would get my wife on her way home from work.

NORMAN S. FORTNER.

Sworn to and subscribed before me this 28th day of January 1958.

EVERETT WEAST, *Notary Public.*

My commission expires February 24, 1961.

Mr. KENNEDY. I would like to read the whole thing but the last paragraph is the most important.

The CHAIRMAN. Read all except the first paragraph.

Mr. KENNEDY (reading):

I owned four taxicabs and was associated with the Black & White Cab Co. which had a labor contract with local 405. Beginning on August 18, 1956, there was a strike of drivers against local 405 because Harold J. Gibbons, trustee of the local, required the cab companies to employ colored drivers contrary to the labor contract. The labor contract called for a union shop whereunder the cab companies were permitted to choose their own drivers who were then required to join the union within 30 days.

I took my cabs out of service for the duration of the strike which lasted about 12 days, and after the strike was not permitted by the Black & White Cab Co. to place my cabs back in service. The company explained that my name was on a list of unacceptable persons submitted by local 405. This list contained the

names of persons who had supported the strike. While I later heard the charges were filed against me immediately after the end of the strike, I did not receive a copy of the charges until about 10 months later in June 1957.

Meanwhile, about January 1957 I was expelled by the local without notice of the hearing and without being present. I appealed to joint council 13 which reversed the decision and called for a new trial. I then received notice and was tried about November 1957 at which time I was again expelled on the grounds that I was one of the leaders of the strike. Sidney Zagri was chairman of the trial board, appointed by Harold Gibbons, although he was not a member of local 405. I immediately appealed my expulsion to joint council 13 but have received no notice of action taken.

Between the time of the strike and the date of my notice, I offered to pay my dues on two occasions but they were refused by Pete Saffo who is secretary-treasurer of joint council 13 and is in charge of local 405. I turned my cabs over to one Herke who owns and operates other cabs, but the union would not permit them to be used. They have been idle since the strike, which was over 16 months ago and I still own three of them.

In December 1956 I was threatened by Joe Bommarito, business agent of local 405, who said he would have me killed for interfering in union affairs. He said I would be worked over and no one would ever know who did it. I reported this to the police whereupon he was picked up but later released. On one occasion before, and on one occasion since this threat, I received telephone calls from Bommarito who threatened bodily harm to me and my family. He said he would get my little girl on her way home from school and would get my wife on her way home from work.

Is that correct, Mr. Bommarito?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

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

Mr. KENNEDY. You are really pretty good with little girls, are you? You can beat them up, Mr. Bommarito?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. What about women?

Mr. BOMMARITO. I refuse to answer on the grounds it might tend to incriminate me.

The CHAIRMAN. Did Mr. Gibbons know you were going around making these threats?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You reported them to him?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Are you one of the thugs he is using to run this union?

Mr. BOMMARITO. I refuse to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. If you could say "No," it would not incriminate you. You realize that, don't you? Do you?

Mr. BOMMARITO. I refuse to answer on the ground it may tend to incriminate me.

The CHAIRMAN. O. K., you are making the record.

Proceed.

Mr. KENNEDY. Were you told that you could get into difficulty and the union would stand by you and pay all your legal expenses?

Mr. BOMMARITO. I again refuse to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Senator Curtis?

Senator CURTIS. I have no questions.

The CHAIRMAN. You will remain under your present subpoena, subject to being recalled. Accepting that recognizance you may be excused. Do you accept it?

Mr. BOMMARITO. Yes.

The CHAIRMAN. You will be given reasonable notice of the time and place where the committee may wish to interrogate you further.

All right. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Harold Sparks.

The CHAIRMAN. Come forward, Mr. Sparks.

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. SPARKS. I do.

TESTIMONY OF HAROLD SPARKS

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

Mr. SPARKS. My name is Harold Sparks. I live at 3306 Briar Court Drive, Lemay, Mo.

The CHAIRMAN. Thank you very much. You waive counsel, do you?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You are 38 years old?

The CHAIRMAN. Did you give your present occupation?

Mr. SPARKS. I am unemployed right now.

The CHAIRMAN. What was your last employment?

Mr. SPARKS. I was a chauffeur, for Black & White Cab Co.

The CHAIRMAN. Thank you. Proceed.

Mr. KENNEDY. You are 38 years old, is that correct?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. And you have spent some 19 years in reform school and prison at various times?

Mr. SPARKS. I have.

Mr. KENNEDY. During the Yellow Cab strike in December 1953, were you a driver-owner for the Mound City Yellow Cab Co.?

Mr. SPARKS. I was.

Mr. KENNEDY. And you were a member of local 405; is that right?

Mr. SPARKS. I was.

Mr. KENNEDY. That was under the trusteeship at that time of Mr. Harold Gibbons?

Mr. SPARKS. That is correct.

Mr. KENNEDY. And Pete Saffo was the acting secretary-treasurer; is that correct?

Mr. SPARKS. That is right.

Mr. KENNEDY. During this period of time, during the period of time of the strike, you and a group of you used to meet every day at the union headquarters?

Mr. SPARKS. Would you repeat that question, please?

Mr. KENNEDY. During the period of the strike, you and certain others used to meet daily at the union headquarters?

Mr. SPARKS. All the cabdrivers met there.

Mr. KENNEDY. Did you have any particular assignment, anything that you were supposed to do during this period of time?

Mr. SPARKS. At the time we went on strike, we went down to the Yellow Cab Co. and formed a picket line. We walked around the Yellow Cab Co.

Mr. KENNEDY. Subsequently was it part of your job to keep the Yellow cabs off the street?

Mr. SPARKS. Well, I rode around the streets.

Mr. KENNEDY. Wasn't that part of your job, to keep them off the streets?

Mr. SPARKS. That is right.

Mr. KENNEDY. And you would run them off to the side; is that right?

Mr. SPARKS. Well, Mr. Gibbons made it plain that he did not want no violence because murder was one thing and getting the cabs off the street was another.

Mr. KENNEDY. You were supposed to get them off quietly, is that right?

Mr. SPARKS. That is right, talk to them.

Mr. KENNEDY. Getting them off, would that mean running them off to the side of the road without killing anyone?

Mr. SPARKS. No; he said to talk to them, and show them where they was wrong.

Mr. KENNEDY. Is that what you did?

Mr. SPARKS. Well, that ain't what I did. I didn't never run upon no Yellow cab.

Mr. KENNEDY. Did you patrol around? Did you travel around and look for Yellow cabs?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. You just never found any; is that right?

Mr. SPARKS. That is right.

Mr. KENNEDY. We had some testimony regarding a group that went out to wreck a cab where Mr. Bommarito hurt his back. Were you present at that?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. How come you happened to go out there?

Mr. SPARKS. Well, I was standing around the union hall.

Mr. KENNEDY. What happened?

Mr. SPARKS. Well, we went out there.

Mr. KENNEDY. Who told you to go out there?

Mr. SPARKS. Well, I don't remember.

Mr. KENNEDY. You just got in a car and went out?

Mr. SPARKS. There was so many down there talking, everybody wanted to be the chief and there was too many chiefs and not enough Indians.

Mr. KENNEDY. Were you one of the Indians?

Mr. SPARKS. That is right.

Mr. KENNEDY. So did you go out there?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. And Bommarito went out?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. Johnny Poole?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. Jerry Osborn?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. Phil Patrznik?

Mr. SPARKS. I don't know that.

Mr. KENNEDY. P-a-t-r-i-z-n-i-k?

Mr. SPARKS. Do you mean Phil Patrznik?

Mr. KENNEDY. Well, maybe I do. Was he with you?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. There was a girl in another automobile, and she brought the taxicab up; is that right?

Mr. SPARKS. Well, I never seen the girl when the cab stopped. Somebody got out and run. That is all I know.

Mr. KENNEDY. And Joe Ferrara, he was there with the girl? Are you afraid, Mr. Sparks?

Mr. SPARKS. Well, wouldn't you be afraid after reading what you are reading in the papers?

Mr. KENNEDY. Are you afraid?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. Is that why you are not testifying freely in these matters?

Mr. SPARKS. I am trying to tell all I know about it. I don't remember too much about it.

Mr. KENNEDY. But you are frightened, aren't you?

Mr. SPARKS. It has been over 5 years ago since it happened.

Mr. KENNEDY. Why are you so frightened?

Mr. SPARKS. Well, you read in the papers about everybody been getting killed, and you don't know whether you are going to get killed or not.

The CHAIRMAN. Are you afraid of the Gibbons crowd?

Mr. SPARKS. No, sir.

The CHAIRMAN. Who are you afraid of?

Mr. SPARKS. I don't guess I am afraid of anybody.

The CHAIRMAN. You said you were afraid.

Mr. SPARKS. Just inclined to be afraid, that is all.

The CHAIRMAN. Just inclined to be afraid?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Why don't you just tell us the facts about it? You know how they operate, don't you?

Mr. SPARKS. I couldn't say I know exactly how they operate, because I was just a small cog in the wheel.

The CHAIRMAN. I know you were a small cog, but as a small cog you could observe some bigger cogs, couldn't you? You did observe the bigger cogs, and how they operated in this strike, didn't you?

Mr. SPARKS. I can't remember all the actions that went on down there because there was too many down there. They was all crowding around.

The CHAIRMAN. I understand that, but you are afraid because you know how they operate. You are afraid of violence against you, aren't you? That is the truth about it, isn't it? Everybody knows you are afraid, so you just as well admit it.

YOU show every evidence of it. You said you were afraid. You are not afraid unless you are afraid of something or someone. You are afraid of what they will do to you; isn't that the truth?

MR. SPARKS. They have no reason to do anything to me. I am not in the union no more.

THE CHAIRMAN. I know they have no reason, but without rhyme or reason, you are still afraid, aren't you? You said wouldn't we be afraid, too, and I will say yes, maybe I would be. I don't think it is to your discredit if you just state the truth about it, that you are afraid.

MR. SPARKS. Sure I am afraid.

THE CHAIRMAN. Afraid of whom, now?

MR. SPARKS. From what I read in the papers would make you afraid.

THE CHAIRMAN. What did you read in the papers that would make you afraid?

MR. SPARKS. About hoodlums, gangsters.

THE CHAIRMAN. And you associate them with that element?

MR. SPARKS. You don't know what to believe.

THE CHAIRMAN. You don't know what to believe. Well, you are not afraid of law-abiding citizens, are you?

MR. SPARKS. No, sir.

THE CHAIRMAN. You are only afraid of those who may resort to violence. That is correct, isn't it?

MR. SPARKS. Yes, sir.

THE CHAIRMAN. You don't think law abiding citizens will resort to violence?

MR. SPARKS. I don't think so.

THE CHAIRMAN. What is the element that you are afraid of?

They are in the Teamsters Union, aren't they?

MR. SPARKS. I don't even know them. I don't even know if they are in the Teamsters Union or not. All I know is I have been on the strike in 1953, and I tried to do my part to help in the strike.

THE CHAIRMAN. Who were your superiors? Who were giving the orders?

MR. SPARKS. Like I said, all of them was trying to give orders.

THE CHAIRMAN. Who are some of all of them?

MR. SPARKS. Cabdrivers.

THE CHAIRMAN. Who were some of the officers in the union that were giving orders?

MR. SPARKS. Well, the business agent would tell us to go down one place and another one would tell us to go down to another.

THE CHAIRMAN. Give us the names of the business agents.

MR. SPARKS. Rudolph.

THE CHAIRMAN. Rudolph who? William Rudolph?

MR. SPARKS. William Rudolph.

THE CHAIRMAN. What was he?

MR. SPARKS. He was a business agent.

THE CHAIRMAN. What other one?

MR. SPARKS. Saltzman. He was a business agent.

THE CHAIRMAN. Who? Saltzman? Who was it that told you to go down to that place where the cab came and turn it over?

Mr. SPARKS. They did not nobody tell us, they just said "Come on, let's go out and get the Yellow cabs off the street." I did not know where he was going.

The CHAIRMAN. What did you do after you got there?

Mr. SPARKS. Me and Poole and Bommarito got in a car, and some more got in another car and we went out on Folsom Avenue.

The CHAIRMAN. What happened when you got there?

Mr. SPARKS. A Yellow cab came up, let some people out, and they grabbed him.

The CHAIRMAN. They grabbed what?

Mr. SPARKS. They grabbed the driver.

The CHAIRMAN. Who grabbed the driver?

Mr. SPARKS. Well, all of them was there. I could not tell who grabbed him first.

The CHAIRMAN. Did you get ahold of him, too?

Mr. SPARKS. No, I did not touch him.

The CHAIRMAN. You stood back and watched them grab him. Who were some of them that grabbed him? Name one. You were there.

Mr. SPARKS. Yes, I was there, but I did not know all of them.

The CHAIRMAN. You knew some of them. Who were those you knew that grabbed him?

Mr. SPARKS. I can't remember. I would like to help you, but I just can remember.

The CHAIRMAN. You are just scared, aren't you? Isn't this a pitiful thing in this country, with a man like you that comes up here and is afraid? I am not saying you are not justified in being afraid, but it just points up the amazing shocking incident and how the underworld element has infiltrated into some labor organizations, the methods they use to carry out their program, and to enforce their will by fright, intimidation, and violence. How did that fellow get his back hurt out there—Bommarito?

Mr. SPARKS. I guess he was trying to turn the cab over.

The CHAIRMAN. Did you see him trying to turn it over?

Mr. SPARKS. I was there. I was helping him.

The CHAIRMAN. You were helping him. You were helping in trying to turn the cab over, were you not?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Bommarito was helping, too?

Mr. SPARKS. At the time of the strike—

The CHAIRMAN. I am talking about the time you were turning the car over.

Mr. SPARKS. That is what I am trying to get to now.

The CHAIRMAN. All right, let's get to it.

Mr. SPARKS. At the time of the strike, when we met down there and took the strike vote, we went out to the Yellow Cab garage and walked the picket line. Then we came back up to the 1127 Pine, and we stayed around there, and somebody said "I just seen a Yellow cab going down the street" and we went out there and he was going to the garage.

The CHAIRMAN. Then what did you do?

Mr. SPARKS. Then a few days later we went to 1127 Pine and there was a bunch around there and they got in a car and went out to wait for a Yellow cab.

The CHAIRMAN. Did you go with them?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Is that the one you are talking about?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. The one where you saw the people get out and run?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. And that is the one where you helped try to turn it over?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. And that is the one where Bommarito got his back hurt?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. After he got his back hurt, what did you do with the cab?

Mr. SPARKS. I went across the fields. I was running.

The CHAIRMAN. That was when the officers came and the sirens sounded?

Mr. SPARKS. That is right.

The CHAIRMAN. That was when you started running. Prior to starting running, what had you done to the cab?

Mr. SPARKS. If I had not seen him coming?

The CHAIRMAN. No. I say what had happened to the cab in the meantime?

Mr. SPARKS. Well, there was chains that broke the windows.

The CHAIRMAN. You took some chains and broke the windows of the car?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. What else did you do to it?

Mr. SPARKS. That is all.

The CHAIRMAN. Did you ever get it turned over?

Mr. SPARKS. No, sir.

The CHAIRMAN. Then you ran when the officers came?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Did you get caught?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. What happened to you after you got caught?

Mr. SPARKS. I went to jail.

The CHAIRMAN. Who got you out?

Mr. SPARKS. Well, I guess the union got us out.

The CHAIRMAN. How long did you stay in jail until the union got you out?

Mr. SPARKS. I stayed in there about 8 hours.

The CHAIRMAN. About 8 hours. Did it cost you anything?

Mr. SPARKS. No, sir.

The CHAIRMAN. Union paid the expense of it?

Mr. SPARKS. I could not rightfully say who paid the expense.

The CHAIRMAN. In other words, you did not pay it?

Mr. SPARKS. No, sir.

The CHAIRMAN. How many other cabs did you help turn over or stop and run off the street?

Mr. SPARKS. That is the only one I know of that was turned over.

The CHAIRMAN. Was it turned over?

Mr. SPARKS. Yes, but when they had the meeting in—I don't know if it was Mr. Gibbons or who it was, he came in and he told them drivers not to be hurting none of them Yellow cabdrivers or causing

any violence. But it seems like there was violence regardless of who said not to have it.

The CHAIRMAN. We have had other testimony here to the contrary. Others present there say they went out to do it and it was all arranged for them to do it, and that Gibbons knew all about it.

Mr. SPARKS. Well, I never heard Gibbons say anything. I only seem him about once or twice all the time.

Mr. KENNEDY. You said something far different from your affidavit, Mr. Sparks.

Mr. SPARKS. What?

Mr. KENNEDY. You said something far different from your affidavit.

Mr. SPARKS. Well, it has been 5 years ago. I can't remember everything that went on.

Mr. KENNEDY. But you just filled this affidavit out a few months ago.

Mr. SPARKS. When we was down in the union hall, we was told to give our name and address if we got in jail. That was all.

Senator CURTIS. Who told you that?

Mr. SPARKS. Well, it was either business agent or one of the drivers. I don't remember who it was.

Senator CURTIS. Who was your lawyer when you were picked up?

Mr. SPARKS. I did not have no lawyer.

Senator CURTIS. Somebody got you out. Was it Schenker?

Mr. SPARKS. Well, a friend of mind got me out one time.

Senator CURTIS. The time they attempted to overturn the car and you ran across the field and got caught?

Mr. SPARKS. After the strike, I was being picked up every other day.

Senator CURTIS. That is all.

Mr. KENNEDY. We had Mr. Ford here testifying about being beaten up. Did you go over there to that headquarters, that local?

Mr. SPARKS. I was there.

Mr. KENNEDY. How did you happen to go over there?

Mr. SPARKS. The business agent told us that he needed some men out there to keep order, that they were expecting disturbances among the members.

Mr. KENNEDY. Who told you that; William Rudolph?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. What were you supposed to do when you got there?

Mr. SPARKS. Just stand around and keep order.

Mr. KENNEDY. Who were you to report to?

Mr. SPARKS. We were told by Mr. Walla that we was going to act as sergeant at arms and stand at the doors to see that there was no trouble.

Mr. KENNEDY. How many of you went over there to keep order?

Mr. SPARKS. I don't know exactly how many. About 12 or 15.

Mr. KENNEDY. That was the same group, about the same group, that went out to turn the car over?

Mr. SPARKS. Yes, sir.

Mr. KENNEDY. You could do a lot of different things, you could turn a car over and you could also keep order when that was necessary.

Mr. SPARKS. That is right.

Mr. KENNEDY. What about Jimmy Ford? What happened to him?

Mr. SPARKS. When I turned around he was coming in the door. All I heard was somebody holler. I turned around and somebody done grab him. That is all I know.

Mr. KENNEDY. What happened then?

Mr. SPARKS. They pulled him outside.

Mr. KENNEDY. What happened then?

Mr. SPARKS. He staggered off down the street.

Mr. KENNEDY. Why was he staggering?

Mr. SPARKS. I guess somebody hit him.

Mr. KENNEDY. Don't you know that somebody had hit him?

Mr. SPARKS. There were so many there I couldn't say who hit him.

Mr. KENNEDY. I am not asking who hit him. You know somebody hit him?

Mr. SPARKS. Somebody hit him.

Mr. KENNEDY. When he was down on the ground they were kicking him, too, were they not?

Mr. SPARKS. I didn't see all the kicking. I just seen him get up and he started walking down the street. Somebody took him in the car and took him to the hospital, I guess.

Mr. KENNEDY. Did Walla speak to you about him when you got over there, about not letting him in the room?

Mr. SPARKS. He never said nothing to me.

Mr. KENNEDY. Did he say anything about Jimmy Ford, that he had headed local 682 and he had ambitions to take over again? You are big enough to take care of yourself. Why don't you testify about these things like you told us in the affidavit? Can't you take care of yourself?

Mr. SPARKS. Sure I can take care of myself.

Mr. KENNEDY. Why don't you testify, then?

Mr. SPARKS. I am doing the best I can. I can't remember 5 years back.

Mr. KENNEDY. All I am asking you to do is to tell us what you said a few months ago. You said in your affidavit:

Walla said that Jimmy Ford, who had headed local 682, had ambitions to take over again; that if he said anything at the meeting we should grab him and Walla would take him out and stomp him.

Is that correct?

Mr. SPARKS. Something like that.

Mr. KENNEDY. Something like that happened?

Mr. SPARKS. Yes.

Mr. KENNEDY. Can't you take care of yourself, Mr. Sparks?

Mr. SPARKS. Sure, I can take care of myself.

Mr. KENNEDY. Why would you be frightened of these people, then?

Mr. SPARKS. Because I read the newspapers and I don't want nothing to happen to me.

Mr. KENNEDY. We have the affidavit here, Mr. Chairman. It speaks for itself. It is quite different from his testimony.

The CHAIRMAN. Did you sign an affidavit on the 19th of January of this year?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Will you identify the affidavit you signed, examine it and state if that is your signature. Do you identify your affidavit?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Sir?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Is that affidavit true?

Mr. SPARKS. It sure is.

The CHAIRMAN. Thank you very much. It may be printed in the record immediately following the witness' testimony.

Mr. KENNEDY. Did Bommarito speak to you or threaten you prior to the time you testified here?

Mr. SPARKS. He never did threaten me, no.

Mr. KENNEDY. Did he speak to you before you testified?

Mr. SPARKS. No, sir.

Mr. KENNEDY. He didn't say anything to you?

Mr. SPARKS. No, sir.

Mr. KENNEDY. Did he threaten any of your family?

Mr. SPARKS. No, sir.

Mr. KENNEDY. Were any of your family threatened before you came here?

Mr. SPARKS. No, sir.

Mr. KENNEDY. Did anybody speak to your wife about your testifying?

Mr. SPARKS. I have no family. I only have me.

Mr. KENNEDY. Did anybody speak to you, anybody that is close to you?

Mr. SPARKS. No, sir.

Mr. KENNEDY. They did not?

Mr. SPARKS. I called Bommarito on the phone one day and I asked him about reinstating me in the cab business. I was kicked out of the union by Bommarito only. I said, "A fellow is trying to get me to go to Washington and testify on you and get me subpoenaed."

He said, "Yes, I know who it is." He said, "I am going to take care of him personally."

Mr. KENNEDY. Who said this?

Mr. SPARKS. Mr. Bommarito.

The CHAIRMAN. Who was he talking about he was going to take care of him?

Mr. SPARKS. He was talking about Don Cortor.

Mr. KENNEDY. One of the opposition to Mr. Gibbons?

Mr. SPARKS. Yes.

Mr. KENNEDY. Were you told if you went to prison you could get your bills paid, you would continue on salary?

Mr. SPARKS. We were told if we went to prison we would draw a salary.

Mr. KENNEDY. How much?

Mr. SPARKS. That our family would not want for nothing.

Mr. KENNEDY. \$135 a week?

Mr. SPARKS. No, not that much.

Mr. KENNEDY. Do you know how much?

Mr. SPARKS. \$125.

Mr. KENNEDY. Who told you that?

Mr. SPARKS. Mr. Gibbons.

The CHAIRMAN. Mr. Sparks, you will remain under your present subpoena, subject to being recalled by the committee for further interrogation at such time as it may desire to interrogate you further. If you are intimidated in any way, if anyone makes any threat against you or anything happens to you by reason of the fact that you have testified, report it immediately to the committee. Your being under subpoena would make them in contempt, in my judgment, of the United States Senate, and this committee will give you all the protection that you possibly need.

Will you accept that recognition and agree to reappear at such time as we give you reasonable notice?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. That means you do not have to be subpoenaed again but just notice of the time and place we want to hear you will be sufficient.

Mr. SPARKS. Yes, sir.

The CHAIRMAN. You understand that?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. I have pointed out to you that we will give you all the protection that we can. If anybody molests you, threatens you, undertakes to intimidate you, do any violence or harm to you in any way, by reason of your testimony here, you report it promptly to the committee.

Will you do so?

Mr. SPARKS. Yes, sir.

The CHAIRMAN. Thank you very much.

(The affidavit of the witness previously referred to follows:)

AFFIDAVIT

St. Louis, Mo. *January 19, 1958.*

1. I, Harold S. Sparks, 3306 Briar Court, Lemay, Mo., voluntarily make this statement to Irwin Lengenbacher, who has identified himself as assistant counsel, United States Senate Committee on Labor and Management. My usual occupation is truckdriver and cabdriver, but I am presently unemployed. I am 38 years of age, and since the age of 8 have served 19 years in prisons and reform schools. I am 5 feet 8½ inches in height and weight about 200 pounds.

2. At the time of the Yellow Cab strike in December 1953 I was a driver-owner for the Mound City Yellow Cab Co. and was called out on strike with the other drivers. I was a member of Teamster Local 405 which was under the trusteeship of Harold Gibbons with Pete Saffo as acting secretary-treasurer. Harold Gibbons told us we would get \$35 a week during the strike, and we were required to meet each morning in a hall we had rented in the basement of the Majestic Hotel, where we received our assignments for the day.

3. They said they needed some men for goons. One morning I was sent to the Teamsters Union Hall at 1127 Pine Street and was sitting in the outer office. Richard Kavner came out of Gibbons' office and told us not to have any guns or knives on us if we were picked up by the police; that if we were arrested to give only our names; and if we were locked up he would have a bondsman there 24 hours a day to get us out. Joe Bommarito said let's go, and we all climbed into a car. Up to this point I did not know what was going on. With me in the car was Bommarito, who had rented the car and was driving, Johnny Poole, Jerry Osborn, and Phil Patrznik. Following us in another car was Oldron Mitchell and Mary Lou Bledsoe who is a girl friend of Johnny Poole. Bommarito told us that Mitchell was going to pick up Joe Ferrara, a former professional fighter, that Ferrara and Miss Bledsoe would hire a cab at Union Station, order it to Folsom Avenue, where we would tear it up. When it arrived, we all dashed out, the driver ran, and Bommarito and Poole broke out the windows and smashed the taxi with tire chains. We were all arrested and indicted except Mitchell and Osborn. The Teamsters paid our bond and hired a lawyer. We had a meeting at the Teamster Hall before we were scheduled to appear before the Federal

grand jury, and Gibbons told us to give only our names, addresses and occupations; that we were to plead the fifth amendment to other questions. He emphasized that if we answered one question we would have to answer them all. His lawyer was also present. We all refused to testify and the case was dropped.

4. Shortly after the Yellow Cab strike I was in the Union Hall and heard Lou Berra, who was on loan from Teamsters Local 688, tell Richard Kavner that Bommarito had hurt his back trying to turn over the Yellow Cab, that Berra had sent Bommarito to the Faith Hospital and would pay his bills, and that Berra had put Bommarito on the payroll at \$125 a week. When Bommarito came out of the hospital he was made a business agent trainee.

5. One morning at the hall in the Majestic Hotel, Gibbons told William Rudolph, business agent, in my presence, that if any of the men wanted to make some extra money, they should report to Gene Walla, head of Teamsters Local 682, to help keep order at a meeting that night. Rudolph made the announcement, and I reported to Walla along with Lloyd Young, Tony and Joe Capraro, Joe Ferrara, Johnny Poole, Ben Saltzman, Joe Bova and a man named Smith. Walla said that Jimmy Ford, who had headed local 682, had ambitions to take over again, that if he said anything at the meeting we should grab him and Walla would take him out and stomp him. He told us to stand around the hall in different places. I saw Ford coming down the hall and before he reached the meeting hall or said anything, Ferrara hit him, Walla grabbed him, dragged him out, kicked him and stomped him, caving in his ribs. Walla had told us that we would each be paid \$20, so about 5 days later I went to his office and told a young man to give me \$20 and charge it to expenses, which he did.

6. Shortly after the wildcat strike by drivers against local 405 in August 1956, I was in the Union Hall when Joe Costello came in with 2 of his men, 1 of whom was named Sam Cucchioni. He asked Pete Saffo to see Gibbons. Saffo took them to Gibbons' office, and when they came back the two men had vouchers. They presented the vouchers to the cashier and received money. I do not know what it was for.

7. Before we appeared before the Federal grand jury investigating union activities, William Rudolph told us that we would be paid \$15 a day for each day we appeared. He paid me, as well as Johnny Poole, Phil Patriznik and Charlie Licavoli.

8. I have read the above statement and it is true to the best of my knowledge and belief.

HAROLD S. SPARKS.

Sworn to and subscribed before me this ----- day of January 1958.
-----, *Notary Public*.

My commission expires -----.

The CHAIRMAN. The committee will take a 3-minute recess.

(Thereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order.

Call the next witness, Counsel.

Mr. KENNEDY. Miss Mary Lou Bledsoe.

Before she testifies, Mr. Chairman, we have a request that no pictures be made of her by any group, either television or still photographers.

The CHAIRMAN. The Chair has been advised of the witness' request. If she cooperates with the committee, the request will be granted. There will be no pictures made of the witness. There will be no films made, no television.

Come around, please. Will you be sworn?

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

Miss BLEDSOE. I do.

TESTIMONY OF MARY LOU BLEDSOE

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

Miss BLEDSOE. Mary Lou Bledsoe, 352 North Whittier Street, St. Louis, Mo., secretary.

The CHAIRMAN. Thank you very much. You waive counsel, do you?

Miss BLEDSOE. Yes; I do.

The CHAIRMAN. All right, Mr. Kennedy.

Mr. KENNEDY. Miss Bledsoe, the address you just gave was your address at the time in 1953?

Miss BLEDSOE. Yes; it was.

The CHAIRMAN. Of course, you have given the committee your present address, have you not?

Miss BLEDSOE. Yes, sir.

The CHAIRMAN. All right; you may proceed.

Mr. KENNEDY. Miss Bledsoe, we have had some testimony before the committee that you were approached in 1953 at the time that the strike was going on in St. Louis to decoy a driver to a certain place so that the taxicab could be turned over at that time?

Miss BLEDSOE. Yes; I was.

Mr. KENNEDY. Now, could you tell us how that came about, who approached you, what conversations you had?

Miss BLEDSOE. Yes. I was approached by a Mr. John Poole, who accompanied me to the union hall. There I met a number of other taxicab drivers and also several union officials. Plans were made at that time —

Mr. KENNEDY. Whom did you meet at the hall at that time?

Miss BLEDSOE. Whom did I meet at the hall?

Mr. KENNEDY. Yes. Whom did you have the discussions with?

Miss BLEDSOE. I wasn't formally introduced to them, but I did learn later that Mr. Richard Kavner was there, also Mr. Harold Gibbons. There were several taxicab drivers. One was Charlie Licavoli, John Poole, Joseph Bommarito, a man named Harold Sparks.

Mr. KENNEDY. When you arrived at the union hall, what happened then?

Miss BLEDSOE. They discussed various plans and ways to go about what they had in mind, which was the ultimate destruction of a taxicab and to warn the company drivers who were continuing to work that this was most unwise.

Mr. KENNEDY. Who was present during those discussions?

Miss BLEDSOE. The people that I have just mentioned previously.

Mr. KENNEDY. That included Mr. Harold Gibbons and Mr. Richard Kavner?

Miss BLEDSOE. It did.

Mr. KENNEDY. You were just sitting in on the conversations?

Miss BLEDSOE. Yes.

Mr. KENNEDY. Can you tell us what happened then? Was it decided at that time how you would handle it?

Miss BLEDSOE. Yes. It was decided at that time that a man would accompany me and we would go to Union Station; that there we

would flag one of the working cabs and have him take us to a pre-determined destination where the other men that were at the union hall at that time would arrive in two cars and block his escape and at that time destroy the cab.

Mr. KENNEDY. Who was it that was supposed to accompany you?

Miss BLEDSOE. At that time no decision was made. Later a Joseph Ferrara was decided upon and was picked up at the Weston Hotel and he did accompany me.

Mr. KENNEDY. Who picked him up?

Miss BLEDSOE. I went along with Mr. Poole and there were several other people who accompanied us.

Mr. KENNEDY. Mr. Ferrara was an ex-boxer; is that right?

Miss BLEDSOE. I believe so. I don't know, of my own knowledge.

Mr. KENNEDY. Where did you go to pick up the taxicab?

Miss BLEDSOE. You mean where did we go to pick up the taxicab that was later destroyed?

Mr. KENNEDY. Yes.

Miss BLEDSOE. At Union Station.

Mr. KENNEDY. The two of you, you and Ferrara, got in the cab?

Miss BLEDSOE. Yes.

Mr. KENNEDY. You told him the destination?

Miss BLEDSOE. Yes; I believe it was 4154 Wilson Avenue.

Mr. KENNEDY. Did you go to that place?

Miss BLEDSOE. Yes; we did.

Mr. KENNEDY. Can you tell us what happened?

Miss BLEDSOE. When we arrived there, one car came from the front and another from the rear and they blocked off the escape of the cab. The men jumped out of the cab, and they proceeded to break the windows, to wreck the cab. Mr. Ferrara grabbed the cab-driver, held him so he could not call for help. The other men opened the door and dragged him out. Actually, I don't believe the driver was hurt. He was shoved around a bit and roughed up, and then told to run.

Mr. KENNEDY. And he took off?

Miss BLEDSOE. Yes; he did. I also believe at that time his glasses were broken.

Mr. KENNEDY. What occurred after that?

Miss BLEDSOE. Mr. Ferrara and I left the scene of the crime and walked a block to a bar and grill.

Mr. KENNEDY. What did you do there? Why did you stay at the bar and grill?

Miss BLEDSOE. Well, arrangements had been made for another cab, Laclede Cab, the same as the one that had taken us at Union Station, to meet us there and take us away from the scene of the crime. Actually, something went wrong and he did not appear.

Mr. KENNEDY. So you stayed at the bar, the two of you?

Miss BLEDSOE. That's right.

Mr. KENNEDY. Why didn't you try to leave there?

Miss BLEDSOE. Well, frankly, I was so frightened and upset and the realization of what had occurred, that I did not know what to do. As to why Mr. Ferrara made no suggestions or why he did not attempt to leave me, I don't know.

MR. KENNEDY. Were you arrested there?

MISS BLEDSOE. Yes, we were.

MR. KENNEDY. Then did you make a statement to the police?

MISS BLEDSOE. Yes; I did.

MR. KENNEDY. Did you include all these facts to the police?

MISS BLEDSOE. Yes; I did. I did not include the fact that Mr. Gibbons was there. I wasn't asked, and when I realized the sensation it had caused because I had mentioned Mr. Kavner's name, I became too frightened to mention the other names.

MR. KENNEDY. There was no question that Mr. Gibbons was present when this was done?

MISS BLEDSOE. No, no question at all.

MR. KENNEDY. Did you ultimately testify at the trial?

MISS BLEDSOE. No; I did not.

MR. KENNEDY. In general terms, can you tell us why you didn't testify?

MISS BLEDSOE. Because I was threatened if I did so.

MR. KENNEDY. You were threatened?

MISS BLEDSOE. Yes. In one instance a Mr. Sparks contacted me in open court and made a threat. He was later arrested by the police for it. I was also threatened by Mr. Poole on several occasions.

MR. KENNEDY. He called you and your family; is that right?

MISS BLEDSOE. Yes. I was warned what would happen to me if I did not cooperate.

MR. KENNEDY. If you cooperated and testified?

MISS BLEDSOE. Yes.

MR. KENNEDY. I believe that is all.

SENATOR CURTIS. Were you paid anything for this?

MISS BLEDSOE. No.

THE CHAIRMAN. Thank you very much. You may stand aside. You will remain under your present subpoena, subject to being recalled. Whenever the committee may desire to further interrogate you, you will be given reasonable notice of the time and place.

Do you accept that cognizance?

MISS BLEDSOE. Yes, sir.

THE CHAIRMAN. If anyone threatens you in any way, if anyone undertakes to intimidate you or harm you because of any testimony you have given here or in any other way in connection with the subject matter under inquiry, you will please let the committee know. We are going to give you all the protection we can and if anyone molests you about this, in my judgment he will be guilty of contempt of the Senate, and the committee will act accordingly.

Thank you very much.

Call the next witness.

MR. KENNEDY. Mr. John F. Poole.

THE CHAIRMAN. Mr. Poole, 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. POOLE. I do.

**TESTIMONY OF JOHN FREDERICK POOLE, ACCOMPANIED BY
COUNSEL, BERNARD J. MELLMAN**

The CHAIRMAN. Be seated.

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

Mr. POOLE. John Frederick Poole, 1376 Shawmut Place, St. Louis, Mo. I am an automobile salesman.

The CHAIRMAN. You have counsel with you, Mr. Poole?

Mr. POOLE. Yes, sir.

The CHAIRMAN. Counsel, identify yourself for the record.

Mr. MELLMAN. I am Bernard J. Mellman, 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Poole, you were in Teamsters Local 405 in 1953?

Mr. POOLE. I respectfully decline to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. The information that we have, Mr. Poole, is that you were one member of this goon squad that went around and beat cab drivers up and wrecked the cabs.

Mr. POOLE. I respectfully decline to answer on the ground the answer may tend to incriminate me.

Mr. KENNEDY. And specifically that you were one of those who made arrangements to have this automobile wrecked and possibly turned over that we had testimony about this afternoon.

Mr. POOLE. I respectfully decline to answer on the ground it may tend to incriminate me.

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

Mr. KENNEDY. That you were, during this period of time, taking your instructions from Mr. Saffo, Mr. Kavner, and Mr. Gibbons, is that correct?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. During this period of time that you were performing these acts, were you being paid out of union funds?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. You were told, were you not, that if you got into difficulty, your attorney fees and your bonds would be paid by the union?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. And according to the witness, Mr. Sparks, he also testified that he was told by Mr. Gibbons that if you went to jail, you would continue to draw your salary. Is that correct?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You have been arrested a number of times, have you not?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You served 6 months in the city workhouse during 1947?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You stole a thousand dollar saving bond and cashed it?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You have also been arrested for burglary and larceny?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. You were working during this period of time with Licavoli, were you not, and for Bommarito?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Could you tell us how much money you received?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. The records that are available show that during the period of the strike—could I ask Mr. Eickmeyer to testify on how much money he received?

The CHAIRMAN. You may proceed.

TESTIMONY OF THOMAS EICKMEYER—Resumed

Mr. KENNEDY. What did the witness Mr. Poole receive during December of 1953?

Mr. EICKMEYER. He received a total of \$535 all in cash payments. Of this, there were two interesting items. One was a \$125 loan which was later written off, and another one was \$175 expenses O.K.'d by Mr. Lou Berra.

Mr. KENNEDY. And Mr. Berra was the one that was sent to jail?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. Was this man supposed to be working for the union at the time? Was he a teamster, a member of the union? Do you have a record of that?

Mr. EICKMEYER. I have no record of that.

Mr. KENNEDY. This could be listed as strike expense.

Mr. EICKMEYER. This was charged to strike expense.

Mr. KENNEDY. There were other individuals that were receiving strike expense, in addition to the so-called goon squad?

Mr. EICKMEYER. There were many.

Mr. KENNEDY. Did they receive as much as Mr. Poole received?

Mr. EICKMEYER. Most of them did not.

Mr. KENNEDY. They received what, \$30 or \$35 a week?

Mr. EICKMEYER. Usually \$30 or \$35 a week. They would only have received around \$100 or so, \$150.

TESTIMONY OF JOHN FREDERICK POOLE, ACCOMPANIED BY
COUNSEL, BERNARD J. MELLMAN—Resumed

Mr. KENNEDY. During the period of time that you were appearing before the grand jury, did you also get paid out of teamsters funds?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

Mr. KENNEDY. Do the records show anything on that?

Mr. EICKMEYER. Yes, sir. He received \$40 lost time on one occasion, and \$20 on another occasion, for lost time due to the trial.

Mr. KENNEDY. That was when he was appearing before the grand jury?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. Also we have the testimony that you were one of those who went over to beat up James Ford, who was causing Mr. Walla some difficulty; is that correct?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Did you get paid \$20, \$30, or \$35 for that?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Were you one of those who kicked him when he was down and broke his ribs?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

Mr. KENNEDY. Did you kick his teeth out?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Mrs. Watt, will you show the witness this picture and see if he can identify it?

Did you ever have No. 56998 attached to you any time, anywhere?

Mr. POOLE. Pardon me, sir?

The CHAIRMAN. Yes. I say did you ever have No. 56998 attached to you anywhere?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. It might refresh your memory.

Would you show him this photograph, clerk, please, and let him see if he can identify it?

(The photograph was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Do you identify it?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Were you sent to prison at that time for some crime you committed in connection with the union?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Have you ever been convicted for a crime committed in connection with your union activities?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Can you give an answer to anything without incriminating yourself?

(The witness conferred with his counsel.)

The CHAIRMAN. Do you know of anything that you could answer without incriminating yourself?

Mr. POOLE. I decline to answer on the ground it may tend to incriminate me.

The CHAIRMAN. Are you proud of that record?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. You are not a bit ashamed, are you?

Mr. POOLE. I decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. This just goes to show the extent to which poor, honest workingmen in this country are being victimized by crooks, thugs, and scoundrels of the lowest order. You may stand aside.

The committee will stand in recess until 10 o'clock in the morning.

(Whereupon, at 4:42 p. m., the hearing recessed, to reconvene at 10 a. m., Wednesday, August 27, 1958. At this point, the following were present: Senators McClellan and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

WEDNESDAY, AUGUST 27, 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 221, agreed to January 29, 1958, 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 Carl T. Curtis, Republican, Nebraska;

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; Paul Tierney, assistant counsel; John J. McGovern, assistant counsel; Carmine S. Bellino, accountant; Pierre E. Salinger, investigator; Leo C. Nulty, investigator; James P. Kelly, investigator; Walter J. Sheridan, investigator; James Mundie, investigator, Treasury Department; John Flanagan, investigator, GAO; Alfred Vitarelli, investigator, GAO; 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 Curtis.)

The CHAIRMAN. The Chair announces that it had been our purpose this morning to call as the first witness Mr. Barney Baker; however, we have just received word that Mr. Baker is ill. He had a heart attack and entered the hospital this morning. I haven't been able to ascertain the seriousness of his condition; therefore, we will rearrange the order of witnesses and proceed without him, hoping that he will have a speedy recovery and that he may soon again be available for further testimony before the committee.

All right, Mr. Kennedy, call your first witness.

MR. KENNEDY. Mr. George F. Callahan.

The CHAIRMAN. Mr. Callahan, 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. CALLAHAN. I do.

**TESTIMONY OF GEORGE F. CALLAHAN, JR., ACCOMPANIED BY
COUNSEL, ELLIOTT W. FINKEL**

The CHAIRMAN. Mr. Callahan, state your name, your place of residence, and your business or occupation, please.

Mr. CALLAHAN. My name is George F. Callahan, Jr. My residence is 115 Lillian Drive, Pittsburgh 37, Pa.

The CHAIRMAN. You have counsel?

Mr. CALLAHAN. Yes, sir.

The CHAIRMAN. Identify yourself for the record, Mr. Counsel.

Mr. FINKEL. My name is Elliott W. Finkel, Pittsburgh, Pa.

The CHAIRMAN. Thank you.

Mr. Callahan, you have previously testified in an executive session of this committee?

Mr. CALLAHAN. Yes, sir.

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

Mr. KENNEDY. You are president of the Esco Motor Co.?

Mr. CALLAHAN. Exhibitors Service Co., also the Esco Motor Co.

Mr. KENNEDY. It is called Esco Motor Co.?

Mr. CALLAHAN. Exhibitors Service is the parent name, and Esco Motor Co. is another company, affiliated with it.

Mr. KENNEDY. Are they trucking companies?

Mr. CALLAHAN. One is a manufacturing sales company, that is Esco Motor Co., and the other is a trucking company, Exhibitors Service Co.

Mr. KENNEDY. Exhibitors Service transports films and perishable goods, is that correct?

Mr. CALLAHAN. Magazines and general freight.

Mr. KENNEDY. How many employees do you have?

Mr. CALLAHAN. When I was here last time, I think I mentioned a figure of 55, and it is closer, and I have checked it since I went back, and it is closer to about 46.

Mr. KENNEDY. How many employees do you have that are members of the Teamsters Union, approximately? We don't need it exactly.

Mr. CALLAHAN. Most of our employees.

Mr. KENNEDY. You have two Teamster local unions?

Mr. CALLAHAN. We have two local Teamster unions, and then we have affiliations with a number of other Teamster local unions that are located throughout western Pennsylvania and northern West Virginia.

Mr. KENNEDY. The two chief locals are local 211 and local 249 of the Teamsters?

Mr. CALLAHAN. That is correct, yes, sir.

Mr. KENNEDY. And do they each have a separate contract with you?

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. The employees that are under local 249 receive higher wages than those under local 211 or is it the other way around?

Mr. CALLAHAN. Just the reverse.

Mr. KENNEDY. Local 211 has higher wages than local 249?

Mr. CALLAHAN. That is correct.

Mr. KENNEDY. How many are under local 211, approximately?

Mr. CALLAHAN. Around 25 to 28 under 211 at the present time, and 3 under local 249. In the past years, that has varied. We have had more 249 than we had 211 and vice versa.

Mr. KENNEDY. Has that caused some difficulty in the operation of your business?

Mr. CALLAHAN. Very much.

Mr. KENNEDY. What has been the problem?

Mr. CALLAHAN. Well, we have a jurisdictional problem, where two unions are continually fighting over the work we have to perform. One union is chartered to handle newspapers, magazines, and films and their charter has been amended to the extent that we are not permitted to put on their trucks anything that their trucks can carry up to their capacity. However, only one 211 member can make freight pickups on a part-time basis, and no 211 members can make any freight deliveries locally within the jurisdictional area of local 249.

Senator CURTIS. May I ask a question right there? Now, both of these are Teamster unions?

Mr. CALLAHAN. Yes, sir.

Senator CURTIS. And they both belong to the same joint council?

Mr. CALLAHAN. Yes, sir.

Senator CURTIS. And they are both subject to the same State and international officers?

Mr. CALLAHAN. To the best of my knowledge, yes, sir.

Senator CURTIS. That is a very cumbersome and inefficient as well as unfair situation.

Mr. FINKEL. Would the Senator desire an illustration of how that operates?

Senator CURTIS. Yes.

Mr. FINKEL. We can give you a description of an instance of how it operates.

Mr. CALLAHAN. Well, for example, if we have two different commodities going to one customer, such as could possibly be chairs and magazines, the one union would only be permitted to deliver the one item, while the other union would have to deliver the other item.

Senator CURTIS. And while that adds to your cost, eventually it has to add to the consuming public's cost or you are going to go out of business, isn't it?

Mr. CALLAHAN. It has hurt us competitively tremendously.

Senator CURTIS. Do your competitors have that same jurisdictional difficulty?

Mr. CALLAHAN. There is no one in our area that has the same problem to my knowledge.

Senator CURTIS. How long has this existed?

Mr. CALLAHAN. For the past 10 to 12 years, during which time I estimate that it has cost our company conservatively better than \$1 million net.

Senator CURTIS. That is not gross business, but that much profit?

Mr. CALLAHAN. Yes, sir.

Senator CURTIS. That is all at this point.

Mr. KENNEDY. This is a dispute that exists within the Teamsters Union itself? It is not between the Teamsters Union and outside unions?

Mr. CALLAHAN. It is between the two Teamsters Unions themselves apparently, and something that we have been unable up to the present time to get resolved.

Mr. KENNEDY. Now, Mr. Callahan, this problem continued to exist during 1957; is that right?

Mr. CALLAHAN. That is correct.

Mr. KENNEDY. And during 1957 you had obtained the services of an employee by the name of Edward Weinheimer?

Mr. CALLAHAN. I did.

Mr. KENNEDY. What were Mr. Weinheimer's duties and responsibilities?

Mr. CALLAHAN. When Mr. Weinheimer joined our organization, he came to us as a solicitor which is the same as salesman in any other business. His duties were to secure business. We had formerly specialized in pool-car distribution and pool-truck distribution and whether it came from local sources or sources in any other city throughout the country it was his duty originally to contact them and try to develop business.

Mr. KENNEDY. He was hired in January of 1957?

Mr. CALLAHAN. I checked that also, since I have been here, and I was told it was January 28.

Mr. KENNEDY. Did he also help and assist you in your labor difficulties which you have described?

Mr. CALLAHAN. He endeavored to, but up to the moment it hasn't been of much assistance.

Mr. KENNEDY. Did you understand that he was a friend of Mr. Barney Baker, of the Teamsters Union?

Mr. CALLAHAN. As time developed, and after he had been with us a few months, he said that he had had some previous labor experience and possibly he could be of assistance in helping us straighten out the problems we were endeavoring to get corrected.

Mr. KENNEDY. Did he tell you then of the relationship he had had with Barney Baker?

Mr. CALLAHAN. It was a couple of months after that, I believe, that I even knew that he knew Barney Baker.

Mr. KENNEDY. Had you known Barney Baker before then?

Mr. CALLAHAN. I had never heard his name before that.

Mr. KENNEDY. Where had Weinheimer said he had known Barney Baker?

Mr. CALLAHAN. He didn't say exactly, except that he had known him from years back.

Mr. KENNEDY. Did Mr. Weinheimer, in August of 1957, take a trip to Des Moines, Iowa?

Mr. CALLAHAN. Yes; he did.

Mr. KENNEDY. Was one of the purposes of that trip to pay a visit to Mr. Barney Baker?

Mr. CALLAHAN. Yes; it was.

Mr. KENNEDY. That was in connection with these labor problems you were having?

Mr. CALLAHAN. Yes; it was.

Mr. KENNEDY. Now, when he was out in Des Moines, he was staying at the Rambler Motel. Did he contact you then from the Rambler Motel?

Mr. CALLAHAN. Yes; he did.

Mr. KENNEDY. Did he request or ask you to send him some money at that time?

Mr. CALLAHAN. Yes; he did.

Mr. KENNEDY. What did he say to you?

Mr. CALLAHAN. Well, I don't recall the exact conversation except to the extent that things were going along all right and he needed some money, and he needed expense money, and he asked me if I would send him \$1,000.

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

Mr. KENNEDY. And that was to be \$1,000 in cash; is that correct?

Mr. CALLAHAN. He asked me that I specifically send him cash; yes, sir.

Mr. KENNEDY. He asked specifically that you send him the cash. And you sent it out to him at that time?

Mr. CALLAHAN. I did.

Mr. KENNEDY. You understood that it was in connection with his work on these labor troubles?

Mr. CALLAHAN. I understood that it had something to do with his moving around between general circles, plus expenses anyway that he wanted to use the money. There was no specific designation made.

Mr. KENNEDY. No; but you understood it was in connection with his attempt to solve your labor difficulties?

Mr. CALLAHAN. I was given to believe that.

Mr. KENNEDY. Did he tell you to whom he was going to give the money?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. He did not tell you anything about that?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. Did you ask him at that time what he was going to do with the \$1,000?

Mr. CALLAHAN. Yes; I did.

Mr. KENNEDY. What did he say?

Mr. CALLAHAN. We argued about it some, and he said to trust him.

Mr. KENNEDY. To trust him?

Mr. CALLAHAN. Yes.

Mr. KENNEDY. At a later time did you find out how he had spent the \$1,000, what he had done with it?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. What denominations were the bills?

Mr. CALLAHAN. They were 10 \$100 bills.

Mr. KENNEDY. How many packages? How many envelopes?

Mr. CALLAHAN. Well, according to the young fellow that I sent to the post office to mail them, he said it was two. I do not recall specifically myself.

Mr. KENNEDY. We have checked, Mr. Chairman, with the post office in connection with the sending out of this money and have found the registration numbers. May I call Mr. Sheridan on that?

The CHAIRMAN. All right, Mr. Sheridan, come forward.

TESTIMONY OF WALTER J. SHERIDAN—Resumed

The CHAIRMAN. You have been previously sworn ?

Mr. SHERIDAN. Yes.

Mr. KENNEDY. You checked with the post office in connection with the sending out of the registered letters ?

Mr. SHERIDAN. Yes, I did, sir.

Mr. KENNEDY. In August of 1957 ?

Mr. SHERIDAN. Yes, sir.

Mr. KENNEDY. To Mr. Ed Weinheimer at the Rambler Motel ?

Mr. SHERIDAN. Yes, sir.

Mr. KENNEDY. What do the records show ?

Mr. SHERIDAN. The records of the McKees Rocks, Pa., post office show that on August 14, 1957, three packages were sent by Exhibitors Service Co., 85 Helen Street, McKees Rocks, Pa., to Edward Weinheimer, at 2701 Southeast 14th Street, Des Moines, Iowa.

We have been advised that 2701 Southeast 14th Street is the address of the Rambler Motel.

TESTIMONY OF GEORGE F. CALLAHAN, JR., ACCOMPANIED BY
COUNSEL, ELLIOTT W. FINKEL—Resumed

Mr. KENNEDY. You were furnishing him other expense money during this period of time, were you not ?

Mr. CALLAHAN. I would say nominal expense money ; yes.

Mr. KENNEDY. This was a different type of payment from the regular payments you had been making to him ?

Mr. CALLAHAN. I had never previously sent him that kind of money ; no, sir.

Mr. KENNEDY. Didn't it raise a sharp question in your mind where the money was going, since it was such a large amount of money ?

Mr. CALLAHAN. In a way it did ; yes, sir.

Mr. KENNEDY. Did you pursue the matter to try to find out what he did with it ?

Mr. CALLAHAN. I questioned him about it, and he said he needed it for expenses, and did not I have any trust in him ?

And that is all the satisfaction I could ever get.

Mr. KENNEDY. Was it indicated to you then, did he tell you, that Mr. Barney Baker would try to assist you in your labor difficulty ?

Mr. CALLAHAN. I don't recall exactly whether his name was mentioned. I remember asking who was there, and he said "Oh, there are lots of people here."

Mr. KENNEDY. Did he indicate to you then, or subsequently, that Mr. Baker would try to help you and assist you in your labor troubles ?

Mr. CALLAHAN. He indicated that.

Mr. KENNEDY. And did Mr. Baker try to assist you in your labor problems ?

Mr. CALLAHAN. Subsequently, I am convinced in my own mind, that he did conscientiously.

Mr. KENNEDY. Did you have any conversations with his personally ?

Mr. CALLAHAN. Not until December 1957.

Mr. KENNEDY. What conversations did you have with him at that time ?

Mr. CALLAHAN. Well, he came to Pittsburgh at that time when we were on strike, and he said he would do anything and everything that he possibly could to get the wheels rolling, and I believe that, based on my past experience, he tried to do that.

Mr. KENNEDY. Had you sent any more money to Mr. Weinheimer between the time that Baker came to Pittsburgh and the \$1,000 in August?

Mr. CALLAHAN. Yes, I did. I sent him \$1,000 in September, I believe. I am not certain, because I don't have the records in front of me. And I sent him another \$1,000 the following month, I believe.

Mr. KENNEDY. Where did you send that money to?

Mr. CALLAHAN. To the best of my recollection, I sent it to the East. I am pretty sure \$1,000 went to New York, and I am not certain about the third, but I think it went to New York.

Mr. KENNEDY. Each time you sent the money in cash?

Mr. CALLAHAN. That is right.

Mr. KENNEDY. Each time in \$100 bills?

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. And each time at Weinheimer's request, is that correct?

Mr. CALLAHAN. That is right, sir.

Mr. KENNEDY. Did you ask him what he was doing with the second and third packets of \$1,000?

Mr. CALLAHAN. Well, each time our discussion got a little more heated, and I told him I did not want him to commit me unless I had some advance knowledge of it on something. He would ask me to trust him, and I went along; yes, sir.

Mr. KENNEDY. Did he explain to you that he was contacting Barney Baker in connection with your labor trouble?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. He spoke to you about Barney Baker, did he not?

Mr. CALLAHAN. Possibly off and on he did.

Mr. KENNEDY. Did he say that he was contacting any other union officials?

Mr. CALLAHAN. During that period, none whose name I can recall, although I know that he was doing everything and anything that he thought might be helpful to us in any way.

Mr. KENNEDY. Mr. Chairman, I would just like to recall Mr. Sheridan, in connection with one of these other packets of \$1,000.

When did you understand you sent him the second or third \$1,000?

Mr. CALLAHAN. I think they were about a month apart, according to our records.

Mr. KENNEDY. One was in September and one was in October?

Mr. CALLAHAN. According to our records, I think that is right; yes, sir.

Mr. KENNEDY. What do the records show?

Mr. SHERIDAN. The records show that on September 16, 1957, two packages were sent from McKees Rocks, Pa., post office, from ESCO, to Mr. Edward F. Weinheimer at the Bellecrest Hotel in Detroit, Mich.

Mr. KENNEDY. And Mr. Weinheimer was staying at the Bellecrest Hotel?

Mr. SHERIDAN. Mr. Weinheimer was staying at the Bellecrest Hotel at that time, and Mr. Baker was also staying at the Bellecrest at that time.

Mr. KENNEDY. They were both there at the same time?

Mr. SHERIDAN. Yes, sir.

Mr. KENNEDY. Do we have any record as to the third packet?

Mr. SHERIDAN. The third packet, according to Mr. Callahan's records, they cashed the third check on October 16, 1957.

The post office authorities in Pittsburgh and McKees Rocks checked the McKees Rocks post office and had checked 37 branch offices of the post office in Pittsburgh, and they have no record of anything being sent on or about that date. They conclude that the money was not sent registered mail in the third instance.

Mr. KENNEDY. Is it possible that you gave it to Mr. Weinheimer himself in Pittsburgh during that time?

Mr. CALLAHAN. I don't recall.

Mr. KENNEDY. The records would seem to indicate also from tracing Mr. Weinheimer's activities that he was in Pittsburgh during this period of time?

Mr. SHERIDAN. Yes.

Mr. CALLAHAN. If I did, I don't recall. It was my recollection that I sent it to him, and I don't recall anything differently on it.

The CHAIRMAN. In securing the cash, how did you secure the \$1,000 cash each time you sent it to him?

Mr. CALLAHAN. I asked the young fellow who handles our books and serves as the assistant secretary of the company, to go to the bank and get it.

The CHAIRMAN. What is the young man's name?

Mr. CALLAHAN. Mr. Frank M. Lacey.

The CHAIRMAN. I present to you three checks drawn to Mr. F. M. Lacey, dated September 18, 1957. The first is dated August 14, 1957, then dated September 16, 1957, and October 16, 1957, each of them in the amount of \$1,000, and appearing to have your signature issuing these checks on your company.

Will you examine them and state if those are the checks that you issued in order to get the \$1,000 cash each time?

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

Mr. CALLAHAN. To the best of my recollection; yes, sir.

The CHAIRMAN. They may be made exhibit No. 80, A, B, and C, in the order of their dates.

(The documents referred to were marked "Exhibit No. 80, A, B, and C" for reference and will be found in the appendix on pp. 14539-14541.)

Mr. KENNEDY. On that September check, and the events that immediately preceded it and followed it, I would like to ask you if this isn't correct. That on September 13, 1957, the union official, Cozza, demanded an 8-cent retroactive increase and set a strike date for Monday morning, September 16.

Mr. CALLAHAN. He demanded that plus additional demands at a meeting that was attended by my son, Mr. Finkel, and myself.

He would not give us any leeway whatsoever, and said that unless we met his demands we would be on strike Monday morning. When we adjourned it was a little after noon on Friday.

Mr. KENNEDY. That was Monday morning, September 16, is that correct? The records show it was September 16.

Mr. CALLAHAN. I think you have my notes. I made notes of those things and you have them. I don't know the exact date right offhand, but you can check it from the notes that you took.

Mr. KENNEDY. Was it September 16, Mr. Sheridan?

Mr. SHERIDAN. Yes, sir.

Mr. KENNEDY. Isn't it correct also that Weinheimer checked in to the Bellecrest Hotel in Detroit on September 13?

Mr. SHERIDAN. Yes, sir.

Mr. KENNEDY. The same day that the notice was given. Then on September 14, do the notes show that Mr. Callahan received a call from Weinheimer, from Detroit, that the strike had been called off?

Mr. CALLAHAN. Yes, sir. I was with the attorneys at the time, and we had notified their attorneys that if they went through with this, we were going to enter an unfair labor charge suit, and immediately follow that with a substantial damage suit. I got a call that the strike had been called off.

Mr. KENNEDY. Who made that call to you?

Mr. CALLAHAN. Weinheimer.

Mr. KENNEDY. From Detroit?

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. Then on September 16, 2 days later, the second check for \$1,000 was written out and sent in 2 packages in \$100 bills to Weinheimer at the Bellecrest Hotel in Detroit, is that correct?

Mr. CALLAHAN. That could be so, Mr. Kennedy, but honestly I cannot recall. I do not know.

Mr. KENNEDY. Is that what the records show?

Mr. SHERIDAN. Yes, sir, that is what the records show.

The CHAIRMAN. The check shows it was dated the 16th, so obviously that is the time you drew out the \$1,000 in cash.

Mr. CALLAHAN. Apparently, sir.

The CHAIRMAN. Yes.

Mr. KENNEDY. Did Mr. Baker indicate to you what he was doing to attempt to settle the strike? Or to settle your problem?

Mr. CALLAHAN. Up to that time, I had no idea of who Mr. Baker was, what he looked like, or what he might be doing in any direction.

Mr. KENNEDY. Did he indicate to you afterward who he was contacting, who he was seeing, what he was trying to do?

Mr. CALLAHAN. Not directly. When he came to Pittsburgh in December we were already on strike, and he endeavored to see some people, I don't know who it was, and then he arranged a meeting between Cozza, Weinheimer, myself, and himself.

Mr. KENNEDY. Did he tell you that he was contacting anybody in Detroit in connection with this?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. Did he tell you that anything that was done relative to the situation had to be done by the head office?

Mr. CALLAHAN. Yes, sir, he did.

Mr. KENNEDY. Who did you understand that the head office was?

Mr. CALLAHAN. Mr. Hoffa and the executive board. As a matter of fact, in different conversations that I had with him after that I had endeavored to elicit his aid and he told me that he could not do

anything unless he had the blessings of the top office to come into Pittsburgh and attempt to operate with authority.

MR. KENNEDY. Did he tell you that he had the blessings of the top office to come to Pittsburgh?

MR. CALLAHAN. No, sir.

MR. KENNEDY. Did he come to Pittsburgh independently then?

MR. CALLAHAN. To the best of my knowledge, he did.

MR. KENNEDY. How many times did he come to Pittsburgh?

MR. CALLAHAN. I think to the best of my recollection, he was in Pittsburgh three times.

MR. KENNEDY. He testified before the committee that he was sent to Pittsburgh?

MR. CALLAHAN. No, that wasn't right.

MR. KENNEDY. He said that he was. He came to Pittsburgh three times, and when was that?

MR. CALLAHAN. I would say in December and January.

MR. KENNEDY. How many times in December?

MR. CALLAHAN. Twice to my knowledge.

MR. KENNEDY. Did you ever give him any money yourself?

MR. CALLAHAN. Yes, sir, I did.

MR. KENNEDY. How much money did you give him?

MR. CALLAHAN. Well, all told I would say I gave Barney—I mentioned when I was here before—approximately \$600, and it could be as much as \$800.

MR. KENNEDY. Was that in \$100 bills?

MR. CALLAHAN. No. I don't recall ever having given him hundred-dollar bills, and I put it on the basis, and I was never asked for money by Barney except on one occasion where he was a little hard up, and I personally offered him some money and he said, "We will put it on the basis of a loan," and I said, "All right." That is the way it was.

MR. KENNEDY. When did you advance him this money?

MR. CALLAHAN. The first money to the best of my recollection that I recall having given him was when he came to Pittsburgh the first time. We had a meeting with him and he was going to have a meeting with some other people, and I don't know who it was. I gave him at that time, I believe, \$100 to cover any expenses that he had while he was in Pittsburgh. When he came back to Pittsburgh I gave him, I would say it was \$125 all told. Part of that was for his hotel and the rest was cash.

When he came back in January he had told me that he was hard pressed and I knew that he was contemplating marriage and one thing and another, and he said that he needed \$300. I gave it to him and he said, "We will put this on a loan basis."

MR. KENNEDY. Did you get a note from him of any kind?

MR. CALLAHAN. I didn't ask for one and he didn't offer one.

MR. KENNEDY. That is \$525 so far.

MR. CALLAHAN. Then I sent him money to Washington one time and I sent him money, I believe, to Detroit one time, and I sent him money to Chicago twice, I think.

The CHAIRMAN. That is four more occasions when you gave money. You have mentioned three now. Were all of these sent after January?

MR. CALLAHAN. Yes, sir.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. Where did you send the money to him down here?

Mr. CALLAHAN. I beg your pardon?

Mr. KENNEDY. Where did you send him the money down here in Washington?

Mr. CALLAHAN. One of the hotels, and I don't remember which one it was.

Mr. KENNEDY. How much was that?

Mr. CALLAHAN. That was \$200, as I recall.

Mr. KENNEDY. What about in Detroit; where did you send that? Was that cash?

Mr. CALLAHAN. To the best of my recollection; yes, sir. And I sent him \$200 and I believe to Detroit, and I sent him——

Mr. KENNEDY. Where in Detroit?

Mr. CALLAHAN. I don't recall that, and I believe wherever he was staying, and I sent him \$100 on 2 other occasions to Chicago.

Mr. KENNEDY. Whereabouts in Chicago?

Mr. CALLAHAN. The Belmont-Stratford, I believe.

Mr. KENNEDY. When was the money sent to Chicago?

Mr. CALLAHAN. I would say within the last 6 weeks.

Mr. KENNEDY. Within the last 6 weeks?

Mr. CALLAHAN. Within the last 6 weeks.

Mr. KENNEDY. You sent \$100 or \$200 to Detroit, and when was that?

Mr. CALLAHAN. I do not recall exactly. It was during May or June.

The CHAIRMAN. That is of this year?

Mr. CALLAHAN. Yes, sir.

The CHAIRMAN. How much more do you owe him?

Mr. CALLAHAN. I didn't owe him anything, Senator.

The CHAIRMAN. Why was he selected for your gracious favors?

Mr. CALLAHAN. Well, I may be criticized for this statement, but frankly, I like Barney Baker.

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

Mr. KENNEDY. And you also thought he could do you some good?

Mr. CALLAHAN. I also felt that if there was ever a time that he could do me any good, in any way, that he would.

Mr. KENNEDY. In addition to trying to help you solve your labor difficulties, was he helping you in any other way?

Mr. CALLAHAN. He contacted several firms after our strike, and asked them if there was any way that they could give us any business, and we heard from those firms and there is one piece of business still pending that if we could have it, providing we could get our labor problems straightened out, I think it would be profitable.

Mr. KENNEDY. What firms did he contact on your behalf?

Mr. CALLAHAN. Long Transportation Co., and Middle Atlantic, Alger, and Redstock.

The CHAIRMAN. Do you contemplate sending him any more money?

Mr. CALLAHAN. I am in pretty deep right now for having sent him what I did. If I do, it will be by check.

The CHAIRMAN. That is a good idea. Proceed.

Mr. KENNEDY. I hand you two letters, photostatic copies of letters, purportedly written by you. The first one is dated January 6, 1958,

addressed to the Middle Atlantic Transportation Co., attention of Mr. Paul Kluding, and another dated February 19, 1958, addressed in the same manner.

I ask you to examine the two letters, and state if you identify these as photostatic copies.

(Documents were handed to the witness.)

Mr. CALLAHAN. Yes, sir.

The CHAIRMAN. They may be made exhibits (No. 81, A and B.

(Documents referred to were marked "Exhibit No. 81, A and B", respectively, for reference and will be found in the appendix on pp. 14542-14543.)

The CHAIRMAN. We will proceed.

Mr. KENNEDY. One is dated February 19, 1958, to Middle Atlantic Transportation Co., Inc., 6575 West Verner Highway, Detroit, Mich., attention of Paul Kluding, operations manager:

DEAR MR. KLUDING: The interest that both you and Barney Baker have evidenced on our behalf is sincerely appreciated. Your Jack Meyers has no doubt been quite busy although we are looking forward to meeting with him tomorrow, which we hope will prove productive for both of us.

Again thanking you for your personal intervention, we are,

Yours very sincerely,

G. F. CALLAHAN, Jr., *President.*

The other letter is dated February 6, 1958, to the Middle Atlantic Transportation Co., Inc., Detroit, Mich., attention of Mr. Paul Kluding:

DEAR MR. KLUDING: Our mutual friend, Mr. Barney Baker, of the Teamsters, told us he was talking to you regarding the possibility of interlining with your company for reciprocal benefit. At the present time we concur with the Middle Atlantic Conference and Eastern Central Motor Carriers Association for through rates.

We published our own ICC tariffs for distribution over territory approximately 130 miles north, east, and south of Pittsburgh and approximately 75 miles west of Pittsburgh. We are enclosing a map of our territory which further illustrates the above.

Barney further mentioned that he told you that our name was Callahan Trucking Co. However he realized after he spoke to you that our name is Exhibitors Services Co., and suggested we mention this so that there would be no misunderstanding of names. We certainly appreciate any business you can swing our way and we will endeavor to handle your accounts with economical and safe operation, as we know you will with us.

Yours very sincerely,

G. F. CALLAHAN.

Now I have just a few last questions. When Mr. Weinheimer was at the Rambler Motel during the first time you paid \$1,000, you knew that he was contacting Mr. Baker there, did you not?

Mr. CALLAHAN. Yes, sir, I did. I knew that he said he would like to visit Mr. Baker, and I suggested that he make a swing of all of the western territory and develop all of the business. I might say that at first I wasn't too much in favor of it, but I went along with it on the basis that, well, it could be productive to us and if it would help our labor relations in any way whatsoever, I wasn't adverse to that either.

Mr. KENNEDY. You knew he was also going to contact Mr. Baker about your labor problems?

Mr. CALLAHAN. I understood he was going to talk to him about them.

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

Mr. KENNEDY. Mr. Baker, while Mr. Weinheimer was there, made a telephone call to you, did he not?

Did you talk to him by telephone?

Mr. CALLAHAN. Who, please?

Mr. KENNEDY. Mr. Baker, from the Rambler Motel.

Mr. CALLAHAN. To the best of my recollection, no, sir. I thought—

Mr. KENNEDY. Did he call you from the hospital or from the Rambler Motel?

Mr. CALLAHAN. No. It was my impression that Mr. Baker was in the hospital the entire time he was there. I didn't know any different, was never told any different.

Mr. KENNEDY. You did not talk to him by telephone?

Mr. CALLAHAN. To the best of my recollection, no, sir.

Mr. KENNEDY. There was a telephone call we traced from the hospital, from Mr. Baker, to you in Pittsburgh, at 8:03 p. m. on August 13, and the telephone call shows that it lasted for 5 minutes. Do you remember that?

Mr. CALLAHAN. I do not, no, sir.

Mr. KENNEDY. Did you ever talk to Mr. Hoffa about this situation?

Mr. CALLAHAN. Yes, I did.

Mr. KENNEDY. How many times did you see Mr. Hoffa?

Mr. CALLAHAN. I have seen Mr. Hoffa twice.

Mr. KENNEDY. Where did you meet with him?

Mr. CALLAHAN. I went to Detroit the first time and the second time I came to Washington.

Mr. KENNEDY. Who did you go to Detroit with?

Mr. CALLAHAN. I went there with Ed Weinheimer, somewhat against my better judgment because we had no appointment or anything else, but we went up there.

Mr. KENNEDY. Was anyone else with you other than Ed Weinheimer?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. Just the two of you?

Mr. CALLAHAN. Just the two of us.

Mr. KENNEDY. Did anybody arrange the appointment for you to see Mr. Hoffa?

Mr. CALLAHAN. We had no appointment.

Mr. KENNEDY. You just went in there to see him?

Mr. CALLAHAN. We were there at 6:30 in the morning, waiting until the doors opened, and to try to be sure that we did not get passed by, because we recognized that he was quite busy. We saw him maybe at 10:30 or 11 o'clock.

Mr. KENNEDY. And you explained your problem to him?

Mr. CALLAHAN. We asked him if there was anything that he could do. We told him what our problem was, we were on strike, and he said that he would get ahold of Tevis.

Mr. KENNEDY. Tevis was the international representative in that area?

Mr. CALLAHAN. In Pittsburgh, yes, sir. That I should go back and get ahold of Mr. Tevis, which I did.

Mr. KENNEDY. He indicated to you that he knew about your problems, did he not?

Mr. CALLAHAN. Yes, he did.

Mr. KENNEDY. Prior to your coming in there?

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. Then you saw him again here in Washington, D. C.?

Mr. CALLAHAN. I did.

Mr. KENNEDY. Did you come back and confer with Tevis, then?

Mr. CALLAHAN. Yes, sir, I did.

Mr. KENNEDY. What did he tell you?

Mr. CALLAHAN. Well, he told me first he had nothing to tell me, that he had a meeting with Cozza, and he was going to have to talk to Mr. Hoffa. Then following that, he would call me. So he called me about noon of that same day and said that he still had not anything to tell me. When I pressed him and asked him when he thought he might, he said, well, he did not know. I said "Well, does that mean a couple of days?" And he said "It could be."

So the following day, I believe, then he and Mr. Cozza went to see Mr. Hoffa.

Mr. KENNEDY. What?

Mr. CALLAHAN. The following day, he and Mr. Cozza went to see Mr. Hoffa.

Mr. KENNEDY. What did you hear next on it?

Mr. CALLAHAN. The next? Mr. Hoffa tried to get ahold of me twice by telephone. I missed both calls. When I called back, he was not available. Finally, Mr. Brennan called me and said that Mr. Hoffa had asked him to call me.

Mr. KENNEDY. That is Mr. Bert Brennan?

Mr. CALLAHAN. Yes, sir. I assume so. And gave me the message that after listening to me, and after listening to the fellows that were there that same day, the matter was so controversial that he did not want to enter the picture just then.

Mr. KENNEDY. And you have seen him here once in Washington, D. C.?

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. When is it that you talked to Mr. Brennan? When did he call you?

Mr. CALLAHAN. The only way I can tie that down by date is that I believe Mr. Hoffa was seated with the monitor arrangement on a Thursday, and we were there the following Monday morning.

Mr. KENNEDY. According to the records, you went to see Hoffa on January 26, 1958. Is that correct?

Mr. CALLAHAN. If that is the date that checks out according to what I said, yes, sir.

Mr. KENNEDY. Then on January 29, 1958, you cashed a check for \$500, some of which went to Mr. Barney Baker. The strike was settled on February 5, 1958.

Mr. CALLAHAN. Yes, sir.

Mr. KENNEDY. Mr. Brennan called you then between January 26, 1958, and the date the strike was settled, February 5, 1958.

Mr. CALLAHAN. He called me 2 days, I would say it was 2 days, after I had been in Detroit.

Mr. KENNEDY. So he called you on about January 28, 1958?

Mr. CALLAHAN. I am not certain of the date, but it could be tied down from —

Mr. KENNEDY. The strike was settled within a week after that.

Mr. CALLAHAN. I thanked Mr. Brennan for calling me and giving me the information, and I said "Well, at least I know what I have to do."

So I arranged a meeting with Mr. Tevis and Mr. Cozza, and over a weekend of about 8 hours of meetings on Saturday and Sunday, we finally came to terms and went back to work.

Mr. KENNEDY. You talked to Baker, did you not, on the day that the strike ended? He called you from Detroit on February 5, 1958?

Mr. CALLAHAN. I don't recall exactly.

Mr. KENNEDY. The records show that he called you and spoke to you for 18 minutes.

Mr. CALLAHAN. Barney can spend a lot of time on the telephone, I can say that. But I honestly don't know whether I talked to him on that day or not. I may have.

Mr. KENNEDY. He spoke to you for 18 minutes, and the bill was \$2.85, paid by the Teamsters. Then on February 6, of course, we have this letter that we put into the record, to the Middle Atlantic Transport Co., regarding the solicitation of business by Barney Baker for you.

Mr. CALLAHAN. Barney offered to endeavor to get us any business that he could, as quickly as he could, and to help us in any way that he could as quickly as possible to try to overcome some of the terrific loss we had had as a result of the strike.

Mr. KENNEDY. Did you give any money directly or indirectly to any other union officials?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. Did you give any money of a similar nature to the ones you have described, the packages of money you have described, did you give any more money to Weinheimer, other than his regular expenses and his salary?

Mr. CALLAHAN. No, sir.

Mr. KENNEDY. These are the only packet moneys that you gave, large amounts of cash?

Mr. CALLAHAN. That is right, sir.

The CHAIRMAN. If I have made a correct calculation here, you sent \$3,000, then \$1,000 on three separate occasions, to Mr. Weinheimer, for which you have no accounting.

Mr. CALLAHAN. That is correct, yes, sir.

The CHAIRMAN. And on these occasions, you knew he was with Baker when you sent him the money?

Mr. CALLAHAN. Only on one occasion did I know according to my recollection. I do not yet recall having sent the money to Detroit. I don't deny that I did. I don't say that I did. I don't recall it.

The CHAIRMAN. Then you personally gave Mr. Baker \$1,125?

Mr. CALLAHAN. Whatever the figures were that I mentioned.

The CHAIRMAN. If my calculation is correct, that is the amount.

Mr. CALLAHAN. To the best of my recollection.

The CHAIRMAN. Then, assuming the \$3,000, a \$1,000 item each time, was to go to Mr. Baker, or did go to him, you are out a total of \$4,125 on this operation, is that correct?

Mr. CALLAHAN. According to your figures, that would be correct, yes, sir.

The CHAIRMAN. I think you said you put it on the basis of loans, some of these gifts to Mr. Baker?

Mr. CALLAHAN. I did.

The CHAIRMAN. How much do you claim he owes you now?

Mr. CALLAHAN. Any moneys I gave him with the exception of the first money that I gave him when he came to Pittsburgh, which was approximately \$100, and I think the second was \$125.

The CHAIRMAN. Then he would owe you around \$900 now?

Mr. CALLAHAN. That is right.

The CHAIRMAN. Do you have any hope of collecting?

Mr. CALLAHAN. I have had bad loans before, Senator.

The CHAIRMAN. Then you are able to evaluate them to some extent? You have had experience evaluating them?

Mr. CALLAHAN. Well, when you figure that in 10 or 12 years, in this thing, trying to do something, has cost you a million dollars, a couple of thousand dollars isn't a whole lot of money.

The CHAIRMAN. The truth is you never expected to get this money back, did you? You don't expect to now?

Mr. CALLAHAN. If I demanded it, I think it would be paid, yes, sir.

The CHAIRMAN. I asked you if you expected to get it back when you gave it to him. You said he said he would put it on the basis of a loan. You were actually giving it to him; you weren't loaning it to him, were you?

Mr. CALLAHAN. Well, frankly, I did not care too much whether he gave it back to me or not.

The CHAIRMAN. That is right. Actually, you were buying his influence as a labor leader, were you not?

Mr. CALLAHAN. In a sense, if you want to put it that way. On the other hand, I was doing it as a friend.

The CHAIRMAN. In the most accurate sense. You had not known Barney Baker long enough to fall in love with him.

Mr. CALLAHAN. No, sir.

The CHAIRMAN. Then, in the most accurate sense, you were buying the influence of a labor leader.

Mr. CALLAHAN. I have no comment, Senator.

The CHAIRMAN. I don't think it needs comment or clarification. Senator Curtis.

Senator CURTIS. Is your jurisdictional problem solved now?

Mr. CALLAHAN. No, sir; it is not.

Senator CURTIS. If this jurisdictional problem, which leads into all sorts of complications, such as two deliveries to the same customer and that sort of thing—if the solution were left to your own employees, do you think that it would be solved?

Mr. CALLAHAN. No; I do not, as far as local 211 employees are concerned. In fact, I don't think they look to us for security. This same local controls the newspapers, and they feel that they could be associated there regardless of whether we went out of business or not.

Senator CURTIS. If you went out of business, they would find employment someplace else.

Mr. CALLAHAN. Unless we had better control over our employees than we have at present. If we went out of business, they could find jobs in the newspapers, three Pittsburgh newspapers.

Senator CURTIS. Delivering papers?

Mr. CALLAHAN. Yes, sir.

Senator CURTIS. So they are just not going to have any part of your orders?

Mr. CALLAHAN. Senator, if I issue an order or request, and it is countermanded as against Mr. Cozza's wishes, I might as well keep quiet.

Senator CURTIS. I have no further questions. I think there is evidently an abuse of power in this jurisdiction here. I am not excusing anything that happened subsequent thereto, but certainly it is not in the interest of our economy to have a situation existing like you face, because it leads to transactions that, in retrospect, no one is anxious to defend.

The CHAIRMAN. Anything further?

I asked you about your buying influence with Mr. Baker. Is he still working for you, soliciting business for you?

Mr. CALLAHAN. Well, I don't know. I would say that I have not talked to anybody that he has solicited business from lately. I still feel, however, that, if he could do me a good turn, personally, he would do it.

The CHAIRMAN. Why?

Mr. CALLAHAN. It is one of those unexplainable things, Senator. As I mentioned before, I like Barney Baker, and I think he liked me for myself.

The CHAIRMAN. I think he liked you, too. I see no reason why he should not. You were buying his influence, and he was selling his influence to you both in connection with your labor troubles, when he had an obligation as an officer of the union to represent the interests of the employees, and of the union. Yet you were paying him for his influence in trying to settle your labor problems and then, according to your own testimony, you were paying him for his influence in trying to procure business for your company. Obviously, there are some arrangements where he was to favor you and you, in turn, were paying him; is that not correct?

Mr. CALLAHAN. It may appear that way, but I can't comment any further on that, Senator.

The CHAIRMAN. All right. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, we have Mr. Cozza's record here.

The CHAIRMAN. He is the president of that local there.

Mr. KENNEDY. Whom Mr. Callahan had to deal with in these matters, and who was the one causing the difficulty. I wonder if we could just summarize that.

The CHAIRMAN. Let the witness who investigated summarize it. Summarize it for the record, Mr. Sheridan.

Mr. SHERIDAN. Mr. Theodore Cozza has a criminal record going back to February 1934, when he was arrested in connection with the holdup of a gas station, and he has—

Senator CURTIS. Who are you talking about?

Mr. SHERIDAN. This is Theodore Cozza, president of local 211, with whom Mr. Callahan was having this difficulty.

Senator CURTIS. Is that 211 the one that has the organization of the employees that handle the newspapers?

Mr. SHERIDAN. Yes, Senator.

Mr. KENNEDY. He is the one that was causing the main difficulty.

Mr. SHERIDAN. He has a total of nine arrests, which includes arrest for blackmail, bribery, burglary, perjury, inciting to riot, operating a lottery, and assault and battery.

Mr. KENNEDY. What are the convictions for?

Mr. SHERIDAN. He was convicted for entering a building in 1935, and sentenced to 6 to 18 months. He served a year in jail for the bribery and perjury charge. He was convicted on the lottery charge and sentenced.

Mr. KENNEDY. So he has been convicted 3 times and arrested 9 times?

Mr. SHERIDAN. Yes.

Senator CURTIS. I want to ask one question about Cozza. Has the international union ever placed 211 under trusteeship, and had an election there so they could get rid of Cozza?

Mr. SHERIDAN. Not that I am aware of, Senator.

Senator CURTIS. You have examined the record?

Mr. SHERIDAN. We have not examined the union records of 211.

The CHAIRMAN. Will you 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. WEINHEIMER. I do.

TESTIMONY OF EDWARD F. WEINHEIMER, ACCOMPANIED BY COUNSEL, KENNETH D. WOOD

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

Mr. WEINHEIMER. My name is Edward Weinheimer, 1656 University Avenue, the Bronx, and I am unemployed.

The CHAIRMAN. You have counsel?

Mr. WEINHEIMER. I do.

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

Mr. WOOD. Kenneth D. Wood of the District of Columbia bar.

The CHAIRMAN. Thank you. Mr. Weinheimer, when was your last employment?

Mr. WEINHEIMER. February of 1958.

The CHAIRMAN. Your last employment was with Mr. Callahan's company, the Escro Motor Co., or the Exhibitors Service Co., Inc.?

Mr. WEINHEIMER. That is correct.

The CHAIRMAN. You have had no employment since then? What time in February did you leave his employ?

Mr. WEINHEIMER. I don't recall any exact date.

The CHAIRMAN. It was after the labor matter was settled?

Mr. WEINHEIMER. I don't remember.

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

Mr. KENNEDY. Mr. Weinheimer, can you tell us how long you have known Mr. Barney Baker?

Mr. WEINHEIMER. I decline to answer—I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Mr. Weinheimer, I would like to know how long you have known him, and then I would like to know about any business financial transactions you have had with him. Can you tell us what financial transactions you have had with Mr. Barney Baker?

Mr. WEINHEIMER. I respectfully decline not to answer on the fifth amendment of the United States Constitution, and assert a privilege not to become a witness against myself.

The CHAIRMAN. You said you decline not to answer. We will therefore be very glad for you not to decline to answer. I don't think you meant to say decline not to answer, did you?

Mr. WEINHEIMER. I respectfully decline not to answer—to answer, I am sorry.

The CHAIRMAN. I am trying to be helpful to you. Proceed.

Mr. KENNEDY. Mr. Weinheimer, according to the information we have and the testimony that we have received there were three packages that were sent to you from Mr. Callahan at your request on August 16, 1957, at the Rambler Hotel in Des Moines, Iowa. Can you tell us why you requested those three packages which contained a thousand dollars?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. Those three packages containing a thousand dollars were in the denominations of \$100 bills. Could you tell the committee whether you gave that money, any or all of that money, to Mr. Barney Baker of the Teamsters Union?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. It is a fact, is it not, you did give this money to Mr. Barney Baker, and it is this money that Mr. Baker used to pay his hotel bill at the Rambler Motel?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. The reason you paid him a thousand dollars was for his help and assistance in the difficulties which the Callahan Co., the Esco Co., were having with the Teamsters Union in McKeesport, Pa.; isn't that correct?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. Now, on September 13, isn't it a fact that you were at the Bellecrest Hotel in Detroit, Mich.?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. Isn't it a fact that on September 14 you called Mr. Callahan of the Esco Co. and told him that a strike that had been scheduled for September 16 had been called off?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. Now, who was it in Detroit, Mich., who was able to call off a strike in McKeesport, Pa., Mr. Weinheimer?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

Mr. KENNEDY. Certainly Mr. Barney Baker is in no position to call off a strike in Pennsylvania. Who was it that gave the instructions that there should be no strike of this company?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert a privilege not to become a witness against myself.

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

Mr. KENNEDY. In this call on September 14, you requested another \$1,000 package to be sent to you at this hotel in Detroit?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. And, on September 16, Mr. Callahan wrote a second check for \$1,000 and sent it in 2 separate packages in \$100 bills to you at the Bellecrest Hotel in Detroit; is that correct?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. And Mr. Barney Baker was staying at the hotel with you; was he not?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Did you give any or all of this money to Mr. Baker?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Did Mr. Baker, in turn, contact Mr. Hoffa to have him call off the strike in Pennsylvania?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Then, on October 16, 1957, you received a third sum of \$1,000, did you not, in \$100 bills?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Did you give any or all of that money to Mr. Barney Baker?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. Could you tell us anything about the money that Mr. Baker received directly from Mr. Callahan, starting in 1958?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. The strike was settled on February 5, 1958, just after a telephone call from Mr. Owen Bert Brennan. Can you tell us anything about that?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Mr. KENNEDY. And that immediately followed a payment by Mr. Callahan to Mr. Barney Baker himself of several hundred dollars?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Did you pay income tax on this \$3,000 that was sent to you by Mr. Callahan?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Senator CURTIS. Did you file a return showing that it was expenses?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Senator CURTIS. What did you do with the money?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Senator CURTIS. Did you ever give Mr. Callahan a truthful account of what you did with the money?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

Senator CURTIS. What other employers have you worked for?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to be a witness against myself.

Senator CURTIS. Where are you working now?

Mr. WEINHEIMER. I am unemployed.

Senator CURTIS. That is all, Mr. Chairman..

The CHAIRMAN. Mr. Weinheimer, do I understand that you are declining to state whether you were at the Rambler Motel, Des Moines, Iowa, in August of last year, 1957, on the grounds that if you answered the question, a truthful answer thereto might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. WEINHEIMER. I decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

The CHAIRMAN. Isn't it a fact you were there, and that you registered and gave your address as 85 Helen Street, McKees Rocks, Pa.?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

The CHAIRMAN. Do you remember Mr. Everett Scott, manager of the motel?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

The CHAIRMAN. I believe he states he is the owner and operator of the motel. Did you meet him while you were staying there?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution and assert the privilege not to become a witness against myself.

The CHAIRMAN. Do you not realize that we can establish the fact that you were there? You are trying to deny that which evidence can establish.

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. I have an affidavit signed by Everett Scott. I am going to read it to you, the pertinent parts of it. The affidavit may be printed in the record in full at this point.

(The document referred to follows:)

AFFIDAVIT

I, Everett Scott, who reside at 1416 King Avenue, Des Moines, Iowa, make the following statement freely and voluntarily to LaVern J. Duffy, who has identified himself as a member of the staff of the United States Senate Select Committee on Improper Activities in the Labor or Management Field. No threats, force, or duress has been used to induce me to make this statement, nor have I received any promise of immunity from any consequences which may result from the submission of this statement to the aforementioned Senate select committee.

Since the year 1952, I have owned and operated the Rambler Motel, located at 2701 Southeast 14th Street in Des Moines, Iowa.

In August 1957, Mr. and Mrs. Ed J. Weinheimer, who gave their address 85 Helen Street, McKees Rocks, Pa., registered at the Rambler Motel. They remained at the motel from August 9 to September 2, 1957. During the period that they were at the motel, I personally saw Mr. Weinheimer frequently in the company of Mr. Robert "Barney" Baker, an official of the Teamsters Union. I had a number of discussions with Mr. Weinheimer, and he would complain about how the Senate Rackets Committee was persecuting Mr. Jimmy Hoffa, of the Teamsters Union, and how Hoffa was a wonderful fellow. Mr. Weinheimer also stated on a number of occasions that Mr. Barney Baker was a great contribution to the labor movement. I deduced from Mr. Weinheimer's actions and discussions that Mr. Weinheimer was an employee of Mr. Baker, and possibly a labor organizer. I recall on one specific occasion Mr. Weinheimer also made the comment that Mr. Lew Farrell, Des Moines, Iowa, was very influential and, if I ever wanted anything done, he was the man that had the contacts in Des Moines.

I recall vividly the day Mr. and Mrs. Weinheimer checked out of the Rambler Motel. After Mr. Weinheimer paid his bill, I was tipped off by certain employees of the motel that the Weinheimers had stolen a number of towels. Upon receiving this information, I approached Mr. Weinheimer, who at the time was loading his luggage into his car. I said to him, "We have a problem to settle. It seems I am short a number of towels, and I think you are long on them." At this point, Mr. Weinheimer became nervous and upset. Weinheimer then said, "What do you mean?" and I said, "I want to check your luggage for our towels." Weinheimer then proceeded to pull out his billfold and said, "What do you want to take care of it?" I remarked that I didn't want his money; I just wanted my towels. Finally, Mr. Weinheimer said, "Go ahead and examine the luggage, if you want to." He denied there were any towels in his luggage belonging to the Rambler Motel. I proceeded to examine his luggage, where I found 26 towels with the name of the Rambler Motel stamped on them. The Weinheimers, in order to make room for the towels, had stuffed some of their own personal clothing in paper sacks. Also, while going through the luggage and removing our towels, I found two rolls of toilet tissue. I asked Mr. Weinheimer if he was so hard up he had to steal toilet tissue. In a very angry voice he said, "No, I don't need it."

He then removed the toilet tissue from the luggage and threw it down in disgust and walked off.

I have read the foregoing statement and, to the best of my knowledge, it is true and correct.

EVERETT SCOTT.

Witnesses:

LAVERN J. DUFFY.

LEON J. CLEMENS.

I am going to read some of the pertinent parts to you and give you an opportunity to state whether it is true or untrue.

Mr. Scott states:

Since the year 1952, I have owned and operated the Rambler Motel, located at 2701 Southeast 14th Street in Des Moines, Iowa.

In August 1957, Mr. and Mrs. Ed J. Weinheimer, who gave their address as 85 Helen Street, McKees Rocks, Pa., registered at the Rambler Motel. They remained at the motel from August 9 to September 2, 1957. During the period that they were at the motel, I personally saw Mr. Weinheimer frequently in the company of Mr. Robert "Barney" Baker, an official of the Teamsters Union. I had a number of discussions with Mr. Weinheimer, and he would complain about how the Senate Rackets Committee was persecuting Mr. Jimmy Hoffa, of the Teamsters Union, and how Hoffa was a wonderful fellow.

Do you recall that?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN (reading):

Mr. Weinheimer also stated on a number of occasions that Mr. Barney Baker was a great contribution to the labor movement.

Do you recall that?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN (reading):

I deduced from Mr. Weinheimer's actions and discussions that Mr. Weinheimer was an employee of Mr. Baker, and possibly a labor organizer.

Do you have any comment?

Mr. WEINHEIMER. No comment.

The CHAIRMAN (reading):

I recall on one specific occasion Mr. Weinheimer also made the comment that Mr. Lew Farrell of Des Moines, Iowa, was very influential and, if I ever wanted anything done, he was the man that had the contacts in Des Moines.

Do you know Mr. Farrell?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Do you recall the day you left the motel and checked out?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Mr. Scott seems to recall it. He says:

I recall vividly the day Mr. and Mrs. Weinheimer checked out of the Rambler Motel. After Mr. Weinheimer paid his bill, I was tipped off by certain employees of the motel that the Weinheimers had stolen a number of towels.

Let's have order.

Upon receiving this information, I approached Mr. Weinheimer, who, at the time, was loading his luggage into his car.

Do you remember any incident that occurred at that time?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN (reading):

I said to him, "We have a problem to settle. It seems I am short a number of towels, and I think you are long on them." At this point, Mr. Weinheimer became nervous and upset. Weinheimer then said, "What do you mean?" And I said, "I want to check your luggage for our towels." Weinheimer then proceeded to pull out his billfold and said, "What do you want to take care of it?" I remarked that I didn't want his money; I just wanted my towels. Finally, Mr. Weinheimer said, "Go ahead and examine the luggage, if you want to." He denied there were any towels in his luggage belonging to the Rambler Motel. I proceeded to examine his luggage, where I found 26 towels with the name of the Rambler Motel stamped on them.

Do you recall it now?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Do you think towel stealing is funny? I see you are smiling.

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution not to become a witness against myself.

The CHAIRMAN. Did you pick up anything else before you left?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Let's see what Mr. Scott says about that:

The Weinheimers, in order to make room for the towels, had stuffed some of their own personal clothing in paper sacks. Also, while going through the luggage and removing our towels, I found two rolls of toilet tissue.

Let's have order, please.

I asked Mr. Weinheimer if he was so hard up he had to steal toilet tissue; in a very angry voice he said, "No; I don't need it."

He then removed the toilet tissue from the luggage and threw it down in disgust and walked off.

Do you remember that incident in your life?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Well, I wanted to give you a chance, because I just feel that the record should be made clear as to the kind of people that are involved in this union racketeering, bribery, stealing. If you want to leave yourself in that category and don't want to answer these questions, it is your privilege. Do you honestly believe that, if you answered these questions, a truthful answer to them might tend to incriminate you?

Mr. WEINHEIMER. I respectfully decline to answer under the fifth amendment of the United States Constitution, and assert the privilege not to become a witness against myself.

The CHAIRMAN. Are there any questions?

Senator CURTIS. I just want to say to you that I hold in my hand a news item from Detroit, dated August 27. It is an Associated Press item. It says:

Ten-year-old Desmond McDuffy had an argument with his widowed mother last night and decided to return to his former home in Memphis, Tenn. Desmond got out of his mother's car and left. He got about 2 miles from home before he gave up. Police said the boy struck at least 14 parked cars before crashing through a fence and flattening the back porch of a house. Desmond fled on foot. Police found him hiding under a pile of cartons at a nearby grocery. They said the boy told them, "I ain't talking. I'm taking the fifth amendment."

I think that the unions and the union officials who have brought in union officials here, thugs and hoodlums and extortionists, and management, too, that have brought in people and characters of disrepute, who have, before the eyes of the entire Nation, taken the fifth amendment, have a lot to answer for. Not only are they heading in a direction that is giving us a racketeering economy in the country, but they are corrupting the youth of the land. I think whoever is responsible for hiring such characters as you and these others has a great deal to answer for.

The CHAIRMAN. You will remain under your present subpoena, subject to being recalled at such time as the committee may desire to have further testimony from you. You will be given reasonable notice of the time and place where the committee desires to interrogate you. With your agreement, acknowledging this recognizance, and your agreeing to appear upon reasonable notice, you may be excused. Do you agree?

Mr. WEINHEIMER. I agree.

The CHAIRMAN. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Chairman, we still are waiting on a matter that we have not finished up, and that was on Mr. Lew Farrell. We have not looked into his briefcase yet.

The CHAIRMAN. Mr. Farrell, come forward, please.

**TESTIMONY OF LEW FARRELL, ACCOMPANIED BY COUNSEL,
HARRY CLIFFORD ALLDER—Resumed**

The CHAIRMAN. Where is your briefcase, Mr. Farrell?

Mr. FARRELL. I don't have it with me.

The CHAIRMAN. I beg your pardon?

Mr. FARRELL. I don't have a briefcase with me.

The CHAIRMAN. You will produce it here again today some time.

Mr. KENNEDY. That is what we wanted.

The CHAIRMAN. Where is the briefcase?

Mr. ALLDER. Senator, I represent this witness.

The CHAIRMAN. Very well.

Where is your briefcase?

Mr. ALLDER. I have his records here, sir.

The CHAIRMAN. You have all of his records there?

Mr. ALLDER. Yes, sir.

The CHAIRMAN. All right. Sit down.

Mr. Attorney, identify yourself for the record, please.

Mr. ALLDER. My name is Harry Clifford Alder, a member of the Washington, D. C. bar.

The CHAIRMAN. Mr. Farrell, you appeared yesterday before the committee in response to your subpoena, at which time you had a subpoena duces tecum, to produce certain records called for in the subpoena which you acknowledged receiving. At that time you appeared and stated you had the records called for by the subpoena in a briefcase, which you exhibited to the committee. Is that correct?

Mr. FARRELL. I respectfully decline at this time to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Well, the Chair is going to order and direct you to answer that question, with the approval of the committee, because you did so testify yesterday. I am just trying to interrogate you further about the records you have brought.

Mr. ALLDER. May I address the Chair?

The CHAIRMAN. I am laying a foundation to ask about these files here, the records you are presenting, because yesterday he said all the records were in that briefcase. I want to interrogate him about them. You may now address the Chair.

Mr. ALLDER. I was going to request I be allowed to see a transcript of yesterday's proceeding so that I may intelligently advise him.

The CHAIRMAN. We have no objection to that. Will you please supply the attorney with a transcript of yesterday's proceeding?

(Document handed to counsel.)

Mr. ALLDER. May the question be repeated, Mr. Chairman?

The CHAIRMAN. I said yesterday you appeared before the committee in response to the subpoena which you acknowledged having received, a subpoena duces tecum to produce certain records. You exhibited to the committee at that time, a briefcase, which you said contained the record and documents called for by the subpoena. Is that correct?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. At that time, you refused to exhibit the contents of the briefcase, is that correct?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Now, today you appear again in continuing response to the subpoena and your attorney has laid on the table a small package of documents. I would like to have a picture of that for the record if some of you photographers will kindly accommodate us, the package at the right elbow. If you will make a picture of that, I would like to have that for the record. Thank you.

Now, Mr. Farrell, I wish to ask you if the papers which your counsel now holds and exhibits to the committee are the documents and records which your briefcase contained yesterday?

Mr. FARRELL. Yes.

The CHAIRMAN. Are those documents, now exhibited, all of the documents that your briefcase contained yesterday?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Are they all of the documents that you have called for by the subpoena?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Are they all of the documents that were called for by the subpoena at the time the subpoena was served?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Do you have knowledge of the whereabouts of any other records or documents called for by the subpoena that were not in your possession or controlled at the time the subpoena was served? (Witness conferred with his counsel.)

Mr. FARRELL. There are no other records that I know.

The CHAIRMAN. In other words, now, are you complying with the subpoena in full, to the limit of your ability to do so?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Will you present the documents to the committee?

Mr. FARRELL. I respectfully decline at this time to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Do you honestly believe if the documents were presented to the committee, delivered to the committee for inspection, that such act, and the delivery of such documents and their contents, might incriminate you?

Mr. FARRELL. I honestly believe if I am forced to answer the question I will be forced to be a witness against myself.

The CHAIRMAN. You honestly believe if you presented the documents they might incriminate you?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. You do?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. Any further questions?

Mr. KENNEDY. I just have a few questions at this time.

The CHAIRMAN. Let me ask you this: Are we to understand from the amount of documents you present that you practically keep no records of your financial transactions?

Mr. FARRELL. I respectfully decline at this time to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Have you destroyed any documents or records or other materials called for by the subpoena since it was served on you?

Mr. FARRELL. I respectfully decline at this time to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. The Chair, with the approval of the committee, will order and direct you to answer that question because, in my judgment, a destruction of any of the records called for by the subpoena by you after your subpoena was served would constitute contempt of the United States Senate. So I order and direct you to answer the question, with the approval of the committee.

Mr. ALLDER. Mr. Chairman, I don't believe the first question had in this what you now put in it.

The CHAIRMAN. Let the reporter read the question.

(The reporter read the question as follows:)

Have you destroyed any documents or records or other materials called for by the subpoena since it was served on you?

Mr. ALLDER. I stand corrected if that is the first question.

May I confer with him one moment?

The CHAIRMAN. You may.

(Witness conferred with his counsel.)

Mr. FARRELL. Senator, I have produced all the records that I had in existence when the subpoena was served on me.

The CHAIRMAN. And all records in your control called for by the subpoena?

Mr. FARRELL. By the subpoena that were in existence.

The CHAIRMAN. You say "in existence." That would be anywhere, so far as you know?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. You state under oath you have not destroyed any such records since the subpoena was served on you?

Mr. FARRELL. No—or yes, whichever is the right word—I haven't destroyed them, I haven't destroyed any.

The CHAIRMAN. "No, I haven't destroyed any" are the right words if true.

Mr. KENNEDY. Your name, Mr. Farrell, is also Luigi Fratto, is that correct?

Mr. FARRELL. I respectfully decline at this time to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. Mr. Farrell, you were born in Chicago, July 17, 1908, is that correct?

Mr. FARRELL. Yes, sir.

Mr. KENNEDY. You were an amateur and professional fighter?

(Witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline at this time to answer and, under the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. I note in your taking the fifth amendment you say you respectfully decline at this time to answer. Can you give us any indication, or will you agree to at any future time answer the questions?

(Witness conferred with his counsel.)

Mr. FARRELL. I will eliminate those words and I will repeat, I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Then we are to assume, and that is what you mean to imply, that your answer without the words "at this time" is final?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. You do not intend to answer them at any time?

Mr. FARRELL. No, sir.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. According to the information we have, which if it is incorrect I would like you to straighten us out, you had about seventy-odd fights; is that correct, as an amateur and as a professional fighter?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. You worked for the city of Chicago and you moved, according to our record, to Des Moines, Iowa, in 1938 or 1939; is that correct?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. Now, our interest in you is the relationship, the close personal relationship, that you have had with Mr. James Hoffa, particularly, the relationship that you have had with Mr. Barney Baker. Is it correct that you have had a close personal relationship with both Mr. James Hoffa and Mr. Barney Baker?

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. We understand that you have acted in the capacity of a labor-management consultant, that you have also given advice to various companies in the Iowa region regarding their difficulties with the Teamsters Union; is that correct?

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

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

MR. KENNEDY. That you specifically gave some advice to the Midwest Burlap & Bag Co. in 1956, and suggested to them that they make a contract with local 10 of the Teamsters Union, which was then under trusteeship in Des Moines.

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. And that was in order for them to not have to sign with the Textile Workers Union, which at that time had a majority of the employes signed up?

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. Mr. Farrell, another matter that is of interest to us, and which follows a pattern, is, once again, your associations with some of the well-known hoodlums in the United States, and the fact that you, yourself, have been arrested some 20 times; is that correct?

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. As an example, you have had a 50-percent interest in Hymie's Drive-Inn, which is operated by Hymie Weisman; is that correct?

MR. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. Isn't this the same Hymie Weisman, who was with Cherrynose Gioe, when Gioe was killed in gangland style last year? He was in the automobile with him?

MR. FARRELL. I respectfully decline to answer, and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

MR. KENNEDY. As another example, didn't you obtain a distributorship for the Canadian Ace Beer Co. under the name of the Manhattan Brewery Co.?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. Weren't you associated in that company with Morris Greenberg, and his sister, who are the brother and sister of Alexander Greenberg?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. And didn't Alexander Greenberg—wasn't he a close associate of Al Capone—operate the Canadian Ace operation for the Capone mob?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. Didn't you deny in the hearings before the Alcoholic Tax Unit that you had ever carried a gun?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. Isn't it a fact that in 1942, an injunction was obtained by Mr. and Mrs. Pete Rand—who ran the Main Liner nightclub—an injunction was obtained against you for pulling the gun on the Rands and attempting to cut in on 25 percent of their business?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Mr. Farrell, that, if true, would certainly tend to establish the fact that you are a kind of a hoodlum, gangster. Do you want to refute it or do you want to let that stand?

(The witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You also testified here yesterday that you had never had any illegal operations and never had any illegal financial interests. Isn't it correct that you had a 50-percent interest in the Sports Arcade, at Des Moines, Iowa, and the Downtown Businessmen's Club in Des Moines, Iowa, during the period 1945-58?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. Isn't it a fact that both of these establishments were horserooms, and that your partner in this was the same Hymie Weisman? Is that right?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. With this as a background, we had some 40 or 45 telephone calls to Barney Baker during this period of time, in which you were doing some work for certain companies, he was a Teamster official. You tell us about those calls?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you answered that question, that a truthful answer thereto might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. FARRELL. I honestly believe that if I am forced to answer the question, I will be forced to be a witness against myself.

Mr. KENNEDY. Isn't it correct that during this same period of time that you were contacting Mr. James Hoffa of the Teamsters Union?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. What has been your relation or connection with the Teamsters Union and Mr. Hoffa?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you gave an answer to that question, a truthful answer, that the truth, your answer, might tend to incriminate you?

Mr. FARRELL. I honestly believe if I am forced to answer the question, I will be forced to be a witness against myself.

The CHAIRMAN. You are not declining to answer just to keep from being a witness against Mr. Hoffa; are you?

(The witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Just as another example, Mr. Zapas testified that he had been a close personal friend of yours for a long period of time. Do you know Mr. Gus Zapas?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. In September of 1952, the police were trailing an automobile which, in turn, was following a jewelry salesman. The jewelry salesman reported it to the police, and the police picked up these men that had been following him. The jewelry salesman was in fear that these men were going to rob him.

The police picked the men up that were following him, and one of them was identified as Mr. Gus Zapas. He stated that he told the police he came to Des Moines, Iowa, on a bus in order to visit Lew Farrell. Could you tell us about that?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. At the time you were questioned by the newspapers, when you heard this report, you said you never heard of Gus Zapas, and wasn't it peculiar that these kind of people got your name?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. This is despite the fact that Gus Zapas testified here before the committee that he had known you for many, many years?

Mr. FARRELL. Wait until I take a drink of water.

Mr. KENNEDY. Since childhood, I believe.

Mr. FARRELL. Would you say that again?

Mr. KENNEDY. This is despite the fact that Mr. Gus Zapas testified before the committee he had known you since childhood.

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Mr. KENNEDY. That is all for now.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mention was made here in the testimony previously of a Teamster contribution to the political campaign of Governor Loveless, of Iowa. Did you have any connection with that transaction?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Have you ever given anything to Governor Loveless?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Have you had any negotiations, discussions, or conversations, with anyone in reference to setting up an agency, a liquor purchasing agency, and then, in turn, to sell the liquor to the State-owned liquor stores in Iowa?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Did Barney Baker ever give you any money?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Did you ever give Barney Baker any money?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment of the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Have you ever purchased in Yonkers Bros. Store, in Des Moines, a diamond wristwatch and a fur stole? Did you make those purchases?

(The witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. There is nothing wrong with making a purchase; is there?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Did you give a diamond wristwatch and a fur stole to anyone outside of your own family?

(The witness conferred with his counsel.)

Mr. ALLDER. May we confer just a moment, Senator?

(The witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Do you now have any interest, contract, or other connection, with the supply of liquor to the State-owned liquor stores in Iowa?

(The witness conferred with his counsel.)

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Do you have any interest, directly or indirectly, with the ownership, leasing, operation, or any transactions whatever in connection with slot machines?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Have you ever had any business ventures of any kind with any Teamster official or representative?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Did you set up or plan to set up any liquor purchasing agency in the city of Minneapolis, Minn.?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. Do you have any business interests in Omaha?

Mr. FARRELL. I respectfully decline to answer and, under the fifth amendment to the United States Constitution, I assert my privilege not to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. You will remain under your present subpoena, subject to being recalled at such time as the committee may desire to interrogate you further. The documents called for by the subpoena served on you will continue under subpoena. Do you accept that recognizance?

Mr. FARRELL. Yes, sir.

The CHAIRMAN. You will be given reasonable notice of the time and place.

All right, you may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Al Giardino.

The CHAIRMAN. Al Giardino? Does anyone know anything about him? Has anyone seen him here? Mr. Counsel, remind me to call him again when the committee reconvenes after recess.

We will now recess until 1:45 p. m.

(Thereupon at 12:15 p. m., a recess was taken until 1:45 p. m., the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

(Members of the committee present were: Senators McClellan and Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Chairman, we have the situation as far as Al Giardino is concerned.

The CHAIRMAN. Al Giardino? Al Giardino? Does anyone here have any information about him?

Let the subpoena and the return thereon served on Mr. Al Giardino be printed in the record at this point.

It shows it was served on the 22d day of July, this year.

Mr. KENNEDY. Mr. Chairman, we also sent a ticket out there to St. Louis, for transportation for him. The report we received, although it was an indirect report, and not directly to our investigator, was that he had his sister visiting him and so he was too busy to come.

The CHAIRMAN. Well, maybe the next time we send for him, his business will have decreased to where he can give the committee some attention. I think we will find some way to get him here.

(The subpoena is as follows:)

L-4315

UNITED STATES OF AMERICA
CONGRESS OF THE UNITED STATES

To: Al Giardino, 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 August 5, 1958, at 9:30 o'clock a. 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.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 22nd day of July, in the year of our Lord one thousand nine hundred and fifty-eight.

JOHN L. MCCLELLAN,
*Chairman, Senate Select Committee on Improper Activities in the
Labor or Management Field.*

Subpoenee should wait until notified by Mr. Robert F. Kennedy as to the actual date of appearance before departing for Washington.

(On the reverse side of the subpoena is the following:)

JULY 22, 1958.

I made service of the within subpoena by personal service the within-named Al Giardino at R. R. #2, Hillsboro, Missouri, Highway #30 at 8:00 o'clock p. m., on the twenty-second day of July, 1958.

THOMAS A. EICKMEYER.

Mr. KENNEDY. Mr. Joe Ferrara is the next witness.

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. FERRARA. I do.

**TESTIMONY OF JOSEPH PAUL FERRARA, ACCOMPANIED BY
COUNSEL, TED A. BOLINGER**

The CHAIRMAN. Before proceeding with this witness, the Chair might make this statement: From the best information the staff can give the committee at this time, this line of testimony dealing with the St. Louis area and particularly the area under the jurisdiction of Mr. Gibbons will likely continue for the remainder of this week. We anticipate that the committee will continue to hold hearings at least until Thursday evening and possibly until Friday at noon.

Sometimes the committee is criticized, we can't please everyone, but sometimes we are criticized if we keep putting on testimony and don't give someone the opportunity to answer the derogatory evidence we are hearing—don't give him that opportunity immediately. They will say that we are being unfair.

I do not know just how much more evidence we will have directly involving Mr. Gibbons, but he has been advised that at any time that he feels that he should be permitted to testify, if he will make that request known to the Chair, the committee will consider it. Otherwise, we may not call him until the general line of interrogation we are now pursuing, and the witnesses who have been subpoenaed here for that purpose, is completed.

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

Mr. FERRARA. Joe Ferrara, 2825 Southwest Street, St. Louis, Mo.

The CHAIRMAN. I didn't get your occupation.

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you have an attorney?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. All right, we will proceed.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Now, Mr. Ferrara, according to the information that we have, you came into St. Louis from Rochester, N. Y., is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You came in there with two other individuals with police records, Mr. Charles Miano and Patrick Foley, did you not?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You came in there and part of your work was acting as a muscleman for local 405 of the Teamsters?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You have been identified by several witnesses here as one of those who participated in the decoying of the taxicab and then the wrecking of the taxicab. You were the one who traveled with Mary Low Bladsoe, is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. How many times have you been arrested at the time you started doing this work for local 405?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to the records that we have, you had been arrested 12 times, including arrests for vagrancy, nonsupport, Internal Revenue Act, conspiracy, white slavery, grand larceny, armed robbery, concealed weapons, and as a fugitive. Is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. May I inquire, has this character been employed by the Teamsters since all of that happened?

Mr. KENNEDY. Yes. This started back in 1933, vagrancy in Rochester, N. Y., and then nonsupport, internal revenue conspiracy and internal revenue in 1941, and conspiracy in 1941, and he was sentenced to 30 days at that time; 1952, White Slavery Act in Baltimore, Md., and in 1944 grand larceny, Rochester, N. Y.

Armed robbery in Detroit, Mich., in 1945, and in East St. Louis was arrested in 1949 carrying concealed weapons in St. Louis. Then a fugitive from Rochester, N. Y., in 1953, and at that time you were arrested with these two other "strong arm" men, Miona and Foley: isn't that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. How long has he worked for the Teamsters, and what position has he recently held?

Mr. KENNEDY. The records, as we stated yesterday, are not complete, but he was working for them evidently as a "strong arm" man during the period of the strike. That was the work he was doing.

In December of 1953, at the time of the strike, he received \$100 cash advance from a Hotel Kings-Way where he was staying, and then his bill at the Hotel Kings-Way was \$41.18, and the bill of \$141.18 was sent to the Teamsters, and it has on here, "O. K. by H. J. G."

Senator CURTIS. Those are Gibbons' initials?

Mr. KENNEDY. That is correct. The money was charged to the Yellow strike, the money used to pay this hotel bill. I don't know

what other moneys, in addition to that, you received in the form of cash.

Could you tell us that, Mr. Ferrara?

MR. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. You are not a regular employee of the Teamsters?

MR. FERRARA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

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

The CHAIRMAN. Have you even been a member of the Teamsters Union?

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are you one of the thugs they employ when they want a dirty, nasty, job done?

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. How many were employed at the same time you were, simply to go out there and do the rough stuff in the strike?

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you have an occupation? Are you employed in any work, or any activity, about which you can admit it without self-incrimination?

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. You know what I think? I think every decent teamster in the United States ought to rise up against a leadership that would foster such thugs and hoodlums as you ex-criminals are, running around beating people up and committing vandalism. It is a national disgrace. Proceed.

MR. KENNEDY. Mr. Chairman, he also received check No. 775, on June 5, 1954, for a total amount of \$150.

Isn't that correct, Mr. Ferrara, from the union?

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

MR. KENNEDY. Mr. Chairman, that was charged to grand jury expense, which his union again paid for.

The CHAIRMAN. Have you been helping fix grand juries? That is a question.

MR. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

MR. KENNEDY. I believe, Mr. Chairman, that he was one of the witnesses called before the grand jury. He appeared before them, but he cashed this check in Miami Beach, Fla.

Is that correct, Mr. Ferrara?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you know Harold Gibbons?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Did you ever work for him?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Did he ever employ you?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Did you ever do any honest labor for him?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Did you perform any legitimate service for him in any respect whatsoever?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, could we have this bill introduced, the one that is O. K.'d by H. J. G.? It also has the name Lou, here, on January 4, 1954. Lou, I imagine, is Lou Berra.

Lou Berra was one of the officials of the union. He went to jail for receiving money from employers and for violation of the income-tax laws.

The CHAIRMAN. I present you here a bill from the Hotel Kings-Way, dated January 1, 1954. I ask you to examine it and state if it is your bill.

(The document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Just a moment. I don't know that we have an attorney here representing this witness. He declined to answer on the grounds that an answer might tend to incriminate him.

You may stand aside, Mr. Counsel, until the witness decides whether he can answer that question or not.

Mr. BOLINGER. He will answer that question.

The CHAIRMAN. Let's see if he will.

Mr. FERRARA. I respectfully—

(The witness conferred with his counsel.)

The CHAIRMAN. You may stand aside until this witness answers.

Just a moment.

(The witness conferred with his counsel.)

The CHAIRMAN. I said stand aside.

Now, then, do you have an attorney?

Mr. FERRARA. Yes.

The CHAIRMAN. Who is it?

Mr. FERRARA. Mr. Bolinger.

The CHAIRMAN. Why did you take the fifth amendment on it a while ago? Why did you tell this committee you refused to answer on the grounds it might tend to incriminate you? Have you got an answer to that? Have you? Do you want your lawyer or don't you?

Mr. FERRARA. Yes, I do.

The CHAIRMAN. You better answer some questions. Why did you tell me a while ago you took the fifth amendment when I asked you if you had a lawyer? Answer the question.

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. All right, Mr. Lawyer, you may come back. State your name, and identify yourself for the record.

Mr. BOLINGER. Ted A. Bolinger, attorney, St. Louis, 408 Olive Street.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Can we have that made an exhibit, Mr. Chairman?

The CHAIRMAN. Have you examined the bill? Hand it to the witness. Have you examined that bill?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Let the record show that he has examined it; it was put right under his nose where he could not keep from seeing it.

Make it exhibit No. 82.

(The document referred to was marked "Exhibit No. 82" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Proceed.

Mr. KENNEDY. We also had the testimony that you were one of the ones that went over in December of 1953 to beat up Jimmy Ford at Mr. Eugene Walla's local, that you were sent over there for the purpose of beating up Jimmy Ford. Is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Did you participate in the beating?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. After you were arrested and charged—you were arrested in 1953 with Miano and Foley—you had an automatic pistol in your possession, is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And these two individuals had criminal records in both Rochester, N. Y., and in Columbus, Ohio.

Before you were arrested, they were going to get jobs, had been promised jobs, by Lou Berra, is that right?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. After you were arrested, they left town, but you stayed on and did this work for the Teamsters, of going around beating people up, is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. In addition to your police record, this beating people up has come reasonably easy to you because you were a professional fighter, is that right?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. The police record in St. Louis describes you as a hired muscleman with a very, very bad reputation. Is that correct?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

TESTIMONY OF THOMAS EICKMEYER—Resumed

The CHAIRMAN. You have been previously sworn?

Mr. EICKMEYER. Yes, sir, I have.

The CHAIRMAN. I present to you their exhibit 82; will you testify as to what it is, how you found it, how you discovered it?

Mr. EICKMEYER. Mr. Chairman, this was amongst the records turned over to us by local 405 of the Teamsters in St. Louis. In searching through, I discovered this particular document.

The CHAIRMAN. What is the document?

Mr. EICKMEYER. It is a hotel bill, the Kings-Way Hotel, in St. Louis. It shows that Mr. Ferrara stayed there from December 21 through December 31, 1953, and had a bill of \$41.18, and also received a \$100 cash advance from the hotel, all of which was paid by local 405.

The CHAIRMAN. Is that the same bill that I exhibited to the witness and put right under his nose so he could see it?

Mr. EICKMEYER. Yes, sir; it is.

The CHAIRMAN. Thank you very much.

Mr. Witness, do you want to make any comment about it?

TESTIMONY OF JOSEPH PAUL FERRARA, ACCOMPANIED BY COUNSEL, TED A. BOLINGER—Resumed

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. The records also show the \$150 payment; is that correct?

Mr. EICKMEYER. Yes, sir; they do.

Mr. KENNEDY. In June of 1954?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. Charged to grand jury expense?

Mr. EICKMEYER. Grand jury expense.

Mr. KENNEDY. And it was cashed in Miami, Fla.?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. We had one other incident that you were identified with, Mr. Ferrara, and that is the Yellow cab of Leon Smith, which

was taken by you and Joe Bommarito into an alley, according to the testimony we have had. The cab was smashed and the windows broken. Is that correct? Did you participate in that?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment to the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Did Mr. Gibbons ever take any steps to try to stop these acts of violence?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Did he give you any instructions to commit any of these acts of violence, he, or Mr. Saffo, or Mr. Kavner?

Mr. FERRARA. I respectfully decline to answer the question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. That is all, Mr. Chairman.

The CHAIRMAN. Are there any further questions, Senator Curtis?

Senator CURTIS. No questions.

The CHAIRMAN. You will remain under your present subpoena, subject to being recalled by the committee at such time as it may care to further interrogate you. Do you acknowledge that recognizance? Do you?

Mr. FERRARA. Yes, sir.

The CHAIRMAN. You will be given reasonable notice of the time and place to appear. You do agree to appear?

(The witness conferred with his counsel.)

Mr. FERRARA. Yes.

The CHAIRMAN. All right. You may stand aside. Call the next witness.

Mr. KENNEDY. Mr. Byan Foster.

Mr. Chairman, we have now finished with the situation in 1953. We are now going to the Allen Cab strike, which occurred in 1954. The first witness is Mr. Byan Foster.

The CHAIRMAN. Mr. Foster, 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. FOSTER. I do.

TESTIMONY OF BYAN A. FOSTER, ACCOMPANIED BY COUNSEL, SAM WEBER

The CHAIRMAN. Proceed, Mr. Kennedy.

Just a moment, please. Will you state your name, your place of residence, and your business or occupation?

Mr. FOSTER. My name is Byan A. Foster, I live at 406 Sunningwell Drive, Webster Groves, Mo., manager of the Allen Cab Co.

The CHAIRMAN. Thank you very much. You have counsel, Mr. Foster?

Mr. FOSTER. Yes.

The CHAIRMAN. Mr. Counsel, identify yourself for the record, please.

Mr. WEBER. Sam Weber, 705 Olive Street, St. Louis, Mo.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Foster, you are vice president and general manager of the Allen Cab Co.?

Mr. FOSTER. That is right.

Mr. KENNEDY. In St. Louis, Mo.?

Mr. FOSTER. That is correct.

Mr. KENNEDY. That is an all-colored cab company?

Mr. FOSTER. That is right.

Mr. KENNEDY. You don't have any white drivers?

Mr. FOSTER. No; I don't.

Mr. KENNEDY. Have the teamsters organized your cab company?

Mr. FOSTER. Yes, sir.

Mr. KENNEDY. When was that?

Mr. FOSTER. I was not with the company when the first contract was signed, but it was in 1946, I hear.

Mr. KENNEDY. Was there another question raised in 1954 in connection with the representation of your drivers?

Mr. FOSTER. Yes, sir. There was two unions, an independent union and the teamsters and both claimed a majority of the men.

Mr. KENNEDY. What was the name of the independent union?

Mr. FOSTER. United Chauffeurs Association.

Mr. KENNEDY. What position did you take in connection with it?

Mr. FOSTER. I taken a hands off position. In other words, it was for the two unions to prove who had it, and the only way we knew to prove it was to have an election, which we did.

Mr. KENNEDY. Was that a supervised election?

Mr. FOSTER. That is right.

Mr. KENNEDY. Did both sides agree to the election?

Mr. FOSTER. No; the teamsters did not agree to it.

Mr. KENNEDY. Who in the teamsters did not agree to the election?

Mr. FOSTER. Angelo Lato and Norman Armbruster, who was their lawyer. Lato was representative of the union.

Mr. KENNEDY. Why did they refuse?

Mr. FOSTER. They said they had a contract with me and the election would not prove anything, and the National Labor Relations Board would turn us down, they would have nothing to do with it. So it was supervised by Mr. Earl Cheit of the St. Louis University National Labor School.

Mr. KENNEDY. What do you mean that the National Labor Relations Board would turn you down?

Mr. FOSTER. We were not covered by the act.

Mr. KENNEDY. Had the contract with the teamsters expired by that time?

Mr. FOSTER. It expired November 1, 1954. This was prior to the expiration.

Mr. KENNEDY. This was for a contract for the representation of your employees after the contract had expired?

Mr. FOSTER. As of November 1, 1954.

Mr. KENNEDY. There was an election held?

Mr. FOSTER. That's right.

Mr. KENNEDY. And it was under the supervision of whom?

Mr. FOSTER. Earl Cheit, C-h-e-i-t.

Mr. KENNEDY. Now, what was the result of the election?

Mr. FOSTER. It was 129 drivers, and I think it was 99 voted for the United Chauffeurs, I believe 10 for the Teamsters, 4 for no union, and 1 was disqualified.

Mr. KENNEDY. Did the Teamsters' Union attempt to stop the election?

Mr. FOSTER. Well, not in a direct way. On the day of election there were quite a few Teamsters' men around the place where the election was held.

Mr. KENNEDY. Was there any violence of any kind?

Mr. FOSTER. No; there was no violence.

Mr. KENNEDY. So the United Chauffeurs Association won the election. Did you sign a contract then with them?

Mr. FOSTER. I did.

Mr. KENNEDY. How long after?

Mr. FOSTER. The contract was negotiated and signed, I think, about the 28th of October. It was negotiated between—after the election, which was October 11 or 12, I believe.

Mr. KENNEDY. October 12?

Mr. FOSTER. October 12 was the election, and the contract was signed on October 28.

Mr. KENNEDY. Did you have any contact from any of the Teamsters' officials after the election?

Mr. FOSTER. I am not too sure. I believe Pete Saffo called me and wanted to get together to negotiate a contract.

Mr. KENNEDY. What did you tell them at that time?

Mr. FOSTER. I told him the election fairly indicated that the United Chauffeurs Association should be the bargaining agent for the men.

Mr. KENNEDY. What about Herman Hendricks, local 688?

Mr. FOSTER. I don't think he contacted me after the election. He did before the election, but not after that.

Mr. KENNEDY. Did the Teamsters then, after the election, picket you at all?

Mr. FOSTER. That's right.

Mr. KENNEDY. When did the picketing start?

Mr. FOSTER. The picketing started at midnight on November 1, 12:01 a. m., November 1.

Mr. KENNEDY. Was there any violence in connection with the picketing?

Mr. FOSTER. Not in connection with the picketing; no.

Mr. KENNEDY. Was there any violence at all in connection with the strike?

Mr. FOSTER. I had 3 cabs that were shot up, 3 cabs that were burnt up, and 4 cabs that had stinkbombs put in them.

Mr. KENNEDY. What period of time was this?

Mr. FOSTER. During a 4 or 5 months' period.

Senator CURTIS. Was there a strike going on?

Mr. FOSTER. Not in the sense that I thought it was a strike. The majority of the men wanted United Chauffeurs Association, and the majority of my cabs were on the street.

Senator CURTIS. The men wanted to work?

Mr. FOSTER. That's right.

Senator CURTIS. Your own drivers weren't out on strike?

Mr. FOSTER. There was about 10 of them out of about 129.

Senator CURTIS. Of course it was a secret ballot, you do not know who the 10 were that voted for the Teamsters?

Mr. FOSTER. No; I don't.

Senator CURTIS. But the majority of your drivers abided by the election?

Mr. FOSTER. That's right.

Senator CURTIS. Was there any dispute as to the terms of contract?

Mr. FOSTER. The contract with United Chauffeurs Association?

Senator CURTIS. Yes.

Mr. FOSTER. No; not at all.

Senator CURTIS. The wages or division of fares, was apparently satisfactory?

Mr. FOSTER. That's right.

Senator CURTIS. Did you ever find out who did the wrecking of cabs, throwing of stinkbombs?

Mr. FOSTER. No; I didn't.

The CHAIRMAN. Mr. Kennedy, interrogate him further about the violence.

Mr. KENNEDY. Did the violence start on November 1, 1954?

Mr. FOSTER. Yes; the night of November 1.

Mr. KENNEDY. That was when a driver and three female passengers were fired upon?

Mr. FOSTER. Two female passengers and a child. It was two female passengers in that cab No. 145, and a child. I don't know whether it was a boy or girl child.

Mr. KENNEDY. Do you have any pictures of that?

Mr. FOSTER. Yes.

Mr. KENNEDY. It was fired upon with guns?

Mr. FOSTER. That's right.

Mr. KENNEDY. Did the bullets hit the car?

Mr. FOSTER. Yes, sir; they did.

Mr. KENNEDY. How many bullets hit the car?

Mr. FOSTER. About 10.

Mr. KENNEDY. That was the first day; is that right?

Mr. FOSTER. That was the first evening.

Mr. KENNEDY. Is this the one that was fired on?

Mr. FOSTER. Yes, sir; cab No. 145.

Mr. KENNEDY. The bullets went in the side?

Mr. FOSTER. That's right.

Mr. KENNEDY. And in the back?

Mr. FOSTER. In the back. It looks like a shotgun possibly in the back.

Mr. KENNEDY. Was anybody hit?

Mr. FOSTER. No, sir; they weren't.

Mr. KENNEDY. How did all those passengers avoid being hit?

Mr. FOSTER. Evidently they must have been laying on the floor. They must have gotten on the floor awfully fast.

The CHAIRMAN. Were you able to determine how many shots were fired at it?

Mr. FOSTER. I think we found 15 .45 or .38 caliber slugs in it, plus 1 of the windows blown out.

The CHAIRMAN. How many?

Mr. FOSTER. Fifteen.

The CHAIRMAN. You said the slugs?

Mr. FOSTER. The slug holes. There was only one slug we found. You will notice that it went in the vent glass. That slug stuck in there and stayed there.

The CHAIRMAN. I thought you said this was cab No. 145. That is up on the top?

Mr. FOSTER. Yes.

The CHAIRMAN. I find it now. Do you need to retain these pictures?

Mr. FOSTER. No, sir.

The CHAIRMAN. These two pictures may be made exhibit No. 83-A and 83-B, of cab No. 145.

(Photographs referred to were marked "Exhibit 83-A and 83-B, for reference and may be found in the files of the select committee.)

Mr. KENNEDY. I thought you said there were 10 shots.

Mr. FOSTER. I am not too sure. You can count them on there and practically get every one of the holes.

Mr. KENNEDY. It is about 10.

The CHAIRMAN. At any rate, there is quite a number of them.

Mr. FOSTER. That's right.

The CHAIRMAN. Where was the cab when they shot at it?

Mr. FOSTER. It was on Whittier and some street, I forget. It was up in North St. Louis. I would have to go back to the testimony here. I have a transcript of the trial.

The CHAIRMAN. How long was this after this election was held?

Mr. FOSTER. The election was held October 12, but we did not sign a contract with United Chauffeurs Association until the 28th, which was effective November 1.

The CHAIRMAN. This started on the night the contract became effective?

Mr. FOSTER. That's right.

Mr. KENNEDY. Was there anybody arrested in connection with that?

Mr. FOSTER. I think that they arrested Herman Hendricks and Roy White that night.

Mr. KENNEDY. That is H-e-n-d-r-i-c-k-s?

Mr. FOSTER. I suppose that is the way you spell it.

Mr. KENNEDY. He is business agent for 688?

Mr. FOSTER. That is right.

Mr. KENNEDY. Did they find anything on him when they arrested him?

Mr. FOSTER. Not on him. I think the description of his car fitted the description that somebody had given at the scene, and they found a gun in his glove compartment, but I don't think the gun was tied up with the shooting. He was subsequently released.

Mr. KENNEDY. Now, on November 1, again, the same day, two shots were fired through the rear window of another cab.

Mr. FOSTER. Cab No. 132.

Mr. KENNEDY. Which was operated by Robert Mullin?

Mr. FOSTER. Yes.

Mr. KENNEDY. On January 14, one of your cabs was stinkbombed?

Mr. FOSTER. I think there were 2 or 3 on the 14th.

Mr. KENNEDY. That is correct, stinkbombed?

Mr. FOSTER. There was one stinkbomb a few days later.

Mr. KENNEDY. On January 22, one of your cabs was destroyed by fire?

Mr. FOSTER. That's correct.

Senator CURTIS. Tell us about that.

Mr. FOSTER. Well, I had three cabs burn up. They were burned up from the inside. In other words, the upholstery is what caught on fire, and all three were total losses.

Senator CURTIS. Were they in use at the time, or parked?

Mr. FOSTER. They were parked. One was parked in East St. Louis in a parking lot. He went in with passengers someplace and when he came back his cab was on fire. The other two were burned up in St. Louis.

Senator CURTIS. Under similar circumstances?

Mr. FOSTER. That's right.

Senator CURTIS. Was there any evidence of gasoline or kerosene thrown in there?

Mr. FOSTER. I think they were in such bad shape I don't believe the arson squad or Moran were able to tell. We did find one—this was cold weather, and we had an accident with one where it was hit in the back end. The body men pulled out the back seat and found the phosphorus; it was on the back seat, but it was not warm enough for it to ignite.

Mr. KENNEDY. The interior of that automobile was completely burned, the roof buckled, and the windows broken out?

Mr. FOSTER. Yes.

Mr. KENNEDY. On January 26, 1955, you had a driver by the name of Clifford Segines?

Mr. FOSTER. S-e-g-i-n-e-s.

Mr. KENNEDY. He was driving a cab. You tell us what happened.

Mr. FOSTER. He picked up a passenger, and this passenger flagged him on the street. When he got in, he asked him where he was going. It was a very large street where he was taking him. When he arrived at this address, there were 3 or 4 men waiting there, and they jumped on him and beat him up. I think he had a fractured arm. I know he had the top of his ear cut off from the pistol butt on the side of the head and several other injuries. He was in the hospital some weeks. He did not ride too much after that. Subsequently, he passed away.

Mr. KENNEDY. They hit him with a tire-tube iron?

Mr. FOSTER. I think it was a pistol.

Mr. KENNEDY. They broke out the windows?

Mr. FOSTER. That's right.

Mr. KENNEDY. Fractured his elbow and leg?

Mr. FOSTER. That's right. I don't know whether his head was fractured or not. I know he lost the top of his ear. He was an elderly man and he was very slightly built and he was not very strong at all.

Mr. KENNEDY. This was one of your colored drivers?

Mr. FOSTER. That is right.

Senator CURTIS. How many people attacked him?

Mr. FOSTER. He said 4 or 5. The man had very poor eyesight without glasses, and the first man that hit him broke his glasses.

Senator CURTIS. He knows that there were more than one?

Mr. FOSTER. Yes.

Senator CURTIS. Was anybody ever arrested?

Mr. FOSTER. No.

Senator CURTIS. He had no passengers with him at the time?

Mr. FOSTER. Just that one passenger that he picked up whom he did not recognize.

Senator CURTIS. What happened to the passenger?

Mr. FOSTER. The passenger was the first one that attacked him.

Senator CURTIS. The passenger did?

Mr. FOSTER. Yes. When he stopped and let his passenger out is when the passenger attacked him. Then the 3 or 4 came up and started beating him.

Mr. KENNEDY. This was after your drivers had voted that they did not want the Teamsters and wanted this other independent union?

Mr. FOSTER. That's right.

Mr. KENNEDY. And they had voted some 99 to 10?

Mr. FOSTER. That's right. The dispatchers were also members of the Teamsters, and that vote was 6 out of 6 for the independent union.

Mr. KENNEDY. Then, on January 29, 1955, a delayed-action detonator was found wired to a cab?

Mr. FOSTER. Cab 107. Fortunately, they made a bad job of wiring, and it did not go off.

Mr. KENNEDY. What would have happened if it had gone off?

Mr. FOSTER. I really don't know. Captain Moran said it would have ruined the motor.

Mr. KENNEDY. Then, January 31, 1955, there was a phosphorus firebomb found in one of your cabs?

Mr. FOSTER. That's right.

Mr. KENNEDY. In fact, there were two found?

Mr. FOSTER. There were three burned up. One of them we found the phosphorus in. It was cold weather. Evidently it did not get warm enough to go off.

Mr. KENNEDY. Then, February 27, 1955, another one of your cabs was shot at?

Mr. FOSTER. No. All the cabs that were shot at were shot at the very first night.

Mr. KENNEDY. I have here February 24; shots were fired at Walter Thomas while driving Cab No. 100. One shot struck his rear fender.

Mr. FOSTER. I don't remember that. The only ones I remember was the first night; 106, 132, and 145.

Mr. KENNEDY. This is from the police records that we have.

Mr. FOSTER. That is possibly right, then, because I don't remember the shooting; I only thought it was three.

Mr. KENNEDY. Then, March 18, 1955, there was another cab damaged by fire, and then, March 27, 1955, another one damaged by fire. April 1, 1955, there was kerosene poured over a motor and ignited.

Mr. FOSTER. I don't think it did too much damage; it just burned the wire off in that kerosene deal.

Mr. KENNEDY. April 19, 1955, plate-glass window of your office was broken.

Mr. FOSTER. Yes, sir.

Mr. KENNEDY. How was it broken?

Mr. FOSTER. By a brick. It was broken twice.

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

Mr. KENNEDY. May 13, 1955, one of your drivers was struck by a brick?

Mr. FOSTER. Yes; that is right. I remember Ben was his name. I don't remember what cab he was driving. He was driving with the window down. That could have been a kid, though; I mean he saw nobody.

Mr. KENNEDY. Was anybody ever arrested in connection with these matters?

Mr. FOSTER. I don't think so, other than that first night, when Hendrick's son was.

Mr. KENNEDY. What about Dandridge; wasn't he arrested?

Mr. FOSTER. That is right. He was arrested in connection with shooting 132.

Mr. KENNEDY. What happened?

Mr. FOSTER. They gave him a release.

Mr. KENNEDY. Is that the one we just discussed—Dandridge?

Mr. FOSTER. Dandridge was the one that fired into the back of 132. That happened the very first night of the strike, the trouble, on November 1.

Mr. KENNEDY. What happened to him?

Mr. FOSTER. He was arrested. The police found him with a shotgun—I think at the Supreme Cab Co. stand—but there was no prosecution.

Mr. KENNEDY. Did you get an injunction on November 9?

Mr. FOSTER. The 8th and 9th, the trial was. It was handed down on the 9th of November.

Mr. KENNEDY. But the damage to the cabs and to your personnel continued well after that date, did it not?

Mr. FOSTER. Yes.

Senator CURTIS. Whom did you get the injunction against?

Mr. FOSTER. The Teamsters, Local 688.

Mr. KENNEDY. The court granted an injunction?

Mr. FOSTER. That is right.

Mr. KENNEDY. They started out by granting a temporary order?

Mr. FOSTER. A temporary injunction; that is right, sir.

Mr. KENNEDY. Then did they have a trial?

Mr. FOSTER. Yes, sir.

Mr. KENNEDY. Did they give you a permanent injunction?

Mr. FOSTER. They did.

Mr. KENNEDY. In other words, the court found sufficient evidence against the Teamsters that they did enter a permanent order for them to cease and desist the harassment and violence?

Mr. FOSTER. That is right.

Mr. KENNEDY. Did the Teamsters appear and resist that action?

Mr. FOSTER. Yes, sir.

Mr. KENNEDY. And witnesses were sworn and evidence taken?

Mr. FOSTER. That is right.

Mr. KENNEDY. How long did the trial last?

Mr. FOSTER. The permanent injunction, I think, was about 3 days, The temporary was 2 days.

Mr. KENNEDY. And the court found in your favor in both cases?

Mr. FOSTER. That is right.

The CHAIRMAN. After the permanent injunction, did they still violate the order?

Mr. FOSTER. No, sir.

The CHAIRMAN. When they got the permanent injunction against the Teamsters, the violence stopped?

Mr. FOSTER. That is right.

The CHAIRMAN. You have no doubt, then, who was committing the violence?

Mr. FOSTER. I don't know who was committing it.

The CHAIRMAN. But you have no doubt who was responsible for the violence you suffered?

Mr. FOSTER. Well, I wouldn't condemn them, because there was no proof, I mean, that they did do it.

The CHAIRMAN. How did you get an injunction if there was no proof?

Mr. FOSTER. We did not get an injunction on violence. We got an injunction, because of the election which was held, that they could not picket us or they could not advertise against us as being unfair.

The CHAIRMAN. I thought you said the violence stopped after the injunction was granted.

Mr. FOSTER. It did.

The CHAIRMAN. That is a peculiar circumstance; wouldn't you think?

Mr. FOSTER. It could be.

The CHAIRMAN. Do you have any doubt if you had not gotten the injunction the violence would have continued?

Mr. FOSTER. I think the violence had stopped before I got the permanent injunction. I think the permanent injunction—do you have the date on which that was issued? I don't. I know it was warm weather. It must have been about June. I don't think we had any violence since about April.

The CHAIRMAN. Had you had any violence before this vote and before you entered into this contract?

Mr. FOSTER. No.

The CHAIRMAN. How long before had you had any violence?

Mr. FOSTER. We had never had any since we had the company.

The CHAIRMAN. How long had you had the company?

Mr. FOSTER. Since 1946.

The CHAIRMAN. From 1946 up to this time, 1954, was it?

Mr. FOSTER. That is right.

The CHAIRMAN. You had never had any violence?

Mr. FOSTER. That is right.

The CHAIRMAN. A period of 8 years. Immediately when you entered into a contract with this independent union the violence started?

Mr. FOSTER. That is right.

The CHAIRMAN. And continued how long?

Mr. FOSTER. About 4 months.

The CHAIRMAN. And it ended after the permanent injunction?

Mr. FOSTER. I think the violence ended about 2 months before the permanent injunction.

The CHAIRMAN. Did it end right after the temporary injunction?

Mr. FOSTER. No.

The CHAIRMAN. It continued for a while?

Mr. FOSTER. That is right.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. According to the information we have, it was Judge Holt who handed down the permanent injunction on February 23, 1956.

Mr. FOSTER. Judge Iva Lee Holt. It was about a year later, then, before we got the permanent injunction. I was thinking it was about 6 months.

The CHAIRMAN. Did you capitulate to this Teamster crowd?

Mr. FOSTER. What do you mean "capitulate"?

The CHAIRMAN. Sign up with them. Have you ever, since then?

Mr. FOSTER. I have not talked to them since then.

The CHAIRMAN. In other words, you continued on your operations with the independent union?

Mr. FOSTER. I have a Teamsters contract also with local 618.

The CHAIRMAN. Local 618?

Mr. FOSTER. That is right.

The CHAIRMAN. For the same group?

Mr. FOSTER. No; that is for my gasoline and service station employees.

The CHAIRMAN. But not for your cabdrivers?

Mr. FOSTER. No. That is independent.

The CHAIRMAN. Did you have that contract prior to the time this trouble started?

Mr. FOSTER. Yes, sir.

The CHAIRMAN. There has been no change in that situation?

Mr. FOSTER. No, sir.

The CHAIRMAN. You had the two contracts, one with the independent union, your cabdrivers, and one with the Teamster local No. 618?

Mr. FOSTER. 618.

The CHAIRMAN. That is for your filling station operators?

Mr. FOSTER. That is right.

The CHAIRMAN. And you had that situation prior to the time your trouble started and you have maintained it since?

Mr. FOSTER. That is right.

The CHAIRMAN. All right.

Mr. KENNEDY. During this period of time in which local 688 was causing this difficulty, were they advertising that you were unfair to labor?

Mr. FOSTER. Yes, sir.

Mr. KENNEDY. What sort of things would they say?

Mr. FOSTER. They would pass out handbills, and had a radio program. In fact, I had a program on the radio and they bought a program with the same announcer. Right after they would say "Ride Allen cabs," the same fellow would come on and say "Don't ride Allen cabs."

Senator CURTIS. What did the customers do?

Mr. FOSTER. Well, our calls in the wintertime would run around 90,000 a month and in the summertime we would run around 60,000 a month. They would continue to call us.

Senator CURTIS. Did you notice any noticeable dropoff in business?

Mr. FOSTER. No. In fact, at the time when we had our trouble, I think the highest month we had, ever had, was about 60,000 and since then we have run as high as 90,000 a month in calls.

Senator CURTIS. You don't think the advertising did any good?

MR. FOSTER. No.

MR. KENNEDY. Did they say anything in this advertising that there had been a vote and that your employees had selected this other union?

MR. FOSTER. No, they did not.

MR. KENNEDY. Your colored drivers, did they have difficulty transferring to other taxicab companies after they worked for you?

MR. FOSTER. Yes. The other companies would refuse to hire them if they worked for Allen.

MR. KENNEDY. What was the reason for that?

MR. FOSTER. Well, I only know what I read in the paper. When one of the boys tried to get to the other company, the paper said that Mr. Bommarito said that if he worked for Allen, they could not work for them.

MR. KENNEDY. Did any of the other drivers tell you that?

MR. FOSTER. They said they were turned down because they worked for me.

MR. KENNEDY. That the Teamsters would not allow them to work for another cab company because they had worked for you and they had voted to join this independent union?

MR. FOSTER. That is right.

MR. KENNEDY. Chubby Smith, was he one of those?

MR. FOSTER. That is right.

MR. KENNEDY. James Earle?

MR. FOSTER. Yes.

MR. KENNEDY. "Ivory" Gardner?

MR. FOSTER. Yes.

MR. KENNEDY. James Perkins?

MR. FOSTER. Yes.

MR. KENNEDY. Fisher Harris?

MR. FOSTER. Right.

MR. KENNEDY. That is five drivers, at least, who were unable to get jobs with other taxicab companies because they had worked with you?

MR. FOSTER. That is right.

MR. KENNEDY. And they were prevented from getting their jobs by the Teamsters Union?

MR. FOSTER. That is right.

MR. KENNEDY. We have an affidavit here, Mr. Chairman, by one of them.

The CHAIRMAN. The affidavit may be printed in the record in full at this point. This affidavit is from Mr. Harris, I believe, the one you spoke of.

MR. FOSTER. Fisher Harris.

The CHAIRMAN. Read the pertinent parts.

MR. KENNEDY (reading):

In 1954 an independent union, known as the United Chauffeurs' Association, formed by the drivers of the Allen Cab Co. Teamsters Local 405 picketed the Allen Cab Co., and there was violence, such as smashing of cabs and shooting at drivers, until Allen Cab Co. obtained an injunction.

I went to work as a driver for Allen in 1955 and worked until May 1957. I was required to join the United Chauffeurs Association. I paid an initiation fee of \$15 and \$3 a month in dues. In 1957 I quit my job at Allen and went to work for the Mound City Yellow Cab Co. as a driver. I obtained a working permit from Teamsters Local 405, under which I was to pay \$10 a week for

5 weeks. This would total \$50 which would then be accepted as my initiation fee; I worked 6 days after which I was sent word to report to the union hall. At the hall, Joe Bommarito, business agent, told me he heard I had worked for Allen Cab Co. I admitted I had, after which he said I could not become a member of the union. He said that so far as he was concerned, the Allen Cab Co. was still on strike, and that anyone who had been a member of any independent union could not drive for any company which had a contract with the union.

I was not allowed to work for Yellow Cabs after that incident. Eugene Sonnenshine, Yellow Cab superintendent, told me that if I could get clearance from the Teamsters I could go back to work for him.

I took it up with Bommarito about four times with the same results. He told me I would just have to find other work unless I could bring all of the Allen Cab drivers over to join his union. The owner of Ace Cab Co., which also has a contract with local 405, offered me a job as a driver, and told me to have Bommarito call him. I talked to Bommarito again, but he said matters had not changed, and he refused to call the owner of Ace Cabs. He said I was wasting my time and his, too.

Other former Allen drivers who were denied membership in 405 are Perkins and James Earle and Leroy Smith. Perkins and Earle worked 4 months for Yellow before it was discovered that they had worked for Allen and were dismissed. They had by that time served their 30 days' probation, paid their initiation fees, and had paid their dues.

I appealed to the National Labor Relations Board which at first told me that I had a good case, but later said that interstate commerce was not involved and nothing could be done for me. I retained an attorney, but Bommarito would not talk to him and no legal action was taken. I am now a custodian for the city of St. Louis and work part time as a driver for Allen Cabs.

(The document referred to follows:)

AFFIDAVIT

St. Louis, Mo., *January 27, 1958.*

1. I, Fisher Harris, voluntarily make this statement to Irwin Langenbacher, who has identified himself as an assistant counsel, United States Senate Committee on Labor and Management.

2. In 1954 an independent union, known as the United Chauffeurs Association, formed by the drivers of the Allen Cab Co. Teamsters Local 405 picketed the Allen Cab Co., and there was violence such as smashing of cabs and shooting at drivers, until Allen Cab Co. obtained an injunction.

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6. I appealed to the National Labor Relations Board which at first told me that I had a good case, but later said that interstate commerce was not involved and nothing could be done for me. I retained an attorney, but Bommarito would not talk to him and no legal action was taken. I am now a custodian for the city of St. Louis and work part time as a driver for Allen Cabs.

FISHER HARRIS.

Sworn to and subscribed before me this 29th day of January 1958.

GRACE L. HASKELL,
Notary Public.

My commission expires June 10, 1960.

Mr. KENNEDY. Why did the drivers select the independent union? Did you help the independent union?

Mr. FOSTER. No, sir. I was away on vacation when it started happening.

Mr. KENNEDY. Did you try to get your drivers to sign up in the independent union rather than the Teamsters?

Mr. FOSTER. I had nothing to do with it.

Mr. KENNEDY. Why did they switch from the Teamsters?

Mr. FOSTER. One of the drivers told me after it happened that one of his reasons was that the union was out to try to snatch them off the cabs on the good days when business was good on account of union dues, and some of them would not have their receipts in their pockets and they would take them off the cabs, even though they had paid their union dues but did not have the receipts.

Mr. KENNEDY. They did not feel that they were being treated properly?

Mr. FOSTER. That is what one of the drivers told me, yes.

Senator CURTIS. Do you mean to say that the union went to cabs and stopped the driver from proceeding because he did not have his receipt with him?

Mr. FOSTER. That is what they told me. I was away on vacation when this happened.

Senator CURTIS. That is an unusual circumstance. I am not doubting your word, but the idea of them assuming the authority of law to stop people on the street and demand them to show what they had and take them out of their cab—

Mr. FOSTER. I think it happened mostly at the stand, not on the streets.

Senator CURTIS. At the stand?

Mr. FOSTER. At the cabstand.

Mr. KENNEDY. What about Dandridge? Did they like Dandridge?

Mr. FOSTER. I think he was one of them that was up there while I was on vacation, collecting dues, and the one they had the trouble with.

Mr. KENNEDY. What kind of trouble did they have with him?

Mr. FOSTER. Well, I mean, he was pulling them off the cabs.

Mr. KENNEDY. Your colored taxicab drivers, can they go any place in St. Louis in your cab company?

Mr. FOSTER. That is right.

Mr. KENNEDY. Can they go any place in St. Louis?

Mr. FOSTER. Well, the city issues a permit and everybody's permit is the same whether it is a colored driver or whether it is a white driver.

Mr. KENNEDY. Will the Teamsters allow them to go to any hotels and—

Mr. FOSTER. I don't know whether it is the Teamsters that stops them but somebody stops them. They cannot pick up the hotels or Union Station.

Mr. KENNEDY. They cannot pick up at Union Station?

Mr. FOSTER. The starter will not load them.

Mr. KENNEDY. What is the reason for that?

Mr. FOSTER. Well, the starter there, I think, is employed by the Teamsters. I don't know the setup. Our call business has always been good and we have never had too many men play those places. I think they employ the starter there.

Mr. KENNEDY. They employ him, the Teamsters?

Mr. FOSTER. Either they employ him or each man pays him so much. I am not sure. When they get a load, they pay the starter maybe 15 cents or something, the driver himself.

Mr. KENNEDY. But they wouldn't allow your drivers to go into Union Station?

Mr. FOSTER. Well, they can go and get there in line, but when they come up and are Ace men, they will load the cab behind them.

Mr. KENNEDY. So your drivers in the city of St. Louis cannot pick up passengers at the railroad station?

Mr. FOSTER. The railroad station, bus station, or hotels.

Mr. KENNEDY. Or the hotels?

Mr. FOSTER. That is right.

Mr. KENNEDY. Are you the only colored cab company?

Mr. FOSTER. No; there are about five others.

Mr. KENNEDY. Is it the same kind of thing with the starters at these hotels also?

Mr. FOSTER. The starters will not load my men.

The CHAIRMAN. Who are they discriminating against, you or the Negro cabdrivers?

Mr. FOSTER. No, they will load other Negro cab companies.

The CHAIRMAN. It is a discrimination against your company?

Mr. FOSTER. Against Allen; that is right.

Mr. KENNEDY. Can't the city do anything about that?

Mr. FOSTER. I suppose they could, if we were really interested in that business.

Senator CURTIS. Do they drive onto the railroad premises to load there?

Mr. FOSTER. No. Yellow Cab has that exclusively in St. Louis, the railroad property. This is on the street.

Senator CURTIS. You are talking about being discriminated against on the public street?

Mr. FOSTER. That is right.

Mr. KENNEDY. That is all.

The CHAIRMAN. Are there any further questions?

If not, thank you very much, Mr. Foster.

Call the next witness.

Mr. KENNEDY. Mr. Barney Dandridge.

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. DANDRIDGE. I do.

**TESTIMONY OF BARNEY DANDRIDGE, ACCOMPANIED BY COUNSEL,
BERNARD J. MELLMAN**

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

Mr. DANDRIDGE. Barney Dandridge. I live at 625 North Leonard, St. Louis, Mo.

The CHAIRMAN. What do you do?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Do you have a lawyer?

Mr. DANDRIDGE. Yes, I do.

The CHAIRMAN. Identify yourself for the record.

Mr. MELLMAN. I am Bernard J. Mellman, 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. How much do you weigh?

(The witness conferred with his counsel.)

The CHAIRMAN. Would you mind telling that?

Mr. DANDRIDGE. I don't know.

The CHAIRMAN. Sir?

Mr. DANDRIDGE. I don't know.

The CHAIRMAN. You have no curiosity about it?

Mr. DANDRIDGE. No. I don't want to know.

The CHAIRMAN. You don't want to know. Well, if you don't, I don't.

Proceed, Mr. Kennedy.

Mr. KENNEDY. We understand you are no longer with the Teamsters' Union, Mr. Dandridge?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. And that you are now employed as a special deputy constable in the city of St. Louis?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Do you mean he is an official of St. Louis?

Mr. KENNEDY. I understand that it is not a full-time job, but you serve summonses and subpoenas and do work of that kind.

Is that right, Mr. Dandridge?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. I suggest that the city of St. Louis, the authorities, be notified of this performance. I want to see if city authorities, governmental authorities, will condone this obvious flagrant abuse of the fifth-amendment privileges. Proceed.

Mr. KENNEDY. During the strike, you were a shop steward for local 688 and employed by the St. Louis American Cab Co.; is that right?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. And, during the strike, the instructions were that all stewards were to take orders from you; is that correct?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Where were you born?
(The witness conferred with his counsel.)

Mr. DANDRIDGE. Haslet, Tex.

The CHAIRMAN. Are you an American citizen now?

Mr. DANDRIDGE. Yes.

The CHAIRMAN. Proceed.

Mr. KENNEDY. I was mistaken on that. When the strike started, the stewards were not required to take orders from you, but were required to take orders from Herman Hendricks, is that right?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment.

Mr. KENNEDY. Part of your job, as you described it to us originally in an interview, was that you would stop the drivers from the Allen Cab Co., warn them that there might be trouble, and ask them to come over to your side. Is that correct?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. We understand that you carried a shotgun for your own protection. Is that right?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. You were jailed for flourishing a weapon. Isn't it correct that the Teamsters paid for your lawyer, for your bondsman, and for your lost time during that time?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. The union took care of all your bills during that period of time, is that right?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. What business is he in now?

Mr. KENNEDY. The only business that we have is that he is a special deputy constable for the city of St. Louis, Mr. Chairman. He left the Teamsters Union in 1957 because he felt that Negro members did not have equal rights with the white members of the union. Is that right?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Did you participate in any of this violence that has been described to the committee?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Do you know who was responsible for setting these taxicabs on fire, and for firing at the passengers, for turning the cabs over, and the rest of this vandalism and violence?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Were you responsible for any of it yourself?

Mr. DANDRIDGE. I respectfully decline to answer the question and assert my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. You will remain under your present subpoena, subject to being recalled by the committee at such time as it may desire to interrogate you further.

Do you accept that recognizance?

Mr. DANDRIDGE. Yes, sir.

The CHAIRMAN. You will be given reasonable notice. Do you agree to appear?

Mr. DANDRIDGE. Yes, sir.

The CHAIRMAN. You may stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Herman Hendricks.

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. HENDRICKS. I do.

TESTIMONY OF HERMAN HENDRICKS, ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN

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

Mr. HENDRICKS. My name is Herman Hendricks. I live at 3952 Sullivan, St. Louis 7, Mo.

The CHAIRMAN. What is that you have in your hand?

Mr. HENDRICKS. I respectfully decline to answer the question and invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Do you have a lawyer?

Mr. HENDRICKS. I do.

The CHAIRMAN. Let the record show the same counsel appears for this witness that appeared for the preceding witness.

Mr. KENNEDY. Mr. Hendricks, you are a business agent for local 688, is that correct?

Mr. HENDRICKS. I respectfully decline to answer the question and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. You worked for Mr. Gibbons' local?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. May I ask you is he now employed by the union?

Mr. KENNEDY. He is business agent for 688, Mr. Gibbons' own local, and we have a great deal of information regarding the activities of Mr.

Hendricks. Can you tell us what it was in your background, Mr. Hendricks, that attracted you to Mr. Gibbons?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. How many times had you been arrested prior to becoming a business agent for Mr. Gibbons' local?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. According to the information we have, you have been arrested about 13 times; is that right?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. You were arrested in 1938 for carrying a concealed weapon; you were arrested in 1939 as a fugitive from St. Louis; and in 1940 for vagrancy, for which you received 1 year in the city workhouse.

Then, in 1945, you had an interesting violation of the Marihuana Act dealing with narcotics. You received 2 years at Terre Haute, Ind.; is that correct?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. You were pushing dope, were you?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Did Mr. Gibbons know of this record when he hired you?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Did you emphasize this record in order to make yourself—to convince Mr. Gibbons you were eligible for employment as business agent in his union? Did you?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Were you selling marihuana to children, or whom were you selling to?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. In 1950, for peace disturbance you received a fine of \$100; is that right?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. From 1953 through 1958, you were arrested about seven times for assault, peace disturbance, malicious destruction of property, suspicion of larceny, and suspicion of carrying a concealed weapon, is that correct, with no convictions?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. In addition to these specific matters, you have been arrested—we have in addition to that—you have been picked up on approximately 100 different occasions by the police for investigation. Is that right?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Now, you were on the payroll of local 688, but you participated, did you not, in this strike in 1955 against the Allen Cab Co.?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Despite the fact that the election on October 12, 1954, had been 99 to 10 in favor of the independent union, on November 1 you started participating in picketing, did you not of the Allen Cab Co.?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Two days after the election, didn't you demand from the Allen Cab Co. that they fire five drivers and state to an official of the cab company that you would use other means if the company did not comply?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Then, on November 1, the violence started with the firing of the cab, the arson of certain of the cabs—the wrecking of others—the beating of cabdrivers. Did you participate in any of that?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Did you participate in the firing of the cab where they had the 2 women and the child in the cab, where some 10 bullets hit the cab?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. You were arrested or apprehended shortly afterward. Wasn't there a gun found in your automobile? Will you tell us what the gun was; why you were carrying it around?

Mr. HENDRICKS. I respectfully decline to answer the question, and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. Now, isn't it correct that you received money from local 405, as well as your regular salary and expenses from local 688, Mr. Gibbons' union?

Mr. HENDRICKS. I respectfully decline to answer the question, and and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. And you received this money, did you not, during the Yellow Cab strike of 1953?

Mr. HENDRICKS. I respectfully decline to answer the question, and and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. I call Mr. Eickmeyer to give the committee information as to the financial arrangements which this witness has with the union, Mr. Chairman.

The CHAIRMAN. Come around.

You have examined the records have you of these two unions?

TESTIMONY OF THOMAS EICKMEYER—Resumed

Mr. EICKMEYER. Yes, sir; I have.

Mr. KENNEDY. What do the records show as far as the salaries of Mr. Hendricks?

Mr. EICKMEYER. Take 405 first. During the Black & White and the Yellow Cab strike of 405, Mr. Hendricks received 4 cash payments totaling \$420, all charged to strike expense.

In 1952, we have a record of Mr. Hendricks being put on the payroll of local 688 and receiving \$1,150 in salary. Then in 1953, Mr. Hendricks received \$3,325 in salary and \$1,325 in expense.

The CHAIRMAN. From what union?

Mr. EICKMEYER. Local 688. This was all 688.

In 1954 Mr. Hendricks received \$5,200 in salary and \$1,300 in expenses. In 1955 he received \$5,200 in salary and \$1,300 in expenses and in 1956 he received the same, \$5,200 in salary and \$1,300 in expenses.

We did not have the total records for 1957 but I imagine it would show the same, \$5,200 salary and \$1,300 expenses.

TESTIMONY OF HERMAN HENDRICKS, ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN—Resumed

Mr. KENNEDY. You also have an automobile available for your use, Mr. Hendricks?

Mr. HENDRICKS. I respectfully decline to answer the question and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. This is a pattern, is it not, through the whole of the Central Conference of Teamsters, that you advance in these various important locals only if you have a criminal or police record?

Mr. HENDRICKS. I respectfully decline to answer the question and invoke my privilege under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. After you have the criminal record, is it a requirement, is it not, that you be willing to commit vandalism and other acts?

Mr. HENDRICKS. I respectfully decline to answer the question and invoke my privilege under the fifth amendment not to be a witness against myself.

The CHAIRMAN. Do you have any questions, Senator Curtis?

Senator CURTIS. No questions.

The CHAIRMAN. You will remain under your present subpoena subject to being recalled by the committee any time it may desire to interrogate you. Do you accept that recognizance?

Mr. HENDRICKS. I do.

The CHAIRMAN. Do you agree to appear?

Mr. HENDRICKS. I do.

The CHAIRMAN. You will be given reasonable notice of the time and place. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Don Cortor.

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. CORTOR. I do.

TESTIMONY OF HAROLD DONALD CORTOR

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

Mr. CORTOR. My name is Harold Donald Cortor, 3452 Humphrey Street, St. Louis, Mo. I am in the air-conditioning business.

The CHAIRMAN. Thank you very much. Do you have counsel?

Mr. CORTOR. No; I waive counsel.

The CHAIRMAN. Thank you.

Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Cortor, you were a member of local 405?

Mr. CORTOR. I was.

Mr. KENNEDY. From 1950 to 1956?

Mr. CORTOR. That is correct.

Mr. KENNEDY. You drove a taxicab at that time?

Mr. CORTOR. Laclede Cab Co.

Mr. KENNEDY. During that same period of time were you going to school?

Mr. CORTOR. Yes; I was attending St. Louis University.

Mr. KENNEDY. Did you graduate?

Mr. CORTOR. I did in 1952.

Mr. KENNEDY. That was while you were driving a cab?

Mr. CORTOR. Yes.

Mr. KENNEDY. Were you chairman of local 405, the financial committee?

Mr. CORTOR. I was appointed to that position in approximately November of 1955.

Mr. KENNEDY. How long did you hold it?

Mr. CORTOR. Well, officially until I was expelled, I suppose. But I believe that I last met in the budget committee meeting approximately June of 1956.

Mr. KENNEDY. When were you expelled from the union?

Mr. CORTOR. It lasted quite some time. My final expulsion by the general executive board in Washington was September 1957.

Mr. KENNEDY. We will go into that in a few moments but I would like to have you give the background of the local to the committee. Were you in the local at the time Mr. Tom Flynn came out to clean up the situation in St. Louis?

Mr. CORTOR. Yes; I certainly was. I was not active in the local at that time. In fact at that time I was not even paying dues because none of us were. A very few men in the local were under checkoff system in the various garages and there seemed to be enough money to operate the union under the conditions under which it was being operated. I had heard that it was being operated by hoodlums and racketeers and so forth. So we welcomed Mr. Flynn with open arms when he did come to St. Louis to clean up the situation.

Mr. KENNEDY. Who did he bring with him to help clean it up?

Mr. CORTOR. Harold Gibbons.

Mr. KENNEDY. Was there anybody else?

Mr. CORTOR. I heard that Barney Baker was there. I talked to practically every man. The arrangement for that meeting for cabdrivers of local 405 was made by a close personal friend of mine, Weast. I have gone over every aspect of that particular meeting when they met with Mr. Flynn. They asked him to put 405 in trusteeship. I have talked to every person who was in that room also.

Mr. KENNEDY. Did Mr. Baker have anything to do with it?

Mr. CORTOR. They told me Mr. Baker was there.

Mr. KENNEDY. There was a considerable amount of violence, was there not, in the strike that occurred at the end of 1953, December 1953?

Mr. CORTOR. Well, December 1953 we had a strike of considerable violence, the Yellow Cab Co., in the city of St. Louis. Prior to that there had been a 7-week strike of Black & White Cab Co. where there was no violence because no cabs were operating. At the start of the Yellow Cab strike the company encouraged some of the drivers to continue working. A few of them did and violence occurred in order to remove those taxicabs from the street and those members were still trying to work.

Mr. KENNEDY. Did you understand and know who was paying the bills for these men that were active in trying to get the Yellow Cabs off the street?

Mr. CORTOR. Yes; I do. A vote was taken by the membership that each driver who was working in the city would contribute \$1 a day of his earnings to the strike benefit fund to support the striking cabdrivers.

All of us at the other companies who were working contributed that dollar a day. No financial records apparently have apparently been produced to what happened to our money. It was handled very loosely. As to that I can testify. I notice you have not been able to get hold of those records yourself. The strike was conducted in I would say a very very highhanded method.

Violence was quite prevalent. I knew it was going on. Since that time I have talked to at least 8 or 10 people who have been asked to commit violence throughout that Yellow Cab strike.

Mr. KENNEDY. Who were the Teamster officials who were giving instructions on it?

Mr. CORTOR. The information I received on that was primarily Dick Kavner and Lou Berra who were the ones who were active in the real leadership. Others would follow with business relations. Saltzman, William Rudolph, and in many occasions Harold Gibbons was present.

Mr. KENNEDY. We have some firsthand information testimony on that. Yours is all hearsay.

Mr. CORTOR. All I can say about this violence is hearsay from talking to the men who did the violent acts.

Mr. KENNEDY. Now, you understood that Joe Bommarito injured his back in connection with the strike?

Mr. CORTON. Yes. Well, perhaps injured in a strike, perhaps he didn't. But anyway the union paid his hospital bills. Personally I don't think Joe Bommarito got hurt trying to turn over a taxicab.

The CHAIRMAN. If I understand you, he tried to have somebody else do the dirty work?

Mr. CORTOR. Well, in recent years; yes. He has come down considerably. Joe Bommarito is probably most loud mouth.

Mr. KENNEDY. In 1956 you had a wildcat strike?

Mr. CORTOR. Yes; we did. I think I can explain that quite fully because I was involved in it from the very beginning. I became the leader of the group who withdrew from local 405 as a result of this strike. There had been quite some concern going on in the city that they were going to place colored drivers on what at that time was segregated taxicabs in a white cab company. They were just being put to work without any notification to the membership or any vote being taken or anything else. Because of all the rumors flying a bunch of the officers of the local 405 requested a meeting with our trustee, Harold J. Gibbons, at which time they were going to discuss it with him to see if the rumors were true.

The meeting was held August 14. I was not exactly a steward of local 405 but I did manage to attend that meeting. At that time I asked Harold Gibbons if he would put off integration to a more opportune time to give the drivers time to become educated to the idea, to give the citizens of St. Louis time.

It had already integrated the streetcar and bus drivers with no disturbance. I felt it could be done just as well with the cab industry. Harold Gibbons at that meeting informed me that we had an open-shop contract with the cabdrivers and that those drivers would be sent from the union hall to the cab company and they would put the cabdrivers to work. My main objection to the new drivers is that there is not enough cab business to go around for drivers who drive 12 months a year.

You put on additional cabs in St. Louis in August, it will hurt, whether they are white, colored, or green. The additional drivers will hurt the income of those drivers presently working.

It did turn out it was an open-shop contract such as I told Gibbons it was. As a result, Harold Gibbons looked me straight in the eye and said the policy will remain the same. That was on Wednesday. On Friday they brought a colored driver to the Laclede Cab lot where I was employed. They informed the management this is the driver who is going to work on the Laclede Cab tomorrow morning at 10 o'clock. As a result, most of the men in the city learned about these things partially from me, the officers, and stewards at a meeting which I attended.

It was no longer rumor but it was fact. By the time Friday rolled around it was a fact. The following day colored drivers were placed in what had formerly been white cab companies, at the same date, at the same time. We have four large white cab companies. As a result, the men on the street that night, I don't know where the leadership came from but somewhere along the line everybody got together

and we had a spontaneous strike. It just grew up right out of the street. The men gathered in groups, but 2 o'clock in the morning they had taken cabs in the lot.

Mr. KENNEDY. Were you objecting to having any colored drivers in your taxicab company?

Mr. CORTOR. At that particular time of the year, yes.

Mr. KENNEDY. Was that just colored drivers or any drivers?

Mr. CORTOR. Any drivers.

Mr. KENNEDY. Were you objecting to having colored drivers?

Mr. CORTOR. No; I have never in my life raised my voice on integration, either the cab industry or anything else.

Mr. KENNEDY. What was your problem, what was your objection?

Mr. CORTOR. Our biggest problem in St. Louis is that the population of St. Louis is, roughly speaking, about 20 to 24 percent colored, but in the cab business in St. Louis over 40 percent of the drivers in the cab business work for the colored cab company.

There was no job equity at all. Proportionally they had twice as many jobs in the cab industry in any other particular type of work.

Mr. KENNEDY. Did you notify them that you would accept colored drivers?

Mr. CORTOR. I was in no position to notify them. The membership was never informed. These officers and stewards were informed on August 14 that integration was to take place on August 18. The membership generally speaking, of the Teamsters local in St. Louis area, they do not have general membership meetings during the summer months. July and August, usually there are no monthly meetings held.

This thing transpired at the time when there was no general membership meeting scheduled and they made no provision for a special membership meeting to inform the membership.

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

Mr. KENNEDY. Was there any date given as the time that colored drivers could be assimilated into it?

Mr. CORTOR. I made the suggestion of November 1. My reason for taking that particular date out of the air was that at that time your cab business is in the ascendency. Bad weather is coming and cab business picks up. You have a natural increase in business, after which time you can absorb additional drivers and you can also adjust yourselves to changes in time. People have to ride cabs in November; in June, July, and August they can wait on street corners for buses. When you have snow and ice and bad weather conditions and cold weather, they have to ride cabs. St. Louis is not a good cab town. It is the kind of a town where people ride taxicabs only when they have to. It is not necessarily a convenience for them. It is necessity.

Mr. KENNEDY. So you and the other leaders of this insurgent group, or the people who went out on the wildcat strike, did give a date as to when colored drivers could be on?

Mr. CORTOR. That was merely a suggestion on my part to Harold J. Gibbons.

Mr. KENNEDY. It was not just a blanket refusal to accept colored drivers?

Mr. CORTOR. No; there was no blanket refusal by that group of men, because they were told they would have to take them, although before we left the room Harold Gibbons said the hiring policies would remain the same. At that time, the hiring policy was for the company to hire drivers, and after they hired them they would go to the union hall and be cleared, and then after being hired go back to the company on a permit and then the contract stated that after 30 days after starting to go to work, they must pay the union initiation and become members of the union, which is the provision of an open shop contract.

Mr. KENNEDY. What occurred during the wildcat strike?

Mr. CORTOR. I still have in my possession the signatures of 762 men who voluntarily joined an independent union which I formed during that strike. After meeting with Harold Gibbons on August 14 and having a discussion with him, when I made a direct appeal to him to give local 405 local autonomy, take us out of trusteeship, he told me directly he would give us local autonomy "when Hell freezes over." That is a quotation of Harold J. Gibbons. As a result, I left that meeting of August 14, and I was accompanied by three other members, and we went to consult a lawyer to see if there was some way that we could get local autonomy within the Teamster structure. We went with William Howe. I think it is No. 22 South Central, Clayton, Mo. The reason he was selected as our lawyer was because he had received local autonomy for the laborers union or a similar union that had been in trusteeship. We met with Mr. Howe. We gave him the provisions under which we wanted to get local autonomy. He asked us to deliver to him a copy of our constitution and so forth, and said it would be necessary for at least one of our group to accompany him to Washington to make a personal petition to the International Brotherhood of Teamsters.

Later, after we had left his office, it was agreed by the group of four men that I should be the one that would accompany William Howe to Washington. At that time we were still planning to try to get local autonomy within the Teamster structure. That was our complete plan. However, this spontaneous strike sort of blew it up.

The CHAIRMAN. In other words, all you wanted to do was to get your local back in control of the men and out of control of a trustee?

Mr. CORTOR. Definitely. And not only trustee, but his appointed business agents.

The CHAIRMAN. You were not trying to get out of the Teamsters Union International?

Mr. CORTOR. We were not.

The CHAIRMAN. You wanted to stay in?

Mr. CORTOR. At that particular time, that was our intention, was to remain in the union but to have our own elected officers and conduct our own affairs our own way, and not at the instigation or the whim of Harold J. Gibbons.

The CHAIRMAN. All right.

Mr. CORTOR. On August 14, I mean on August 18, when this wildcat strike took place, it just so happened that most of the men did not trust me because I had never spoken against the colored people; in fact I had spoken in favor of integration, or at least it condoned it, and when they were talking about a wildcat strike I tried to talk it down, because we had already started our plans for trying to get local

autonomy. As a result, when the cab strike occurred on August 18, approximately 2 o'clock in the morning, I was still working. I continued working until almost 4 o'clock that morning, which is my normal time to turn in at the Laclede Cab Co. garage. When I pulled up on the lot, all the cabs were there. I think I was the last one on the street. Then things were out of our hands. As soon as I pulled on the lot, and I saw this cab strike had started, I wanted to find out if we were the only ones.

So I rode in a Five Point Taxicab with two other drivers, one from Black & White and the other a Laclede driver, and visited every lot in the St. Louis area. The same condition prevailed at all lots. All the cabs were off the streets, and there were cars on the streets notifying drivers still working to bring the cabs in. I would say the participation in the wildcat walkoff was 100 percent. By 5 o'clock there wasn't a single cab operating with a driver from 405, not one.

MR. KENNEDY. Was there a great deal of opposition to the way the union has been run?

MR. CORTOR. There was opposition to the way that union was run for a good many years.

MR. KENNEDY. You were chairman of the financial committee. Were you able to get information as to the union's finances?

MR. CORTOR. I was trying desperately, which is the reason that we finally forced the selection of that committee from the floor. The committee wasn't appointed voluntarily, we had been trying to get a financial committee for over 2 years. We had been promised we could have one, if you examine the records, to keep good books and so forth.

Finally through a bunch of very, very small technical items on the financial reports that I kept hammering at and made them appear about which there was something not quite honest, the men finally demanded more or less that a financial committee be set up, and I think the general consensus of opinion was that I should be on that financial committee.

MR. KENNEDY. Were you able to get the financial reports?

MR. CORTOR. Yes; we were.

MR. KENNEDY. Were you able to get full information about the finances?

MR. CORTOR. At the particular time, for each individual month, from that time on, I got the complete and full information of every transaction, except that I could not get possession of the vouchers. But I met monthly with Charles Chukway, the auditor of the union, and we went over the monthly accounts of various items.

MR. KENNEDY. Why didn't you get the vouchers?

MR. CORTOR. They weren't made available to us. At that time I was still trying to worm my way into where I was trusted enough to sneak them.

MR. KENNEDY. Just answer the question. You were not able to get the vouchers?

MR. CORTOR. I never could.

MR. KENNEDY. Did you request them?

MR. CORTOR. Yes; I have requested them.

MR. KENNEDY. You went out on this strike, this wildcat strike. How long did it last?

MR. CORTOR. 12 days.

Mr. KENNEDY. Was there any violence in connection with it?

Mr. CORTOR. Only on one occasion there was violence, and that was where we were holding a meeting that evening at Boyle and Lindell, the Eagles Hall, and, on the way home from our meeting, one of the men on strike, a man who joined our independent union, was assaulted by a squad of goons, who I figured were members of the Teamsters or at least instigated into the attack by the Teamster organization.

Mr. KENNEDY. But you had no proof of that?

Mr. CORTOR. None whatsoever.

Mr. KENNEDY. That was the time that Barney Baker was arrested, was it?

Mr. CORTOR. Yes; that is the occasion. The man's name who was injured was Stanley McClintoc.

Mr. KENNEDY. He was hit with a baseball bat?

Mr. CORTOR. Hit in the eye with a baseball bat; yes.

Mr. KENNEDY. And Lou Shoulders, Jr., was there?

Mr. CORTOR. Lou Shoulders, Jr., was also arrested.

Mr. KENNEDY. After 12 days you ran out of money?

Mr. CORTOR. We ran out of money the first day, but struggled on through there, and, through donations from various taverns where we had jars set up and so forth, and in a 12-day period, with over 700 men, we were able to collect the total amount of money of some \$2,500.

Mr. KENNEDY. So the men went back to work?

Mr. CORTOR. The men—I urged the men to go back to work on the 12th day. We had a meeting on each day of the strike. We conducted meetings and gave the men an actual account of what happened on that day. On the 12th day, I suggested they go back to work, myself. I had a good reason for doing so. We were knocking our brains out. If we kept it up, most of these men would have had to go back to work out of economic necessity. As a result, I don't think they could have looked me in the eye, so I sent them back, but still had the large amount of the drivers in the St. Louis area still bound to me through this association of independent union. I told the men I would burn the records of the independent union, which I have not done to this date. The charter is still in effect and the names of the men are still in my possession. It makes a very good mailing list, if I am ever able to utilize them.

Mr. KENNEDY. Were you every brought up on charges?

Mr. CORTOR. Yes. I was brought up on charges, and we held sort of a trial in the Teamsters Building on September 4, 1956, immediately following our strike. The strike was over on August 28. In this trial, they ran about 43 or 45 of us through that day, sort of a production-line system, even though I informed them before they conducted their trial that the procedure was illegal and not in accord with the constitution then in effect.

Mr. KENNEDY. Just answer my question.

Mr. CORTOR. Well, we will get to it, to the other part.

This is preliminary information. After this particular group has been all tried, then the Teamsters sent us a letter. Mr. Litcher referred to the letter he received—he was one of those tried on that day—whereby they agreed that the procedure they followed was not legal and that further charges would be sent out in a proper manner. I think I was the first one to receive charges in the proper manner, or

at least in the Teamster manner. My trial was finally brought up in October. I believe it began on October 8, 1956.

It lasted for 3 weeks, in the union hall at 1127 Pine. Most of the things I said at that trial were lies. I figured if they were lying to me I might as well lie right back at them.

I figured if they were going to try 45 men, if I cost them thousands of dollars just trying me, they might hesitate about trying the others. So I continued to talk. I never gave a yes or no answer, just as I am not doing here, you will notice.

The CHAIRMAN. Just a moment. Just a moment.

Mr. CORTOR. I am sorry, sir.

The CHAIRMAN. Do you think you are getting smart?

Mr. CORTOR. No; I am really not trying to.

The CHAIRMAN. Well, answer: "Yes, sir."

Mr. CORTOR. Yes, sir.

The CHAIRMAN. Proceed.

Mr. CORTOR. This trial went on for 3 weeks, and, during that period of time, I believe we had a total of 857 pages of testimony in my particular trial. I waited approximately 7 or 8 weeks before I received a decision from that trial before the local executive board. When I received the decision, I was found guilty. So I immediately appealed to Joint Council 13, which was the next step in accordance with the constitution of the Teamsters, and my trial was held sometime after that, and the decision of local executive board was upheld. So then I immediately appealed to Washington, to the general executive board, and I requested that I be allowed to appear in person to plead my case in Washington, which they did allow in September of 1957.

I appeared in Washington before not the general executive board but a committee selected by the general executive board. The results of that were that I was to be expelled from the Teamsters.

The CHAIRMAN. All right. Are there any questions? If not, thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Hartman.

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. HARTMAN. I do.

TESTIMONY OF HOWARD HARTMAN

The CHAIRMAN. The committee will take a 5-minute recess.

(Brief recess.)

(Present at the taking of the recess: Senators McClellan and Curtis.)

(Present at the reconvening of the committee: Senators McClellan and Curtis.)

The CHAIRMAN. The committee will come to order.

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

Mr. HARTMAN. Howard H. Hartman, 3669 Robert Avenue, St. Louis, Mo.; at the present time I would say I am unemployed or a cabdriver on strike, sir, in the city of St. Louis. With the Chair's

permission, I would like to say this, that the group of men I am associated there with, I am very proud to be so.

The CHAIRMAN. Thank you very much. You waive counsel, do you?

Mr. HARTMAN. I do, sir.

The CHAIRMAN. Proceed.

Mr. KENNEDY. You were recording secretary and a member of the executive board of 405 from 1954 to 1956, is that right?

Mr. HARTMAN. That is right.

Mr. KENNEDY. And the local was put under trusteeship of Mr. Gibbons in 1953?

Mr. HARTMAN. That is true.

Mr. KENNEDY. Is that right?

Mr. HARTMAN. That is right.

Mr. KENNEDY. And it was run then by Mr. Philip Reichardt and Joe Bommarito?

Mr. HARTMAN. No, sir. Mr. Reichardt was not in there until later on in the picture. There was a William Rudolph.

Mr. KENNEDY. Philip Reichardt and Joe Bommarito were appointed as secretary-treasurer and business agent respectively, is that right, ultimately?

Mr. HARTMAN. Ultimately; yes, sir.

Mr. KENNEDY. And they hold those positions at the present time?

Mr. HARTMAN. That is true.

Mr. KENNEDY. And they were appointed to those positions by Harold Gibbons?

Mr. HARTMAN. That is true.

Mr. KENNEDY. You, as a member of the executive board, did you know anything about the finances of the union?

Mr. HARTMAN. Very little.

Mr. KENNEDY. Were you informed or were you permitted to see the books and records?

Mr. HARTMAN. I never did get to see the books.

Mr. KENNEDY. Did you ever request it?

Mr. HARTMAN. We did.

Mr. KENNEDY. What were you told at that time?

Mr. HARTMAN. They were either in the hands of the Federal grand jury, the auditor was going over them, or there seemed to be one reason after another.

Mr. KENNEDY. You never were permitted to see them?

Mr. HARTMAN. No, sir.

Mr. KENNEDY. How long were you on the executive board?

Mr. HARTMAN. For close on to 2 years.

Mr. KENNEDY. But you were recording secretary also and never permitted to see the books and records?

Mr. HARTMAN. That is true.

Mr. KENNEDY. There were certain individuals who have been identified as participating in the violence in the various strikes that were in St. Louis during 1953-54. Amongst them was Mr. Ben Saltzman, who was a business agent for local 405. Is that right?

Mr. HARTMAN. Mr. Ben Saltzman was a business agent.

Mr. KENNEDY. Did you understand that he was kept on the payroll after he was indicted?

Mr. HARTMAN. We were so told; yes, sir.

Mr. KENNEDY. Did you see him or know of any work that he did for local 405?

Mr. HARTMAN. From what time?

Mr. KENNEDY. After 1954. The end of 1954 or 1955?

Mr. HARTMAN. Yes, I would see him around the building. I also understand that he was working at one of the produce places up in what we call union market.

Mr. KENNEDY. He was being paid by local 405?

Mr. HARTMAN. So we understood; yes, sir.

Mr. KENNEDY. The produce market had nothing to do with 405?

Mr. HARTMAN. Not as far as I know.

Mr. KENNEDY. Did you ever request any information as to why he was being paid?

Mr. HARTMAN. The statement was made that he was being paid until the case which was pending then in court came up to trial.

Mr. KENNEDY. Who told you that?

Mr. HARTMAN. Offhand, Mr. Kennedy, I don't recall, but it was someone in authority down in the office.

Mr. KENNEDY. In 1953, did the membership establish a so-called fine fund?

Mr. HARTMAN. That they did, sir.

Mr. KENNEDY. And that was for the membership to—

Mr. HARTMAN. That fund was \$3, which was voted upon by the membership and those members who failed to attend a meeting were fined \$3. That was voted upon by the membership.

Mr. KENNEDY. Now that grew to about ten or eleven thousand dollars.

Mr. HARTMAN. More than that, I believe.

Mr. KENNEDY. How much money?

Mr. HARTMAN. I would say close to sixteen or eighteen thousand dollars.

Mr. KENNEDY. What happened to that money?

Mr. HARTMAN. I don't mean to be facetious or something, but that is something nobody ever seemed to find out. It is my understanding that that money was to be set aside in a separate fund.

Mr. KENNEDY. To be used for what purpose?

Mr. HARTMAN. To be used primarily for the formation of the health and welfare benefit of the cabdrivers.

Mr. KENNEDY. Did you ever try to find out what had happened to the money?

Mr. HARTMAN. Last year I found out that the money was no longer there.

Mr. KENNEDY. Do you know where it had gone?

Mr. HARTMAN. No, sir; only the fact that the general fund owed the fine fund that much money.

Senator CURTIS. To whom was this money paid as it came in?

Mr. HARTMAN. The money evidently, our understanding was that that money was to be put into a separate fund, also, under local 405.

Senator CURTIS. To whom was it paid?

Mr. HARTMAN. It was never paid to anyone. It was supposed to be a building fund.

Senator CURTIS. Did you ever miss a meeting?

Mr. HARTMAN. One time for which I was excused.

Senator CURTIS. Do you know of anybody that put in \$3?

Mr. HARTMAN. Yes, sir; quite a few people.

Senator CURTIS. To whom did they give it?

Mr. HARTMAN. That money was paid into the union treasury.

Senator CURTIS. What individual did they give it to?

Mr. HARTMAN. It all depends on who accepted the money, either the shop steward or into the office itself. You see, we have a girl that takes in most of the money.

Senator CURTIS. Whose responsibility was it to put it in the bank and make a record of it?

Mr. HARTMAN. I would say the acting secretary-treasurer.

Senator CURTIS. Who was that?

Mr. HARTMAN. Toward the last it was Philip Reichardt.

Senator CURTIS. Who was it when you started?

Mr. HARTMAN. Ben Saltzman.

Senator CURTIS. Did you ever talk to him about that fund?

Mr. HARTMAN. No, sir. Because at that time when Ben Saltzman was in that fund had not reached the proportion it did later times.

Senator CURTIS. Who was his successor?

Mr. HARTMAN. Joe Bommarito came into the picture there but not as acting secretary-treasurer.

Senator CURTIS. Who was acting secretary-treasurer?

Mr. HARTMAN. Philip Reichardt.

Senator CURTIS. Did you talk to him about it?

Mr. HARTMAN. Yes, sir.

Senator CURTIS. What did he say?

Mr. HARTMAN. Mr. Reichardt was asked in an open meeting where the moneys were that belonged in the fine fund. He stated that it had been used and the belief was given to most of the membership that that money had been used during the so-called wildcat strike in 1956.

Senator CURTIS. You don't know what bank it was held in; do you?

Mr. HARTMAN. No, sir.

Senator CURTIS. That is all.

Mr. KENNEDY. You were never given an accounting for it?

Mr. HARTMAN. You say we were?

Mr. KENNEDY. You were never?

Mr. HARTMAN. No, sir.

Mr. KENNEDY. The local had suspended general meetings and held just division meetings; is that right?

Mr. HARTMAN. That has been a matter of considerable dissension among the entire membership, Mr. Kennedy. As it was originally set up, there would be one series of meetings, but so-called shop meetings or garage meetings, following which the entire membership would be asked to vote on whether or not they preferred the splitup meetings or one general meeting. It was later put to a vote and they voted to hold general meetings.

Mr. KENNEDY. Why did you start then holding shop meetings if you voted general meetings?

Mr. HARTMAN. That is a very good question. I can't answer that.

Mr. KENNEDY. What is the disadvantage of holding shop meetings?

Mr. HARTMAN. There are arguments pro and con on that, Mr. Kennedy. One is that with a shop meeting you cannot possibly confine your own particular problems for the particular company for whom you are working. At a general meeting in the ideas of many—frankly,

I go along with it—is the fact that you can present each other's problems and act in a more concerted manner.

Mr. KENNEDY. Wasn't there a question also about the fact that as to certain motions that would be offered at the shop meeting there would be a greater possibility of handling them favorable to the administration than if they were offered at a general meeting?

Mr. HARTMAN. What you are driving at, Mr. Kennedy, is that a motion made at one meeting would never be repeated at another meeting? Is that what you mean?

Mr. KENNEDY. Did that happen?

Mr. HARTMAN. Yes, sir.

Mr. KENNEDY. One group would want something done. They would make a motion at a particular meeting and then that motion would never be mentioned at any other meeting.

Mr. HARTMAN. That's right.

Mr. KENNEDY. If those who were running the union were not in favor of it; is that right?

Mr. HARTMAN. Well, the reason for not bringing it up I couldn't say, but I will say this fact, that there were motions brought up at some meetings that were never read off to the other groups.

Senator CURTIS. What did your constitution and bylaws provide concerning general meetings open to all members in good standing? Do you know?

Mr. HARTMAN. I couldn't say offhand; no, sir.

Senator CURTIS. But you do not know any change made in the constitution or bylaws that made the ending of general meetings legal?

Mr. HARTMAN. No, sir. I think it was more a matter of personal opinion rather than a matter of rules to be followed.

Mr. KENNEDY. Did you understand that the drivers of Ace Cab Co. who belonged to Joe Costello did not pay their dues as the other drivers did?

Mr. HARTMAN. Not just in that sense. However, it looked like every time you saw a dues list of those behind in their dues that there were many more behind their dues in these cabs than there were in any other company, some to the extent of 5, 6, or 7 months in arrears of dues.

Mr. KENNEDY. Do you know why they were permitted to go along like that?

Mr. HARTMAN. I could not say, sir.

Mr. KENNEDY. Now, you resigned from the union?

Mr. HARTMAN. Yes, sir.

Mr. KENNEDY. Why did you resign?

Mr. HARTMAN. That was following the culmination of the so-called wildcat strike.

Mr. KENNEDY. You resigned your position?

Mr. HARTMAN. I did as recording secretary.

Mr. KENNEDY. Did you feel you did not have enough authority?

Mr. HARTMAN. I do not think that the wildcat should ever have gone on. I believe had the membership been called together and the proposition explained to them, that there never would have been a wildcat strike.

Mr. KENNEDY. You disagreed ultimately; your resignation was because of your disagreement?

Mr. HARTMAN. That's right.

Mr. KENNEDY. Were the individuals who were running the union Bommarito and Reichardt?

Mr. HARTMAN. I don't quite understand that question.

Mr. KENNEDY. What was your reason for resigning your position from the union?

Mr. HARTMAN. Personally, as an officer we didn't have very much to say. That was my reason for resigning.

Mr. KENNEDY. What about these trials that were going on?

Mr. HARTMAN. I understood some were to be held, and, personally, I could not see my way clear to being a party whatever to some of the trials to be heard. My personal opinion was let them all go back to work and let past be past.

Mr. KENNEDY. Were the decisions in the various trials dictated?

Mr. HARTMAN. I don't know that of my own knowledge. However, I was told by members and the officers that the decisions were handed down from upstairs and the officers were called in and asked if that was their opinion, or to sign it. That is secondhand information.

Mr. KENNEDY. This information came to you from some of those who were actively participating?

Mr. HARTMAN. Active officers.

Mr. KENNEDY. They were the ones who were supposed to be the judges?

Mr. HARTMAN. That's right.

Mr. KENNEDY. They told you the decisions to be handed down in various cases came from upstairs?

Mr. HARTMAN. That's right.

Mr. KENNEDY. They were told to sign the decisions that had already been made?

Mr. HARTMAN. That's right.

Mr. KENNEDY. Who was upstairs?

Mr. HARTMAN. That I don't know.

Mr. KENNEDY. Who did you understand was upstairs?

Mr. HARTMAN. I understood it came from the attorneys.

Mr. KENNEDY. Of the union?

Mr. HARTMAN. Yes.

Mr. KENNEDY. They were the ones drawing the decision up?

Mr. HARTMAN. That is what I was told; yes, sir.

Mr. KENNEDY. You did not want to participate in this kind of operation?

Mr. HARTMAN. I didn't want any part of it.

Mr. KENNEDY. That is all I have.

The CHAIRMAN. As I understand, your union was under a trusteeship?

Mr. HARTMAN. That is true.

The CHAIRMAN. Is it still under trusteeship?

Mr. HARTMAN. Yes, sir.

The CHAIRMAN. When did you resign?

Mr. HARTMAN. I believe it was September 1956.

The CHAIRMAN. Nearly 2 years ago?

Mr. HARTMAN. Yes, sir.

The CHAIRMAN. Did the officers who served like you as recording secretary, and the other officers under the trusteeship, have any discretion at all as to the management or operation of the union?

Mr. HARTMAN. I believe a general movement has been on foot, yes, to educate the officers and to get them to do something. However, it does seem in many instances that we are still considerably under trusteeship. The statement was made by Mr. Gibbons that the minute the men could show that they could govern themselves that he would be more than glad to recommend local autonomy.

The CHAIRMAN. How long has it been under trusteeship?

Mr. HARTMAN. Since 1953.

The CHAIRMAN. Do you know of any reason why the men who compose that union do not have intelligence enough to know how to operate their union according to their will?

Mr. HARTMAN. It has always been the opinion of many of our group that we would be able to conduct a union.

The CHAIRMAN. But you are denied the opportunity under this trusteeship?

Mr. HARTMAN. So far we are still not under local autonomy.

The CHAIRMAN. You think if the men had had their way, if they had had a voice in the situation, that the so-called wildcat strike would have been averted?

Mr. HARTMAN. Well, that would be merely a matter of opinion, Senator. Our point, and in fact we tried to forestall that, several other officers and myself, by asking that decision be withheld and a general meeting be called where the whole thing could be explained to the membership.

The CHAIRMAN. Who had authority to call the general meeting?

Mr. HARTMAN. I would say Philip Reichardt.

The CHAIRMAN. Who over him?

Mr. HARTMAN. That would be Mr. Gibbons.

The CHAIRMAN. In other words, either Mr. Gibbons or Philip—what is the other man's name?

Mr. HARTMAN. Philip Reichardt, secretary-treasurer.

The CHAIRMAN. Mr. Gibbons was over him, I assume.

Mr. HARTMAN. That is true, sir.

The CHAIRMAN. In other words, he was appointed by Mr. Gibbons?

Mr. HARTMAN. That's right.

The CHAIRMAN. So either him or Mr. Gibbons or he with Mr. Gibbons' approval—

Mr. HARTMAN. Yes.

The CHAIRMAN. Could very well call a general membership meeting.

Mr. HARTMAN. That is my belief.

The CHAIRMAN. Well, they have authority to do about everything else, don't they?

Mr. HARTMAN. I couldn't say as to that, but this I will say, that that night before the boys went out, I think I put better than 4 hours on the telephone talking to Mr. Reichardt, trying to get that thing forestalled.

The CHAIRMAN. Trying to get them to call a membership meeting?

Mr. HARTMAN. Yes.

The CHAIRMAN. At a general membership meeting it is presumed that the members may express themselves with respect to problems confronting their union?

Mr. HARTMAN. That's right.

The CHAIRMAN. Now, they had no opportunity to express themselves in a meeting, in an official meeting, general meeting, with respect to the problem that caused the strike?

Mr. HARTMAN. They expressed them in the wildcat strike.

The CHAIRMAN. I know, but I say they had no other alternative insofar as expressing themselves, they had no opportunity other than through the strike?

Mr. HARTMAN. That's right.

The CHAIRMAN. And you are of the opinion that if they gave that union its autonomy down there, that the boys who do the work and pay the dues would have sense enough to run a decent union?

Mr. HARTMAN. I think it would be worth a trial to find out. It certainly has not been going so good otherwise.

Senator CURTIS. Mr. Chairman.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Can you drive a taxicab in St. Louis without belonging to the union?

Mr. HARTMAN. Yes, sir.

Senator CURTIS. Are there many nonunion drivers?

Mr. HARTMAN. No, sir.

Senator CURTIS. How many?

Mr. HARTMAN. That I wouldn't say offhand, Senator. You see, St. Louis is a small town with an awful lot of municipalities all around it. I think right now there are 37 to 39 incorporated areas all around it. Practically each one has its own little individual cab company. In the city of St. Louis itself there is the Black and White, Ace, Yellow, Laclede, and the St. Louis Auto Livery.

Senator CURTIS. Can you drive for any of those without belonging to the union?

Mr. HARTMAN. Not at at present time. They all have contracts with the union, local 405.

Senator CURTIS. Those contracts are union shops that you have to join?

Mr. HARTMAN. That is part of the agreement made between local 405 and the companies. There are arguments on both sides of that, Senator.

Senator CURTIS. But it is true that anyone working in the city of St. Louis for these companies you mentioned, if they dislike this violence and they dislike the idea of some sixteen or eighteen thousand dollars disappearing, they cannot drop out and quit paying without losing their jobs, can they?

Mr. HARTMAN. Well, now, you pose a question to me, sir, that I don't think I can answer.

The CHAIRMAN. What were your duties as recording secretary?

Mr. HARTMAN. Primarily to keep records of the minutes of the meetings, sir. That is what you have subpoenaed, I have them right here.

The CHAIRMAN. Are you ready to deliver them?

Mr. HARTMAN. Yes, sir.

The CHAIRMAN. All right, you may deliver them to a member of the staff.

Did you get enough information with regard to the business affairs of the union so that you could properly and adequately perform your duties as recording secretary?

Mr. HARTMAN. Yes.

The CHAIRMAN. Any other questions?

Mr. KENNEDY. No, sir.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. May I call three witnesses at one time?

The CHAIRMAN. Yes.

Mr. KENNEDY. Mr. Louis Shoulders, Mr. "Stormy" Harvill, and Mr. "Babe" Harvill.

The CHAIRMAN. Will you stand and be sworn?

Do each of 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. GEORGE HARVILL. I do.

Mr. SHOULDERS. I do.

Mr. WILBOURNE HARVILL. I do.

TESTIMONY OF GEORGE ANDREW HARVILL, JR., LOUIS SHOULDERS, JR., AND WILBOURNE HARVILL, ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN

The CHAIRMAN. Beginning on my left, give your name, your place of residence, and your business or occupation.

Mr. GEORGE HARVILL. George Andrew Harvill, Jr., 8841 Argyle Avenue, Overland, Mo.

The CHAIRMAN. Did you give us your occupation?

Mr. GEORGE HARVILL. No.

The CHAIRMAN. Will you give that to us?

Mr. GEORGE HARVILL. I respectfully decline under the fifth amendment to answer on the ground that it might tend to incriminate me.

The CHAIRMAN. The next one, the one in the center, what is your name, your residence, and your place of business, please?

Mr. SHOULDERS. Louis Shoulders, Jr., 5318 Theodosia Avenue, St. Louis, Mo.

The CHAIRMAN. Would you like, Mr. Shoulders, to give us your business or occupation, please?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. All right, the one on my right. What is your name?

Mr. WILBOURNE HARVILL. Wilbourne Harvill, 5904 Enright Avenue, St. Louis, Mo.

The CHAIRMAN. Mr. Harvill, will you be kind enough to tell the committee what kind of business you are in and what your occupation is?

Mr. WILBOURNE HARVILL. I respectfully decline under the fifth amendment not to answer on the ground that it might tend to incriminate me.

The CHAIRMAN. That is a pretty fine kettle of fish, is it not?

Do you have a lawyer?

Mr. SHOULDERS. Yes, sir.

The CHAIRMAN. You all have the same lawyer? All right, let the record speak as to who the counsel is for these witnesses.

Mr. MELLMAN. I am Bernard J. Mellman, attorney, at 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. Mr. Kennedy, you may proceed.

Mr. KENNEDY. Mr. Shoulders, could you tell us what your occupation has been since 1950?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You are a so-called muscleman; with the help of 2 or 3 or 5 people you go around and beat 1 person up?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Are they in the employ or identified with the union?

Mr. KENNEDY. Yes.

For instance, according to the information we have, in September 1954 you and a group of others, Mr. Shoulders, were paid by the union and sent by Mr. Harold Gibbons to take part in an organizational drive against nonunion plumbers in Granite City, Ill.: is that correct?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You and a group of other goons were sent over there to beat up some of the nonunion plumbers?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You were sent over there by Harold Gibbons; is that correct?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You received \$25 for going over there?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. You received \$25 for each day you went over there; isn't that right?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

Mr. KENNEDY. The union paid on 1 occasion \$125 to send people over there, and on another occasion \$200. On 1 occasion you got \$25 for going over, and on the other occasion \$50; is that correct?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. I find here photostatic copies of receipts apparently signed by an L. Shoulders. One is signed in the amount of \$25, and the other signed in the amount of \$50. The first one is dated September 13, 1954, and the second one dated September 15, 1954, and the voucher attached to them says, "Lost time, Granite City strike, Shoulders, G. Reichardt, Luciano, Barnes, Giardano, \$25 each," and the other for \$50 each mentions the same parties, mentions Shoulders, Luciano, Barnes, and Giardano.

I ask you to examine the photostatic copies of these vouchers and the two signatures where it appears to be "L. Shoulders," and ask you to state whether you identify your signature on those receipts.

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Have you examined the voucher?

Mr. SHOULDERS. Yes.

The CHAIRMAN. You still decline to say whether that has your signature?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Did you receive that money?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Were you paid that money for beating up people or committing other acts of violence?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Are you a good goon or just a cheap one?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Is \$25 a day a high price for a goon, or a low price?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

The CHAIRMAN. Let that document be made exhibit No. 84.

(The document referred to was marked "Exhibit No. 84" for reference, and may be found in the files of the select committee.)

Mr. CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Mr. Chairman, the time they went over there they met a group that was bigger and tougher than they were. The plumbers, when they got over there, had pipes and they found that they could not do anything with them. So they just sat around, got scared and went home.

They went back and tried to get reinforcements. They went back and they still were too tough for them. So Mr. Shoulders and his group, when they were not able to sneak up on these people, were not able to hit them with overwhelming numbers, went back. Isn't that correct, Mr. Shoulders?

Mr. SHOULDERS. I respectfully decline to answer that question on the ground it may tend to incriminate me.

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

The CHAIRMAN. Do you consider that you were overpaid or underpaid?

Mr. SHOULDERS. I respectfully decline to answer on the grounds it may tend to incriminate me.

The CHAIRMAN. Who sent you? Who sent you up there?

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

The CHAIRMAN. Proceed.

Mr. KENNEDY. Isn't it correct that Mr. Harold Gibbons is the one that hired you and sent you over there?

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

Mr. KENNEDY. As far as your background, you were convicted of third degree burglary in 1957; isn't that right?

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

Mr. KENNEDY. You have been arrested for peace disturbance, carrying concealed weapons, and common assault, and you are presently under indictment for murder?

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

Mr. KENNEDY. And you have been under indictment for murder since July 1955?

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

Mr. KENNEDY. And isn't it correct that even after you were under indictment for murder, that you were hired in 1956 by the Teamsters Union to patrol the streets and act against these wildcat strikers?

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

Mr. KENNEDY. And weren't the arrangements made by Mr. Harold Gibbons with Mr. Joe Costello of the Ace Cab Co.—didn't he make the arrangements and pay you—then wasn't the Ace Cab Co. reimbursed for the money that they paid to you?

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

Mr. KENNEDY. Could I call on our assistant, Mr. Eickmeyer, to testify as to what the records show, as to how much Mr. Shoulders received?

The CHAIRMAN. All right. You have examined the records of the union; have you?

TESTIMONY OF THOMAS EICKMEYER—Resumed

Mr. EICKMEYER. The union and the Ace Cab Co.

The CHAIRMAN. You may proceed to testify.

Mr. KENNEDY. I just wanted insofar as Mr. Shoulders.

Mr. EICKMEYER. On August 23, 1956, Mr. Lou Shoulders, Jr., received \$138 from the Ace Cab Co., which was charged to miscellaneous wages.

Mr. KENNEDY. And then was the Ace Cab Co.—

Mr. EICKMEYER. The Ace Cab Co. was subsequently reimbursed for the payment by local 405.

Mr. KENNEDY. The union reimbursed the Ace Cab Co. for this payment to Mr. Shoulders?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. And this was during the wildcat strike of 1956?

Mr. EICKMEYER. That is correct.

TESTIMONY OF GEORGE ANDREW HARVILL, JR., LOUIS SHOULDERS, JR., AND WILBOURNE HARVILL, ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN—Resumed

Mr. KENNEDY. Would you tell us about that, Mr. Shoulders?

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

Mr. KENNEDY. This was also after your father, who was a lieutenant in the police department, had gotten into difficulties regarding the Greenlease money, that you were hired by the Teamsters Union?

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

Mr. KENNEDY. You were hired by Mr. Costello and paid by the Teamsters Union. Is it correct that this happened in 1956, after your father had been identified with the Greenlease money?

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

Mr. KENNEDY. Isn't it correct that some of your associates are Joe Costello, William Sanders—this is from the police department records—Barney Baker. You have been arrested in the company of Barney Baker, were you not?

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

Mr. KENNEDY. Mr. George Harvill, you have been a lifelong associate of Shoulders, Junior?

Mr. GEORGE HARVILL. I decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. You are also presently under indictment for murder; is that correct, with Mr. Shoulders?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. You were acquitted for murder in 1952 and now you are under indictment for a second murder; is that right?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. Is it correct that you were also one of those that was hired by Joe Costello, of the Ace Cab Co., in 1956?

Mr. GEORGE HARVILL. I respectfully decline to answer that on the grounds it might tend to incriminate me.

Mr. KENNEDY. And the money that you received from the Ace Cab Co., the Teamsters Union reimbursed Mr. Joe Costello for that money?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. Is that correct?

Mr. EICHMEYER. That is correct.

Mr. KENNEDY. How much money did he receive?

Mr. EICHMEYER. Mr. George Harvill received \$138 on August 23, 1956. This money was subsequently reimbursed to the Ace Cab Co. by the union local 405.

Mr. KENNEDY. Did you own the C. & J. Tavern? Is that right?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the ground it might tend to incriminate me.

Mr. KENNEDY. That was where Bobby Carr, a driver of a taxicab, was killed; is that correct?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Was it a dispute over prostitution that brought about the murder?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. Could you tell the committee why you were paid this money during 1956 out of Teamster funds, with your background and record?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Senator CURTIS. What services did you perform for this money?

(The witness conferred with his counsel.)

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Senator CURTIS. Who told you what you were to do in return for this money that you received from the Teamsters?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. You are also known as "Stormy"; is that right, Mr. Harvill?

Mr. GEORGE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Your name is Wilbourne "Babe" Harvill? You are known as "Babe"; is that right?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Do you have a brother by the name of "Stormy"?

Mr. WILBOURNE HARVILL. I respectfully take the fifth amendment to answer that question. It may tend to incriminate me.

Mr. KENNEDY. Do you know this gentleman over here next to Mr. Shoulders?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question. It might tend to incriminate me.

Mr. KENNEDY. He is your brother, is he not?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question. It might tend to incriminate me.

Mr. KENNEDY. You have been arrested seven times; is that right?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question. It might tend to incriminate me.

Mr. KENNEDY. And this arrest record includes arrests for larceny of an auto, fugitive, larceny, murder, carrying concealed weapons; is that right?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. And you are a close associate of Joe Costello and Lou Shoulders, Jr.?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. You are another one that the Teamsters Union hired in 1956, through Joe Costello of the Ace Cab Co., is that right?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds that it might tend to incriminate me.

Mr. KENNEDY. You were another one that was hired to patrol the streets in 1956?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. It must have given the people of St. Louis a great sense of confidence to know that you three gentlemen were out patrolling the streets. Is that correct?

Mr. WILBOURNE HARVILL. I respectfully decline to answer that question on the grounds it might tend to incriminate me.

Mr. KENNEDY. Is it correct that you find that he also received money from the Ace Cab Co., and which was reimbursed by the Teamsters Union?

MR. EICKMEYER. Yes, sir. He also received \$138 on August 23, 1956.

MR. KENNEDY. And they were reimbursed?

MR. EICKMEYER. Ace Cab Co. was reimbursed by local 405.

SENATOR CURTIS. What services were you to perform for that money?

MR. WILBOURNE HARVILL. I respectfully decline to answer on the grounds it might tend to incriminate me.

SENATOR CURTIS. Who informed you what you were to do?

MR. WILBOURNE HARVILL. I respectfully decline to answer the question on the grounds that it might tend to incriminate me.

SENATOR CURTIS. I think this: I think if the State of Missouri had a law providing for voluntary unionism, and someone did not have to belong to a union to make a living, that those union members would not pay their dues to support such activities as you individuals refuse to testify about. I think it is time that our national labor leaders admitted that fact.

THE CHAIRMAN. Are there any further questions?

MR. KENNEDY. That is all.

THE CHAIRMAN. Let me ask you two who are named Harvill. Are you brothers?

I ask you on my left first.

(The witness conferred with his counsel.)

MR. GEORGE HARVILL. Yes, sir.

THE CHAIRMAN. You are brothers?

MR. GEORGE HARVILL. Yes, sir.

THE CHAIRMAN. Are you a brother to the man who has just admitted you are a brother to him?

MR. WILBOURNE HARVILL. Yes, sir; I am.

THE CHAIRMAN. Fine. I just wondered if you wanted to leave the record ashamed of each other.

All right.

Each of you will remain under your present subpoena, subject to being recalled at such time as the committee may desire to interrogate you further. Do you accept such recognizance?

MR. SHOULDERS. Yes, sir.

MR. GEORGE HARVILL. Yes, sir.

MR. WILBOURNE HARVILL. Yes, sir.

THE CHAIRMAN. And you do agree to appear upon reasonable notice of the time and place?

MR. SHOULDERS. Yes, sir.

MR. WILBOURNE HARVILL. Yes, sir.

MR. GEORGE HARVILL. Yes, sir.

THE CHAIRMAN. You may stand aside.

At this time, the Chair will place in the record, as an exhibit for reference, pictures that were made this morning of Mr. Lew Farrell on the witness stand, together with his attorney, at the time his attorney held up and exhibited to the committee the files and records of Mr. Farrell which the committee had subpoenaed.

The Chair and the other member of the committee verify these pictures as true and correct pictures of the scene we witnessed here this morning. They will be made exhibit No. 85.

(The document referred to was marked "Exhibit No. 85" for reference and may be found in the files of the select committee.)

THE CHAIRMAN. Proceed.

MR. KENNEDY. Mr. Philip Reichardt.

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. REICHARDT. I do.

**TESTIMONY OF PHILIP REICHARDT, ACCOMPANIED BY COUNSEL,
BERNARD J. MELLMAN**

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

Mr. REICHARDT. My name is Philip Reichardt. I live at 327 Goetz Avenue, Lemay, Mo. I decline to answer the third question and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you have an attorney?

Mr. REICHARDT. I do.

The CHAIRMAN. Then let the record show the same counsel appears for this witness as appeared for the three preceding witnesses.

Mr. KENNEDY. Mr. Philip Reichardt is the acting secretary-treasurer of local 405. Is that correct, Mr. Reichardt?

Mr. REICHARDT. I decline to answer and assert my privileges under the fifth amendment not to be a witness against myself.

Mr. KENNEDY. He is the highest official in local 405, except for the trustee, and was appointed to that position by Mr. Harold Gibbons.

Is that right?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. At the time of your appointment in April 1956, you had had no previous experience as a cabdriver. Isn't that right?

Mr. REICHARDT. I decline to answer and assert my privileges under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Therefore, Mr. Gibbons appointed you in violation of article 6, section 5 (d), which says:

Temporary officers and trustees must be members in good standing of local unions in good standing.

The CHAIRMAN. Were you a member of the union at the time you were appointed?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. What is wrong with this union? Is it so dirty none of your officials can talk about it?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. You were formerly on the staff of Mr. Gibbons in local 688; were you not?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to the information, the testimony, that we have had, you and Mr. Bommarito, business agent, run the local as a dictatorship and grant no voice to the membership in the operation of the local. Is that correct?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Do you refuse to allow members of the executive board to examine the books and records?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Do you refuse to give them an accounting for their money?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Can you tell the committee what happened to the so-called fine fund, which according to a previous witness is now missing?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to the information we have, that money is missing. According to the information we have, local 405 has not had any by-laws since they were suspended by Mr. Harold Gibbons in 1953.

Is that correct?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You have also suspended general meetings of the union and hold only divisional meetings. Is that also correct?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You bring up matters at one divisional meeting and fail to bring them up at others?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Therefore, having complete control over anything in the union of which you do not approve, is that right?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to the information, the testimony that has been given to the committee, the drivers of the Ace Cab Co., of Joe Costello, on many occasions, have been delinquent in the payment of their dues and there has been nothing done about it. Is that right?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. We understand that you announced a short time ago that there would be an election held in local 405, but that only 7 people out of a membership of over 1,000 would be eligible for office. Is that right?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Now, you based that on the constitution of the Teamsters that says you have to have your dues paid up the first of the month or otherwise you are not eligible to hold office; is that correct?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Because of the checkoff system only you and the other officers have your dues paid up the first of the month and therefore you are the only ones who are eligible to hold positions of authority; is that right?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Isn't it correct that 1 of the 7 that is eligible to run, according to your theory, is Mr. Barney Baker?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Now, at the meeting of the international convention that was held in Miami in 1957, how were the delegates from your local selected?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Isn't it correct that you announced to the local at a meeting on September 11, 1957, that you would represent the local at the international convention in Miami?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. The membership was given no choice; is that correct?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Is it correct that you offered Mr. Alfred Giardano \$40 to bet up William Boyd of the local, who had been giving you trouble?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Have you spoken to Mr. Giardano the last week?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Could you tell us about the payments to Shoulders, Lou Shoulders, and to these other individuals who have testified before

the committee, with long police and criminal records—why those payments of Teamster funds were made to these individuals?

MR. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

MR. KENNEDY. The fact is you were appointed to your position by Mr. Harold Gibbons and you operate the union in accordance with the instructions of Mr. Harold Gibbons.

MR. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

MR. KENNEDY. Here is a letter, Mr. Chairman, which gives a little bit of the attitude of the leadership of the local toward the membership.

The CHAIRMAN. Mr. Reichardt, I present to you a letter dated July 27, 1956, addressed to Mr. Howard Hartman, apparently bearing your signature, or written at your discretion.

Will you examine the letter and state if you identify it.

MR. REICHARDT. What was your question, Senator?

The CHAIRMAN. Do you identify the letter?

MR. REICHARDT. I have looked at the letter.

The CHAIRMAN. Do you identify it?

(The witness conferred with his counsel.)

MR. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Let us read it and find out if there is some reason why it might incriminate him.

The letter may be printed at this point in the record. It reads as follows:

TAXI CAB DRIVERS LOCAL No. 405,
St. Louis, Mo., July 27, 1956.

MR. HOWARD HARTMAN,
3669 Robert Avenue, St. Louis, Mo.

DEAR BROTHER HARTMAN: This is to advise you that effective as of July 31, 1956, I am removing Brother Charles Gerber as a trustee and executive board member of our union.

For this action, I am responsible only to Brother Harold J. Gibbons, to whom a full explanation and my reasons have been given.

Any executive board member who wishes to discuss this matter with me, may feel free to do so at any time.

With kindest personal regards, I am

Fraternally yours,

PHILIP C. REICHARDT,
Acting Secretary-Treasurer.

The CHAIRMAN. Did you write that letter?

MR. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Is it true that you are responsible only to Gibbons and not to the membership of the union in any way?

MR. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Is that what the Teamsters call democracy in unionism?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Can you tell us anything about who is responsible for the violence in 1956?

Mr. REICHARDT. Are you putting that in the form of a question?

I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. I know you did not come in until 1956, but do you know who was responsible for the violence, or you did not come into local 405 until 1956, but do you know who was responsible for the violence while you were with local 688?

Mr. REICHARDT. I decline to answer and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are there any questions, Senator Curtis?

You will remain under the same subpoena, subject to being recalled at such time as the committee may desire to hear your further testimony.

Do you accept such recognizance?

Mr. REICHARDT. I do.

The CHAIRMAN. All right. You will be given reasonable notice of the time and place.

The committee will stand in recess until 10:30 in the morning.

(Whereupon, at 4:35 p. m., the committee recessed, to reconvene the following day, at 10:30 a. m.)

(Members of the select committee present at the taking of the recess were Senators McClellan and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

THURSDAY, AUGUST 28, 1958

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

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, 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 Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Alderman, assistant chief counsel; Paul Tierney, assistant counsel; John J. McGovern, assistant counsel; Carmine S. Bellino, accountant; Pierre E. Salinger, investigator; Leo C. Nulty, investigator; James P. Kelly, investigator; Walter J. Sheridan, investigator; James Mundie, investigator, Treasury Department; John Flanagan, investigator, GAO; Alfred Vitarelli, investigator, GAO; 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 Curtis.)

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Chairman, we are tending, as you know, to go into the joint council election in St. Louis, joint council 13, which took place in January of 1958. In that election of the votes that were counted originally, Mr. Gibbons lost the election 70 to 69. However, 7 more votes were counted from a carnival local, local 447, and those votes all went to Mr. Gibbons, and Mr. Gibbons then was proclaimed president of the joint council by a vote of 76 to 70. There has been a dispute about these seven votes of the carnival local, and we are going into that matter.

The man who ran the carnival local was under the trusteeship of Mr. Hoffa, and Mr. Hoffa turned it over to Mr. Harold Gibbons, and Mr. Harold Gibbons had a man by the name of Harry Karsh operate and run this local for him. That is local 447.

We are going into this election, as I say, but to understand the election and the votes it is necessary to understand and look into the operation of Mr. Harry Karsh and the carnival local itself. At least the first part of this hearing will be devoted to the activities and the operations of Mr. Harry Karsh, and his relationship with certain of the carnivals throughout the United States.

The first witness, Mr. Chairman, will be Mr. Robert L. Hines.

The CHAIRMAN. Mr. Hines, 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. HINES. I do.

TESTIMONY OF ROBERT L. HINES

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

Mr. HINES. My name is Robert L. Hines and my residence is 206 North Seminole Circle, Fort Wayne, Ind. I am a lawyer.

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

Mr. KENNEDY. Mr. Chairman, I might just give a little of the background of Harry Karsh and bring it up to the time that Mr. Hines will testify about it. He was an organizer for the AFL and apparently because of his activities he was laid off back as far as 1942 by William Green, president of the AFL, because of questionable activities.

From 1946 to 1950 he was an organizer for local 688 in St. Louis. He was one of those who was bought out for some \$18,000 and retired from local 688 when Mr. Harold Gibbons took over in 1949.

In 1950 to 1952 he worked as a labor consultant. During this period of time he was employed at least part of the time by Mr. Nathan Shefferman. Then in February of 1952, he became an organizer, and he was issued a charter by Local 450 of the Jewelry Workers Union. The purpose of that charter was to organize the carnival employees throughout the United States.

We will trace what happened to that charter with Mr. Hines, and with the next witness. Then I will fill in the intervening time.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Now, Mr. Hines, you are an attorney at law at Fort Wayne, is that right?

Mr. HINES. That is correct.

Mr. KENNEDY. In 1952, in July of 1952, were you approached by an owner of a carnival to deal with Mr. Harry Karsh and his labor union?

Mr. HINES. Yes, sir.

Mr. KENNEDY. Could you tell us what happened?

Mr. HINES. I was called on the telephone on a Sunday, July 6, 1952, by the owners of the Cetlin & Wilson carnival show.

Mr. KENNEDY. C-e-t-l-i-n & Wilson shows?

Mr. HINES. Yes, sir.

Mr. KENNEDY. You were approached on Sunday, July 6, 1952?

Mr. HINES. Yes, sir.

They called me to come to the New York Central freight unloading yards in the city of Fort Wayne, because they were having some difficulty in unloading their carnival from the railroad cars.

Mr. KENNEDY. This area they were in was about 4 miles away from the actual fairgrounds, is that correct?

Mr. HINES. Yes; they were playing at the county fair for a week's engagement and they had to unload at the unloading yards which is about 4 miles from the fairground.

They then had to transport their wagons from the freight unloading yards, this 4 miles over the public roads and highways to the fairground.

Mr. KENNEDY. Will you proceed?

Mr. HINES. When I arrived, it was about 7:30 in the evening on Sunday evening, and at that time all of the Cetlin & Wilson carnival railroad cars were lined up in the area to be unloaded. In this area they had to unload the cars from the end of the car, where the coupling is, and not off the side of the cars, and they are unloaded onto the end, onto a city street, and then haul the wagons away.

Along the street where the end of the cars came up to the street, with 4 or 5 men who were walking in a picket line, were pickets that were printed on cardboard signs and tacked onto an instrument they were carrying.

Mr. KENNEDY. What do you mean, an instrument?

Mr. HINES. Well, the instrument they were carrying was larger than a stick, and it was similar to a baseball bat with the cardboard signs tacked on both sides, so they read from either direction. These signs read, "Unfair to Carnival Workers Union, Local No. 450."

After I arrived, I talked to the owner of the show, and the manager of the show, and they informed me that a Mr. Harry Karsh was there with these gentlemen who were walking the picket line, and Mr. Karsh would not allow the unloading of the railroad cars. It was necessary in order to unload the railroad cars that the teamsters unload the wagons with their trucks, and haul the wagons with their trucks to the fairground.

Mr. KENNEDY. Did you talk to Mr. Harry Karsh then?

Mr. HINES. Yes, I introduced myself to Mr. Harry Karsh there on the railroad grounds, and asked him if he could tell us why he was there, and what he was doing. He said he was there for only one purpose, and that was to get the owners of the carnival to sign a contract with him whereby he would be the bargaining agent and representative of all of the carnival workers for his union.

I asked him whether or not he would be willing to sit down and discuss the matter with the owners in the building adjacent to the yards, and he said no, that we would be wasting any time talking, that there was only one purpose of his being there, and that was to get the contract signed. I asked him what the purpose of the contract was, and he said it was a union shop contract whereby the carnival workers would all be required to join his union within 30 days after the signing of it.

I asked him whether or not he represented any of the carnival workers in this show, and he said, "No." I asked him whether he had ever gone to these workers to see whether or not they wanted him to represent them, and he said, "No." I asked him why then did he want to talk to the owners, when he didn't represent any of the carnival workers. He informed me that it was too much trouble to try to run down these workers and get them as members of his union, and it was much simpler to start at the top, which was the owner of the carnival, and get him to sign a union-shop contract.

Mr. KENNEDY. Did he say anything about the fact that he had been interested in this show for a long period of time?

Mr. HINES. Yes; and he said he had been interested in the show at least since the previous winter quarters that the show had been in,

and he had requested the owner of this show and the other railroad shows to meet with him in Atlanta, Ga., during the wintertime, and it would have been the winter of 1951-52, and the owner of this show had refused or failed to show up at this meeting that Mr. Karsh had called. After this show had failed to appear at the meeting, he had checked the itinerary of the show and learned that Fort Wayne, Ind., was one of the few places where the show had to unload somewhere other than on the fairgrounds, and would require the use of Teamster Union employees to haul the wagons to the fairgrounds, and therefore he had waited until the time they appeared in Fort Wayne to appear with his pickets to hold up the unloading of the show.

Mr. KENNEDY. Did he say something about that he had got the show now where he wanted to get them?

Mr. HINES. Yes; and when I asked him whether or not he wouldn't sit down and discuss the matter with the employees, and the owner, he said that he couldn't waste time doing that because he had the owner exactly where he wanted him, and he wasn't going to let go of that advantage, and that was the advantage of having him still in his railroad cars and he couldn't unload for the Monday performance.

Mr. KENNEDY. Did he have a contract with him, a recognition contract?

Mr. HINES. Yes, sir; and he had a form contract that appeared to be a mimeographed contract in his briefcase and he opened the briefcase and handed that contract to the owner of the show, and said, "Here is what I want you to sign."

Mr. KENNEDY. What did the contract provide as far as the employees were concerned?

Mr. HINES. The contract provided that the employer, the owner of the show, would recognize Mr. Karsh's union as the sole and exclusive collective bargaining agent for all of the employees of the employer, and that the employer would agree to make a monthly deduction from the pay of these employees covered by the agreement as a checkoff for union dues to Mr. Karsh's union.

Mr. KENNEDY. Was there anything in there about that they had to join the union?

Mr. HINES. Yes; there was a provision that all of the employees of the carnival workers or the carnival of Cetlin & Wilson would have to join the union within 30 days of the signing of the contract.

Mr. KENNEDY. Or what would happen?

Mr. HINES. They would be fired.

Mr. KENNEDY. What did you say to him or what was your reaction to this?

Mr. HINES. I told Mr. Karsh that his suggestion, since he did not represent any of the employees, was a violation of the Taft-Hartley Act, and was certainly not proper in any manner. His reply to that was that he didn't give a damn for the Taft-Hartley Act, and that he had the employer where he wanted him and he wasn't going to let him go.

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

Senator CURTIS. How long did he tie up things?

Mr. HINES. I don't know what time they arrived that afternoon, but I arrived at 7:30 in the evening and they had been there for sev-

eral hours at that time. It was midnight before they finally began unloading the wagons.

Senator CURTIS. That was after they surrendered to Karsh?

Mr. HINES. That is right. That is after they signed the contract.

Senator CURTIS. Who was going to do the unloading? Was it the regular employees?

Mr. HINES. The regular employees would bring the circus wagons along from railroad car to railroad car until they got to the end of the line where the street was. At this point, tractors which can be attached to semitrucks would attach to the wagons and take them to the fairgrounds.

Senator CURTIS. Who did they belong to?

Mr. HINES. The tractors belonged to a trucking firm in Fort Wayne, which employed Teamster drivers.

Senator CURTIS. How did they keep these workers from unloading?

Mr. HINES. The gentlemen who were with Mr. Karsh walked along the fronts of the railroad cars with these signs and the Teamsters would not cross the picket line set up by these 4 or 5 men.

Senator CURTIS. How about the carnival workers?

Mr. HINES. The carnival workers would and could cross the line and said they would, but they had no facilities for hauling the wagons to the fair grounds. In other words, the wagons had no power.

Senator CURTIS. The Teamsters, in other words, assisted the pickets and boycotted the unloading, did they?

Mr. HINES. Yes. In fact, Mr. Karsh said that prior to his arriving at Fort Wayne, that he had gone to Indianapolis to talk to the Teamster officials there, and that he had talked to the official in Fort Wayne, and they were in sympathy with what he was doing, and none of their members would cross the picket line.

Senator CURTIS. Yet no one in the carnival belonged to his union, he did not represent anyone?

Mr. HINES. No, sir.

Senator CURTIS. In other words, an outside force that represented not even one employee ties up a situation like that. Was any effort made to get police help?

Mr. HINES. Yes. Both the city police and the sheriff's department were there, but neither would do anything other than patrol the street and make sure that there was no blocking of the street that the unloading was to be on, and they would not permit us to unload the circus wagons on the street without immediately removing them by the trucks.

Senator CURTIS. What was requested of them, that they do, or what could they have done on the premise that they failed to do this?

Mr. HINES. Do you mean the police department?

Senator CURTIS. Yes.

Mr. HINES. I doubt if there was anything more the police department could have done, because the Teamsters would not take the wagons after they came off the railroad cars, even if they had been permitted to remove them from the railroad cars across the picket line.

The Teamsters would not, in other words, move the wagons at all from that scene until they got an O. K., apparently, from Mr. Karsh.

Senator CURTIS. A competitor show could not tie up this Setlin and Wilson show in this manner at all, could they?

Mr. HINES. No, sir.

Senator CURTIS. And neither could anyone else. It seems to me an outrageous violation of the principle of equality before the law that something like this could happen.

Mr. HINES. We had a discussion with Mr. Karsh that evening, and Mr. Moore, who was one of the employees of the show, the manager of the show, mentioned to Mr. Karsh that his activities that evening and the manner in which he was going about this was obviously an extortion from both the owners of the show and from the employees of their money. He said "You may call it whatever you wish. I am going to hold you here until you sign my contract."

Senator CURTIS. And they had to?

Mr. HINES. And they did sign the contract, at midnight, in order to unload the show to begin the next day.

Senator CURTIS. That is all.

Mr. KENNEDY. Did Wilson have any other way of getting the animals and the equipment in?

Mr. HINES. Wilson had 1 or 2 power units but not sufficient to have moved all the wagons that he had. He informed me he did not have authority, either, to haul the wagons across the State highway to the fairgrounds, nor the insurance on his vehicles to be hauling circus wagons. In other words, he was not equipped.

Mr. KENNEDY. Did Karsh say anything about "if you try to haul your own equipment"?

Mr. HINES. Yes, there was a discussion about hauling our own equipment, even though it may take us all night and lose the first day of the show. Mr. Karsh informed us that if we tried to remove those wagons and haul them by any other means, that the wagons would not arrive safely at the fairground, that they would be wrecked.

Mr. KENNEDY. What about the animals that were kept in the train?

Were they getting thirsty and hungry?

Mr. HINES. Well, after I had been there several hours we had a call from the local humane officer who had apparently been called to the scene, and he asked how long the animals had been on the train, and they had been on the train for a sufficient length of time that it was necessary to feed and water them.

He informed the owners that they would be in violation of the local ordinance if he did not water and feed these animals within a certain length of time, which was then passed from the time they had arrived, and that they would be subject to a fine and arrest for that reason.

When we asked Mr. Karsh for the authority to do it, he said "You can take the animal wagons off if you will put the carnival wagons right back on again."

Of course, the animal wagons were spotted all through the train. It was impossible to do so without tying up the street. The police department would not let us park the wagons on the street.

Mr. KENNEDY. So you could not unload the animals?

Mr. HINES. No.

Mr. KENNEDY. And the humane society said you would be in violation of the law if you did not unload the animals?

Mr. HINES. That is right.

Mr. KENNEDY. So you signed the contract?

Mr. HINES. That is right. I also might mention that we talked about the fact that since this was a breach of the labor laws, that we had a right to go to the Federal court for an injunction, but at that time the Federal court was not sitting in Fort Wayne.

It was sitting in Hammond, Ind., about 150 or 200 miles away. It was impractical to do anything about it at this time. In other words, this was a Sunday evening and the show was to begin on Monday. They were to be there for 1 week and then they would be on to another place.

Mr. KENNEDY. What did he say he would do if you did get into the fairground?

Mr. HINES. He said that even if we got to the fairground without his first either stopping our vehicles or wrecking them, that he had the sympathy of all the employees of the Fort Wayne works of the International Harvester, and that all of those employees who were union members would be out picketing their carnival after it got on the fairground.

Mr. KENNEDY. Then did he say he would follow it?

Mr. HINES. And when it came to moving back onto the railroad cars the next Saturday night, he would be there to stop that, and he would follow them from there on until they signed his contract.

Mr. KENNEDY. So, approximately, midnight that night, you signed the contract?

Mr. HINES. That is right.

Mr. KENNEDY. Was there a meeting with the employees?

Mr. HINES. Yes. One of the things that the owner kept insisting on was that Mr. Karsh talk to the employees to see whether the employees even wanted him or not. He finally agreed just before the signing of the contract that he would attend a meeting, but he would not promise, depending on the outcome of the meeting, whether that would affect the contract or not. So a meeting was set up for Tuesday, on July 8, 1952, at which Mr. Karsh did not appear, and the meeting was then set up on Thursday, July 10, and Mr. Karsh, and the men who were with him, did appear at that meeting.

Mr. KENNEDY. Did you have your secretary take stenographic notes on that meeting?

Mr. HINES. Yes. I took my secretary to the meeting and she took notes of everything Mr. Karsh said.

Mr. KENNEDY. Prior to that—

The CHAIRMAN. I hand you here a photostatic copy of a document and ask you to examine it and state if you can identify it.

(The document was handed to the witness.)

Mr. HINES. Yes, sir, I can identify this document. It is a photostatic copy of the meeting that was held on Thursday, July 10, 1952, at which Mr. Karsh appeared, and these are the notes that were taken by my secretary and then transcribed. The questions on this document are asked by carnival workers who were present, and the answers were given by Mr. Karsh in each instance.

The CHAIRMAN. That document may be made exhibit No. 86.

(The document referred to was marked "Exhibit No. 86" for reference, and may be found in the files of the select committee.)

The CHAIRMAN. Would you read some of the most pertinent parts of the document so we can get the general idea of what really transpired?

Mr. HINES. Well, the opening statement by Mr. Karsh was—
Mr. KENNEDY. Do you have another copy of it?

Mr. HINES. I have a copy.

The opening statement by Mr. Karsh was:

Thank you, Pizon. You can all blow your tops, that is what you are here for. Maybe I don't blame you; maybe you should. Then again maybe you should not. As I look over you, I know there are a lot of questions that each one wants to ask, and to the best of my ability I will answer everyone of them. As you know, Mr. Wilson and Mr. Cetlin and Mr. Hines, the attorney, has told you the show has signed a contract with this union. This union takes the position that the contract will be fulfilled by this show. To start enumerating a lot of things that the union can do for you, you probably would not believe me, so I would like for you people, anyone of you, if there is any questions, no matter how embarrassing.

One of the questions was:

What's the history and background of the union?

Mr. Karsh's answer was:

The union was formed the 1st day of February. I formed it.

Question. Who are you?

Answer. I have been in the American Federation of Labor and Teamsters Union as a representative for 25 years. This job was wished on me by the American Federation of Labor.

Question. Don't you have to go to the employees first?

Answer. There are two ways of looking at that. It is the mode of this kind of business. It is impossible to talk to the workers first. Do you think that if there was not a contract signed that I could come in and say, "How about putting a call for 5 p. m. Thursday, I want to talk to them about the union?"

They would tell me "No."

Question. Why do we have to join?

Answer. The contract was signed.

Then a worker said "We were forced——"

Senator CURTIS. May I interrupt you at that point?

Mr. HINES. Yes.

Senator CURTIS. At the present time in Indiana they could not have executed this contract, could they?

Mr. HINES. No, sir. We have a right-to-work law in the State of Indiana, passed by the last legislature.

The CHAIRMAN. Do you think incidents like this contributed to the awakening of the people to enact a right-to-work law?

Mr. HINES. I think that is true, incidents and people such as these have contributed to the right-to-work law.

Mr. KENNEDY. Of course, what happened here was a violation of the law anyway, wasn't it?

Mr. HINES. That is correct.

Skipping some of these items, another question was:

What does it do for the union?

In other words, the man had intended, I suppose, what does the union do for them.

The answer was:

Every man gets a financial statement.

The question was:

What is your cut?

Answer. I work for a salary.

Another worker said:

We are not in Russia, we are still in the United States. You have a man over a barrel and you are going to take advantage of him. Why don't you ask us?

The answer by Mr. Karsh:

It is the nature of the business.

A question by a worker was:

Do we have 30 days to make up our minds?

and Mr. Karsh said "No."

The question was:

Is it this minute?

And the answer was:

I would not say so.

Question. Will it affect our moving out on Saturday?

The answer was:

Mr. Wilson has signed a contract and I have every faith in Mr. Wilson that he will live up to it.

I want to tell you, Mr. Wilson, that you have a bunch of loyal people here. I am telling you the truth.

Mr. Wilson is going along with the union. He was obligated himself.

Then the question, again:

Does not signing affect moving on Saturday?

Answer. I am not going to answer that question.

Question. Will the show move Saturday if we do not sign up?

Answer. I will not answer that question. You are not union members and have no right to ask that question. When you join, you can ask the policy of the union. Until that time, the union will not give out its secrets.

Question. You wouldn't answer that one question?

Answer. No. If this question is not resolved, I am sure this show will have a lot of trouble.

Then a question by an employee:

"Where does the money go?"

Answer. You get a statement of expenses and money taken in once a month. The expenses of the people at the train Sunday night, they were carrying out the instructions of this union.

Then as one of his closing statements, Mr. Karsh stated:

I can stand up here for 15 hours, and believe me, this fall a representative will be called, and we will set up a policy committee and insurance program. We only originated February 1. We have 6,000 people in the union, and 80 percent of this industry will be organized by fall. You people will be represented on the policy committee. You can do anything you want to do. It will be democratic. I do not blame you. After this union is organized, you will be aware that you have protection. I have never seen an industry as sick as this industry is. I think that this Carnival Workers Union can do a lot for the carnival industry. I have seen carnivals playing 15 miles out in a wheatfield, because they cannot come into town. We are now going to open up a lot of towns.

Senator CURTIS. What did the workers say?

Mr. HINES. The workers say "Says you."

Mr. Karsh's reply was, "Says I, that's right."

Then he ended his interview with the employees by saying:

There is no initiation fee. Dues are \$4 a month payable by the month. Also, when the show is not showing, no dues. I don't know why we are arguing. You only have 4 months for the rest of the season.

I would like some of you girls to pass out the cards.

Senator CURTIS. Some reference was made to the workers of the International Harvester Co. supporting this racket. Was that a bluff or did you find out that they really had not made any contact and gotten any favorable response?

Mr. HINES. As far as we could ascertain, it was a bluff, that there was no actual connection with the Harvester Workers' Union, which was a UAW affiliate.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. How many employees were involved in this carnival?

Mr. HINES. I do not have the actual number, but there were several hundred.

The CHAIRMAN. Several hundred?

Mr. HINES. Yes.

The CHAIRMAN. Did it also include the concessionaires—those who owned their own concession and operated them?

Mr. HINES. There was an exclusion for those workers who belonged to a union referred to as the AGVA, and to concessionaires, and a painter, a trainmaster, a sound-system man, and a lot man. The rest of them were musicians and entertainers who belonged to the AGVA. Those were the only exclusions.

The CHAIRMAN. They were excluded?

Mr. HINES. Yes.

The CHAIRMAN. That is, if they belonged to another union?

Mr. HINES. That is right.

The CHAIRMAN. But otherwise, those that did not belong to another union all came within this hijacking operation?

Mr. HINES. That is true. Of course, before Mr. Karsh left that day, he picked up some money from the owner of the show for the advance checkoff for the first month dues for all the carnival workers.

The CHAIRMAN. How much did he pick up? Do you recall?

Mr. HINES. I do not know. I was not present.

The CHAIRMAN. In other words, he made the owner pay in advance?

Mr. HINES. That is correct.

The CHAIRMAN. Were any of the pickets on the picket line there local people?

Mr. HINES. No, sir. They were brought in from St. Louis, according to Mr. Karsh, or Indianapolis, one of the two cities.

The CHAIRMAN. They were imported people?

Mr. HINES. Yes, sir.

The CHAIRMAN. What provisions are there in that contract for the benefit of the workers, if any?

Mr. HINES. Well, the contract appears to be a standard-form contract. It was apparently taken from some other industry. It does have clauses on union security, seniority, discharge, illness and accident, and union stewards and machinery for adjustment of grievances, strikes, and lockouts. It is one of the standard-form contracts, except for the fact that they have taken out the name of another union and put in their own name.

The CHAIRMAN. The truth is these people were forced into a union against their will, without their consent, and the workers knew nothing about it or were not contacted until after a contract had been signed?

Mr. HINES. That is true.

The CHAIRMAN. And that contract was signed under extreme coercion and duress, where the owner had no alternative except to undergo tremendous damage and loss to his business.

Mr. HINES. That is correct.

Mr. KENNEDY. Was there any discussion of wages?

Mr. HINES. Yes. The only discussion of wages was that the contract made a provision—since it was a form contract it made a provision—for a certain increase of \$5 per week for all the helpers, effective as of May 1 of that year or the commencement of road operations.

Since this was July 6, that provision was amended to the date of July 6.

Mr. KENNEDY. So did the employees get a wage increase?

Mr. HINES. I do not know. I did not represent them after they left town. I don't know whether they got the increase or not.

Mr. KENNEDY. Did any of the employees indicate that they would like to take care of Mr. Karsh?

Mr. HINES. Yes. At the meeting that Mr. Karsh attended on Thursday, where he talked to the employees, there were two roustabouts who came up to Mr. Wilson and wanted to know whether Mr. Wilson wanted them to take care of Mr. Karsh, and he said no, that he did not believe in violence, and that was not his way of doing business, and that they should go back and sit down.

Mr. KENNEDY. Did you ever find out why the Jewelry Workers would be trying to organize the carnivals?

Mr. HINES. No. His contract read that the name of the union was the Carnival, Amusement, and Novelty Device Workers Local Union 450, International Jewelry Workers Union, affiliated with the American Federation of Labor. But I have no idea what their connection was for their charter.

Mr. KENNEDY. That is all, Mr. Chairman. We have an affidavit here.

The CHAIRMAN. What would jewelers and a carnival show have in common?

Mr. HINES. I do not know.

The CHAIRMAN. It seems to me there is a missing link there.

Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

The Chair announces that we have an affidavit from Mr. John W. Wilson, owner of this show, supporting the testimony given here by Mr. Hines. This affidavit will be printed in the record at this point. I will not take time to read it.

(The document referred to follows:)

CETLIN & WILSON SHOWS

"Greatest Midway on Earth"

Permanent Address: Post Office Box 787, Petersburg, Va. Week of March 15, 1958
En Route Petersburg, Va.

UNITED STATES SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE
LABOR OR MANAGEMENT FIELD.

(Attention Mr. Robert F. Kennedy.)

DEAR MR. KENNEDY: Your recent letter at hand and contents noted. I will answer your questions by number as per your letter.

Answer to No. 1: The contract was signed on July 6, 1952 by and between the Cetlin & Wilson Shows and the Carnival, Amusement, and Novelty Device Workers Local Union, No. 450, IJWU, affiliated with the American Federation of Labor.

No. 2: Harry Karsh, president.

No. 3: The first money that was paid by the employees was collected by Mr. Karsh himself. The first week in August, we withheld the dues from the workers and mailed Mr. Karsh a cashier's check with the duplicate receipts. We have no record of the check, but I believe it was on a bank in Ionia, Mich. When the charter was revoked by the American Federation of Labor in August of that year, we destroyed the receipt book.

No. 4: Mr. Karsh first contacted me in February of 1952 about signing a contract with his union. At that time the only employee on our payroll was our treasurer-secretary. He was in the office when Mr. Karsh visited. Mr. Karsh was told to wait and when the show opened contact the employees about the union. We were in favor of a good union. He refused that request and made threats as to what he would do if we did not sign. I refused. We did not hear any more from him until July 6. We arrived by train (this is a railroad show) to show at the Fort Wayne, Ind., Fair. This was a Sunday night and we must unload the train and equipment so that we can set up for the opening of the fair on Monday afternoon. When we tried to unload the train, men with placards appeared in a picket line in front of the train. We hire in each town or city, trucks to move our wagons from the train to the fairgrounds. The truckdrivers refused to cross the picket line. We immediately retained an attorney, Robert L. Hines of Fort Wayne, Ind., to represent us. Mr. Karsh wanted us to sign the contract or the equipment would not leave the train and there would be no fair or midway at the fair. The fair officials become panicky and wanted me to do something so that the fair could be held.

The police department wanted no violence and the SPCA demanded that the animals be removed so they could be fed and watered. At midnight we were, on advice of our attorney, ready to sign the contract. A day later Mr. Karsh notified me that he would address the employees and sign them up. I arranged for the meeting, but he did not show up. He phoned me and told me to go ahead with the meeting without him, so that I could apprise the employees of what to expect, and then set a meeting for the following day. That was done. I spoke to employees (public stenographer on hand to take notes) appraised them as to what had taken place and asked them to come to the meeting the next day to hear Mr. Karsh. He appeared the next day and the employees almost rioted, trying to get at him. (We had the meeting wired by a wire recorder, also notes taken by the stenographer at the request of the attorney.)

No. 5: There was no election and all employees refused to accept a stewardship, therefore it was left that way.

The union charter was revoked in August of that year at the convention in Atlantic City. Mr. Karsh later tried to organize us again under the Teamster Union, we had in the meantime joined the RCIA. He came to Port Huron, Mich., and picketed us. We telephoned Mr. Charles Torche of the RCIA and he came on an after 1 day of picketing, had Mr. Karsh withdraw his pickets.

(Signed) CETLIN & WILSON SHOWS,
By JOHN W. WILSON.

STATE OF VIRGINIA,

City of Petersburg:

Subscribed and sworn to before me this 17th day of March 1958.

RUTH M. ROGERS, Notary Public.

My commission expires October 1, 1961.

Mr. KENNEDY. Mr. F. E. Gooding.

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. GOODING. I do.

TESTIMONY OF FLOYD E. GOODING

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

Mr. GOODING. Floyd E. Gooding, 1970 Elmwood Avenue, Columbus, Ohio. I am the president of Gooding Amusement Co., which operates carnival amusements, and also president of the Zoo Amusement Park, in Columbus, Ohio.

The CHAIRMAN. Thank you very much. Do you waive counsel?

Mr. GOODING. Yes, sir.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Where do your carnivals operate?

Mr. GOODING. I beg your pardon?

Mr. KENNEDY. Where do your carnivals operate?

Mr. GOODING. Over an area of some 10 States, principally in the Middle West, and some Southern States.

Mr. KENNEDY. How many employees do you have?

Mr. GOODING. Between two and three hundred regular employees.

Mr. KENNEDY. And that is during your season; is that right?

Mr. GOODING. Yes, sir.

Mr. KENNEDY. Then you have concessionaires?

Mr. GOODING. That is right.

Mr. KENNEDY. About 100 of those?

Mr. GOODING. A good big hundred, perhaps more. It varies from time to time.

Mr. KENNEDY. They are independent contractors?

Mr. GOODING. They are independent operators and contractors.

Mr. KENNEDY. In July 1952 were you approached by Harry Karsh?

Mr. GOODING. Yes, sir.

Mr. KENNEDY. What was he at that time?

Mr. GOODING. Well, he was representing himself to be organizing carnivals under an A. F. of L. charter of, I believe, the Jewelry Workers Union in St. Louis.

Mr. KENNEDY. Did he ask you to sign a contract in July?

Mr. GOODING. Yes. He asked us; he insisted that we sign a contract.

Mr. KENNEDY. What was your reaction to that?

Mr. GOODING. Well, I knew very little about labor relations, that is, so far as unions are concerned, but just as a matter of common sense I felt that the people in our organization should have the last word when it come to whether they desired a union or did not desire a union. I put forth that debate or argument with Mr. Karsh. But he seemed to insist that it was much easier, less expensive, more harmony would prevail, if it could be arranged through the management.

Mr. KENNEDY. Did he say he had worked on other cases where it had been arranged through the management?

Mr. GOODING. Yes; and he brought out the fact that he had organized the Royal American Shows under those conditions.

Mr. KENNEDY. Did he mention anything about Sears, Roebuck?

Mr. GOODING. He claimed that he had been an organizer with Sears, Roebuck under the AFL, and that was the organization of that company, was formulated through the management. He did not say it was formulated without a vote, but he said it was arranged through the management of Sears.

Mr. KENNEDY. At that time, you were scheduled to open in Monroe, Mich.; is that right?

Mr. GOODING. In the very near future we were scheduled to operate at the Monroe, Mich., fair.

Mr. KENNEDY. What did he say he would do then?

Mr. GOODING. Well, he threatened to picket us there if we didn't agree to a union shop or a union contract.

Mr. KENNEDY. Did he say he had been able to stop the show in Fort Wayne?

Mr. GOODING. Yes; and he mentioned that fact. Cetlin and Wilson was retarded from unloading their train for several hours.

The CHAIRMAN. We will suspend for a moment.

(A short recess was taken.)

The CHAIRMAN. We will proceed.

Mr. KENNEDY. You had this fair at Monroe, Mich.; is that correct?

Mr. GOODING. That is right.

Mr. KENNEDY. Supposed to open in early August?

Mr. GOODING. Yes, sir.

Mr. KENNEDY. Did he explain to you what happened at Fort Wayne with the Cetlin & Wilson Show?

Mr. GOODING. Yes; he did.

Mr. KENNEDY. What did he tell you about that?

Mr. GOODING. He said they were retarded from unloading the train until a contract was signed.

Mr. KENNEDY. Did he say he had any assistance in stopping them?

Mr. GOODING. He said they were picketed.

Mr. KENNEDY. By whom?

Mr. GOODING. I believe the AFL, but I am not sure of that.

Mr. KENNEDY. Did he mention the Teamsters at that time?

Mr. GOODING. Yes; I meant to answer that by saying the Teamsters, which were with the AFL.

Mr. KENNEDY. You were also supposed to open in Warren, Ohio; is that right?

Mr. GOODING. Yes.

Mr. KENNEDY. In August?

Mr. GOODING. Yes, sir.

Mr. KENNEDY. Did he say he would picket that, too?

Mr. GOODING. That is right.

Mr. KENNEDY. Did he make any statement that he was going to make arrangements with officials in various cities to stop you from operating?

Mr. GOODING. He made a statement to the effect that he intended to clean up the industry and felt that it needed considerable attention along those lines. He expected to open up many cities which were closed to carnivals and that he hoped to have regulations whereby carnivals could not operate in cities unless they belonged to his union.

Mr. KENNEDY. Did he say anything about dealing directly with the employees, and did you emphasize that you wanted him to speak to the employees?

Mr. GOODING. I brought that out quite emphatically.

Mr. KENNEDY. What did he say?

Mr. GOODING. I never could get any encouragement from him for several reasons, some of which I have just recited, but because of the fact that our operations are spread out over quite a vast area, and he felt it would be pretty inconvenient as a problem to get the employees together to have a vote, and to see whether they wanted to belong to the union.

That was some of the reasons that he gave as to why it could be done with the management with much less inconvenience.

Mr. KENNEDY. What about signing a contract? Did you say you would sign a contract?

Mr. GOODING. Finally I agreed to certain agreements, and I don't know whether they were in harmony with the contract or not.

Mr. KENNEDY. Did you tell him you wanted your lawyer to review the contract?

Mr. GOODING. We reached an agreement and then Mr. Karsh presented the contract, and I told him that it would not seem wise for me to sign it without having our lawyers examine it, and that I didn't sign any important papers, only routine contracts, without the authority of our lawyers.

Mr. KENNEDY. What was his reaction to that?

Mr. GOODING. Well, the reaction to that was that he didn't think it was necessary. In fact he asked who our law firm was, and I mentioned we had 2 or 3 different ones, and sometimes Senator Bricker's law office represented us, and sometimes Mr. Powell. Then he objected to going before our lawyers or having our lawyers come in. I refused to sign the contract.

Then he said, "Well, we could have a verbal agreement." I consented to that, and in fact I was glad to have a verbal agreement in preference to a written agreement because it seemed rather unorthodox, the methods that were being used seemed rather unorthodox. So then the contract was shortened from a year's period to a 3 months' period, and I agreed to some 160 or 170 employees at an initiation fee of \$4 each.

My reasons for agreeing to this—

Mr. KENNEDY. Was that initiation fees or dues?

Mr. GOODING. That was dues, there was no initiation fee, and that was a month's dues.

Mr. KENNEDY. He waived the initiation fee?

Mr. GOODING. Yes, no initiation fee.

Now my reasons for doing that was that pressure had been put on me from the Monroe, Mich., Board, who had called and said a representative of the Teamsters Union had been there to see them, and that we were to be picketed, and that was an industrial area, and they could not afford to have pickets in front of the fairgrounds. I contested Mr. Karsh's right to picket us when we had not refused to deal collectively, and I said, "What reason, or what are you going to accuse us of?" and he said, "We are going to accuse you of not belonging to a union."

That is about the only accusation that he had because I had not refused to deal with our people collectively. So I agreed to these dues, and I think the check amounted to between \$600 and \$700. I thought it over seriously because I wondered if it was shady, and then I said

to myself, "I haven't taken any money from our people, I am at least not dealing under the table, and if I have given away any money, it is our own money."

So in order not to embarrass our customers, or our fair boards, I agreed to this plan. As I thought about it, I wondered if the AFL did business that way, and I had at least reasonable respect for the American Federation of Labor, and I contacted Mr. O'Reilly who was the divisional organizer and told him exactly what had happened.

Mr. KENNEDY. Just before that, was it arranged that your employees would have to join the union then within 30 days or be fired?

Mr. GOODING. Yes, they had to join the union after working for us 30 days.

Mr. KENNEDY. Mr. Karsh insisted on that?

Mr. GOODING. That is right; that was a part of the agreement.

Mr. KENNEDY. But you paid the dues?

Mr. GOODING. I paid the dues.

Mr. KENNEDY. None of the employees were consulted about it?

Mr. GOODING. No, sir.

Mr. KENNEDY. You just paid for about 150 or 180 people for a month's dues all in advance?

Mr. GOODING. That is right.

Mr. KENNEDY. Now, you were telling us about contacting O'Reilly.

Mr. GOODING. I contacted O'Reilly, and in 10 days or less I got an answer back that they knew nothing about it. In another week or 10 days, the show trade paper which is the largest show trade paper, the Billboard, came out with the fact or the statement to the effect that this union in St. Louis had been notified by the AFL that unless they ceased to organize the carnival workers under their union, their charter would be revoked.

When I saw that in the Billboard, I called our bank and asked if the check had cleared, and they said no, and I stopped it immediately, and I wrote a letter to the bank substantiating my wishes.

It is a fact that Mr. Karsh did continue organizing the carnival workers under the charter of the jewelry workers, and our check by the way did come through the bank later on and one of the bookkeepers allowed it to pass, and it was cashed, but we were reimbursed for it because it was an error on the part of the bank.

Mr. KENNEDY. Did you hear from Karsh again?

Mr. GOODING. I never heard anything more from Karsh. Perhaps it was the next winter, and perhaps the second winter when I was in Tampa, Fla., I met him in the Tampa Terrace Hotel and he presented me with a card whereby he had a charter under the Teamsters Union to organize carnival workers, and he was coming up to see me in Columbus. I asked him what for, and he said, "to organize your people."

Mr. KENNEDY. This time by the Teamsters?

Mr. GOODING. Under the Teamsters Union; yes. I had mentioned the fact to him that the bank was trying to locate him because of this check which they had had to stand good for, because of an error of one of their employees. They wrote the Jewelry Workers Union trying to recover this money, and they also wrote Mr. Karsh but were never able to get any direct contact. I mentioned the fact to Mr. Karsh that they would be glad to see him if he would come into Columbus and he wanted to know what for, and I said, "Well, they contend

you took money under false pretenses, and you had no right to organize a union under the Jewelry Workers Union."

So I never saw Mr. Karsh since, until today.

The CHAIRMAN. Are there any questions?

Senator CURTIS. I have no questions.

The CHAIRMAN. You regarded the whole procedure and transaction an act of extortion?

Mr. GOODING. Yes; I was pretty much backed up in the corner on it. If our operations had been in one locality, I would have tried to resort to an injunction, but we move to so many different locations, that would be a difficult problem.

The CHAIRMAN. In other words, they were taking full advantage of the nature of your business in order to compel people to join a union or to get a payoff from the employer?

Mr. GOODING. That is right.

The CHAIRMAN. That is all it amounted to?

Mr. GOODING. That is right.

The CHAIRMAN. As far as you know, none of your employees were ever contacted or any effort made to solicit and persuade them to join voluntarily?

Mr. GOODING. I cannot be sure of that answer. There may have been 2 or 3 people contacted, and I heard that they were, but they never told me directly that they were.

The CHAIRMAN. They never presented you any evidence of any nature or form whatsoever that a majority of your employees wanted a union?

Mr. GOODING. That is right; they did not.

Senator CURTIS. Did any of your employees want Mr. Karsh to represent them so far as you know, have any direct communication?

Mr. GOODING. No, sir.

Senator CURTIS. It was just entirely someone from the outside butting in?

Mr. GOODING. That is right.

Senator CURTIS. If you had gone along, he would have had a written contract that would have put them into an organization that they neither wanted nor were ever consulted about?

Mr. GOODING. That is the sum and substance of it.

The CHAIRMAN. All right. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Mr. KENNEDY. Mr. Hyman J. Powell.

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. POWELL. I do.

TESTIMONY OF HYMAN J. POWELL

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

Mr. POWELL. Hyman J. Powell, 19 West 44th Street, New York City, secretary-treasurer of the International Jewelry Workers Union.

The CHAIRMAN. Thank you very much. Do you waive counsel, Mr. Powell?

Mr. POWELL. I do.

Mr. KENNEDY. Mr. Powell, how long have you been an officer of the Jewelry Workers?

Mr. POWELL. Approximately 12 years.

Mr. KENNEDY. How long have you been secretary-treasurer?

Mr. POWELL. Approximately 12 years.

Mr. KENNEDY. How many members do the Jewelry Workers have?

Mr. POWELL. Approximately 28,000 members.

Mr. KENNEDY. You were secretary-treasurer then in February of 1952?

Mr. POWELL. I was.

Mr. KENNEDY. And at that time a charter was issued to local 450?

Mr. POWELL. That is correct.

Mr. KENNEDY. Now, that was a charter to cover what kind of an organization?

Mr. POWELL. It covered the employees employed in the carnival and amusement field.

Mr. KENNEDY. To whom was that charter issued?

Mr. POWELL. Application was made to our international union during that period of time by one Harry Karsh, of St. Louis.

Mr. KENNEDY. Did you find out anything about Harry Karsh?

Mr. POWELL. Well, the only investigation as I recollect that was made was that we called St. Louis and we spoke to a labor leader in that area, and asked him about Mr. Karsh, and spoke to Mr. Gibbons who said that he was a good organizer, and on the basis of his being a good organizer we issued that charter.

Mr. KENNEDY. You talked to Mr. Gibbons; did you?

Mr. POWELL. I don't know whether I spoke to him or somebody in my organization, or whether we wrote to him, but I do know some contact was made with him at that time.

Mr. KENNEDY. He is the one that recommended Mr. Karsh?

Mr. POWELL. Well, he just answered our question when we asked him about Mr. Karsh, and the answer we got was that he was a capable organizer.

Mr. KENNEDY. Didn't you find out anything about the fact that he had been kicked out of the AFL in 1940?

Mr. POWELL. No, sir; we did not, and we had no knowledge of that.

Mr. KENNEDY. You didn't go into that at all?

Mr. POWELL. No; we did not.

Mr. KENNEDY. Was the name of the local then changed on April 22, 1952?

Mr. POWELL. It might have been, and I don't have any recollection of it.

Senator CURTIS. Would the counsel yield for just one question there?

Was the jurisdiction of the Jewelry Workers Union, so far as what type of employees you consider should belong to your union or are entitled to belong?

Mr. POWELL. Workers who are engaged in the manufacturing of jewelry, novelties, watches, diamond cutters, diamond setters, engravers, and people that would have some kinship with our industry.

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

Senator CURTIS. In the manufacturing end?

Mr. POWELL. In the manufacturing end.

Senator CURTIS. Did it involve retail salesmen?

Mr. POWELL. We do have some retail salesmen under agreement, yes, in the jewelry field.

Senator CURTIS. But by and large they had to be working with jewelry?

Mr. POWELL. That is correct. But I think I might add that in the application for a charter when our general executive board deliberated and discussed the issuance of such a charter, the conclusions we reached were that close to \$100 million worth of merchandise were being sold or given away at these carnivals, and they were in the nature of clocks and watches and other jewelry items. They were being made by nonunion people. It was our feeling at the time that some pressure might be brought upon these concessionaires if we had these workers organized to purchase union-made goods.

Senator CURTIS. Generally speaking, though, you do not represent a very great portion of the watchmakers; do you?

Mr. POWELL. Well, we represent watchmakers. We represent the Benrus workers. We represent 3 or 4 watch companies engaged in the manufacturing and the selling of watches.

Senator CURTIS. The Benrus factories are organized by you?

Mr. POWELL. By our organization; yes.

Senator CURTIS. None of the other domestic watch companies?

Mr. POWELL. There are 2 or 3 other small companies that are represented by us.

Senator CURTIS. Are they jeweled watches?

Mr. POWELL. These are jeweled watches.

Mr. KENNEDY. On that point, your organization of the carnival workers at best is rather farfetched; isn't it, Mr. Powell?

Mr. POWELL. I tried to explain our logic in issuing that.

Mr. KENNEDY. You should organize the airplane pilots, then, because they carry jewels in the airplanes.

Mr. POWELL. Well, not to the degree that these carnivals had sold and given away merchandise that came under our jurisdiction.

Mr. KENNEDY. Or all the truckdrivers, because they carry jewels around, or people that also carry watches, organize everybody in the United States that has a watch, under that theory.

Mr. POWELL. Well, we have attempted to ask different labor organizations to notify their membership to purchase union-made goods.

Mr. KENNEDY. But under your theory, if you say you have jurisdiction over the carnival workers union, you have the broadest jurisdiction of any in the United States.

Mr. POWELL. I never said we had jurisdiction. The best proof is that when we were told by our parent organization that we had no jurisdiction, we immediately lifted the charter.

Mr. KENNEDY. But you were in a field that you did not belong in, obviously.

Mr. POWELL. Evidently.

The CHAIRMAN. I hand you a letter dated April 22, 1952, addressed to you from Joseph M. Jacobs, attorney, of Chicago. Will you examine the letter and state if you identify it?

(The document was handed to the witness.)

Mr. POWELL. Yes.

The CHAIRMAN. The letter may be made exhibit No. 87.

(The document referred to was marked "Exhibit No. 87" for reference and will be found in the appendix on p. 14544.)

Mr. KENNEDY. This is a letter from Joseph Jacobs. Who is Joe Jacobs?

Mr. POWELL. Joe Jacobs is a labor attorney practicing in the Middle West, and he has represented us on many occasions in the Middle West.

Mr. KENNEDY. He has been also closely associated with the Teamsters, has he not?

Mr. POWELL. I wouldn't know offhand.

Mr. KENNEDY. This letter from Mr. Joe Jacobs requests that the name of the union should be changed to Carnival, Amusement, and Novelty Device Workers, Local Union 450; is that right?

Mr. POWELL. That is what it says.

Mr. KENNEDY. What was his interest in it, Mr. Jacobs, at that time?

Mr. POWELL. Well, as our attorney, we asked him to supervise and to check on most of the locals in the Middle West. We are not large enough to keep a staff in that area, so Mr. Jacobs did.

Mr. KENNEDY. Who was he conferring with there in the Middle West?

Mr. POWELL. Well, I assumed he was conferring with Mr. Karsh.

Mr. KENNEDY. Here is a letter of May 20, 1952, to Mr. Hyman Powell, Hotel Statler, Boston, Mass.

DEAR HYMIE: Enclosed is a copy of a letter which we would appreciate your sending to me so that we can sidetrack the aspirations of the parties about whom I talked to you on the phone. You will be interested to learn that several subsequent developments have confirmed the results of Paul's original investigation. Under no circumstances should this group be permitted any affiliation with our project. I am sorry I missed you, but I hope to see you in Chicago next week. Please let us know about your arrival so that we can roll out the red carpet.

Sincerely,

JOE.

The CHAIRMAN. I present to you the letter that counsel has referred to, and ask you if you identify it?

(The document was handed to the witness.)

Mr. POWELL. I do.

The CHAIRMAN. It may be made exhibit 88.

(The document referred to was marked "Exhibit No. 88" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. First, who was Paul?

Mr. POWELL. I haven't any idea who he was referring to.

Mr. KENNEDY. You have an idea who he was referring to, Mr. Powell.

Mr. POWELL. He may have been referring to Mr. Dorfman, I don't know.

Mr. KENNEDY. Mr. Paul Dorfman?

Mr. POWELL. I don't know that of my own knowledge.

Mr. KENNEDY. Isn't that your opinion as to who he was referring to here, Mr. Paul Dorfman?

Mr. POWELL. No, that is not my opinion, because I don't know.

Mr. KENNEDY. Well, was Mr. Paul Dorfman interested in any way in this local union?

Mr. POWELL. Not to my knowledge.

Mr. KENNEDY. Did he do any work in connection with it?

Mr. POWELL. None whatsoever.

Mr. KENNEDY. Well, who was Paul, then?

Mr. POWELL. It might have even been—at that time, there was another group trying to get a charter through the regional director of the A. F. of L., in Chicago. I don't know what their names are or who they are. It might have well been one of them.

Mr. KENNEDY. Didn't you just tell me last night, when I interviewed you, it was Paul Dorfman?

Mr. POWELL. No, I did not. I said I did not know. I said it could have been, but I don't know.

Mr. KENNEDY. Who was this group?

Enclosed is a copy of a letter which we would appreciate your sending to me so that we can sidetrack the aspirations of the parties about whom I talked to you on the phone.

Mr. POWELL. To the best of my recollection, there was a group of people in the city of Chicago who were chartered directly, I think, by the American Federation of Labor, that has contracts with some amusement parks.

Mr. KENNEDY. Were there complaints made about this local, the operation of this local?

Mr. POWELL. Not to us there was not.

Mr. KENNEDY. Well, were there complaints made about it?

Mr. POWELL. The first time we heard anything was when we were notified by the A. F. of L. office that we had issued a charter and it was not within our jurisdiction. As soon as we got that information, we agreed to revoke the charter.

Mr. KENNEDY. The information we have is that on May 19, 1952, at an executive council meeting of the A. F. of L. in Boston, Green appointed a three-man rackets committee consisting of Meany, Dubinsky, and McFetridge. They took up complaints and one of the complaints was regarding your local or this local 450, and one of the complaints was regarding local 102, Johnnie Dio's local in New York City.

Isn't that correct?

Mr. POWELL. I don't know about the 102. I do know that they notified us that we were to appear before them in Atlantic City around that time, and we appeared. They told us what they wanted and we agreed to do what they wanted immediately.

Mr. KENNEDY. Did you get a letter from George Meany, in June of 1952?

Mr. POWELL. I think we did.

The CHAIRMAN. I hand you a photostatic copy of the purported letter. Will you examine it and state if you identify it?

(The document was handed to the witness.)

Mr. POWELL. Yes, I do.

The CHAIRMAN. That may be made exhibit No. 89.

(The document referred to was marked "Exhibit No. 89" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. He points out in this letter on June 23, 1952, that—

According to articles appearing in the press, local union charters have been issued by national unions affiliated to the American Federation of Labor to individuals who are not in any way connected with the trade or calling covered by the jurisdiction granted by the American Federation of Labor to the national union concerned.

Wasn't Mr. Karsh in that position?

Mr. POWELL. He was.

Mr. KENNEDY. He had not worked at the jewelry trade, had he?

Mr. POWELL. Definitely had not.

Mr. KENNEDY. Had not worked at the carnival trade; is that right?

Mr. POWELL. That is correct.

Mr. KENNEDY. And he pointed out that—

These charters have become mediums for a type of activity that has no resemblance to real trade-union activities?

Mr. POWELL. That is correct.

Mr. KENNEDY. On June 24, 1952, did you send that letter of George Meany to anyone?

Mr. POWELL. I would not remember.

Mr. KENNEDY. Did you send it to Joe Jacobs?

Mr. POWELL. I might have.

The CHAIRMAN. I hand you a carbon copy of a letter, purportedly from you to Mr. Joseph Jacobs. Will you examine it and state if you identify it as your letter to him?

(The document was handed to the witness.)

Mr. POWELL. Yes.

The CHAIRMAN. It may be made exhibit 90.

(The document referred to was marked "Exhibit No. 90" for reference and will be found in the appendix on p. 14545.)

Mr. KENNEDY. This letter, dated June 24, 1956, to Mr. Joseph Jacobs, 201 North Wells Street, Chicago, Ill.

DEAR JOE: Enclosed is a copy of a letter to George Meany. Would suggest that you get in touch with me the moment that you get back to Chicago and discuss this. Spoke to Paul while he was in New York. He is familiar with it.

Sincerely yours,

HYMAN J. POWELL.

Who was Paul?

Mr. POWELL. I still don't know.

Mr. KENNEDY. Mr. Powell, you know very well it was Paul Dorfman. You told our investigator up in New York it was Paul Dorfman.

Mr. POWELL. I beg your pardon. I never said that. I want the record very clear that I never said it. What I did say was that I did not remember who that Paul was, and it could well be Paul Dorfman. I don't remember.

The CHAIRMAN. You had a letter here from Mr. Jacobs in which he says:

You will be interested to learn that several subsequent developments have confirmed the results of Paul's original investigation.

That letter is dated May 20, 1952. A month later, a little more than a month later, on June 24, 1952, you wire the same man, in which you say:

Spoke to Paul while he was in New York. He is familiar with it.

Do you mean to tell this committee that you don't know who Paul is that you are referring to that you received the letter about?

Mr. POWELL. I mean to tell the committee that this happened 7 or 8 years ago, and I don't honestly remember whether it was Paul Dorfman, whether it was a Paul that came out of the regional office of the A. F. of L. in Chicago, or what Paul it was. We had spoken to so many people at the time.

The CHAIRMAN. You were pretty familiar with it at the time, obviously.

Mr. POWELL. At the time, yes.

The CHAIRMAN. Now refresh your memory. Who was it?

Mr. POWELL. I don't remember who it was.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. You told me at the office last night—something has happened in the last 18 hours to you, Mr. Powell—you said that it was Paul Dorfman in front of Mr. Adlerman in my office, and you told our investigator in New York who first interviewed you. We just did not make this name up.

Mr. POWELL. Now look, Mr. Kennedy, I have profound respect for you and this committee. I never said it was Paul. I said it could have been. It could have been. And I also mentioned at the time that it could have been a Paul from out of the regional office.

The CHAIRMAN. Paul who?

Mr. POWELL. I don't know. I don't know which Paul it was.

The CHAIRMAN. Paul who from the regional office?

Mr. POWELL. I don't know. One of the organizers. It could have been one of the men that had the charter with these novelty or this amusement park that was trying to get the charter from the Jewelry Workers at the time.

The CHAIRMAN. Is Mr. Jacobs still alive?

Mr. POWELL. Yes; he is.

The CHAIRMAN. During the recess, go give him a ring and see if he can refresh your memory about who Paul is, will you.

Mr. POWELL. Very good, sir.

I will be glad to.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. We have here the extracts of the minutes of the meeting of the executive council of the American Federation of Labor, of August 11 to 15, 1952, Mr. Chairman, which went into this case and the situation. I would just like to read some brief excerpts from it.

The CHAIRMAN. That has been identified?

Mr. Adlerman, have you been previously sworn?

Mr. ADLERMAN. I have.

The CHAIRMAN. Where did you obtain the documents that counsel has?

Mr. ADLERMAN. This is part of the official records, the court records, that were obtained from the lawsuit between Mr. Karsh and the St. Louis Post-Dispatch.

The CHAIRMAN. That may be made exhibit 91.

(The document referred to was marked "Exhibit No. 91" for reference and may be found in the files of the select committee.)

Mr. KENNEDY (reading) :

Mr. Meany stated that the second case considered was that of the International Jewelry Workers which issued a charter to a man by the name of Harry Karsh, in St. Louis. Mr. Meany said that Mr. Karsh formerly was an A. F. of L. organizer in St. Louis and was recommended to the A. F. of L. back in 1952 by Organizer Theiss in St. Louis.

Mr. Meany said that President Green let Mr. Karsh out in 1942. Mr. Meany said that his activities seemed somewhat questionable and he was laid off. Mr. Meany said that Mr. Karsh has now received a charter, Local 450 of the International Jewelry Workers Union, and he proceeded to organize by strong-arm methods carnivals and fairs and amusement park employees, people who operate

games and roustabouts. Mr. Meany reported that this was brought to the attention of the Jewelry Workers.

Then it goes on to say that Mr. Powell was called.

President Joseph Morris and Secretary Hyman Powell were in this morning and they were told by the committee pointblank that they should revoke the charter, that was issued to this man in St. Louis, and they explained that he was recommended by the Teamsters' representative in St. Louis as the man who could organize effectively for them.

Mr. Meany stated the committee told the officers of the international Mr. Karsh is not a jewelry worker.

Then the other matter that is of some interest, Mr. Chairman, is the other case that they took up at the same time.

Secretary-Treasurer Meany stated that the third case that the committee was asked to investigate was the issuance of a charter by the United Automobile Workers Union, A. F. of L., which was issued to Sam Berger and Paul Dorfman and his associates.

So Paul Dorfman was active in getting these charters issued, was he not, and you knew about it, Mr. Powell?

Mr. POWELL. I think you are confusing two things. I had no knowledge, nor do I have any knowledge as of this minute, of any local 102 charter, or any connection whatever of Mr. Dorfman or the issuance of such a charter.

I might point out that as soon as Mr. Meany met with our committee, we agreed, readily, to suspend and revoke the charter.

Mr. KENNEDY. Are you familiar with the letter of July 25, 1952, to Mr. Meany from Joseph Morris?

Mr. POWELL. I assume that I was present when that letter was written.

The CHAIRMAN. The Chair hands you the carbon copy of the letter referred to by counsel and I ask you to examine it and state if you identify it?

(The document was handed to the witness.)

Mr. POWELL. Yes.

The CHAIRMAN. That may be made exhibit No. 92.

(The document referred to was marked "Exhibit No. 92" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. I would like to read an excerpt from it, Mr. Chairman.

This is to Mr. Meany, secretary-treasurer, American Federation of Labor. The second paragraph reads:

In your letter you request information concerning a charter described as covering employees of an amusement park in Chicago. No such charter has been issued. We did issue a charter to the Amusement Novelty Device and Carnival Workers Union, local 450, Mr. Harry Karsh of St. Louis, business agent and president of that local union. He was recommended by Mr. Harold Gibbons of the Teamsters' organization in St. Louis, with whom Karsh worked for several years. Mr. Gibbons further advised me that Karsh had been an official organizer for the American Federation of Labor between 1940 and 1945 or 1946. I do not know of any previous conduct which would disqualify him from acting in his present capacity.

If you have any information to the contrary, I would appreciate your communicating it to me, so that we make take appropriate action.

Then he goes on to point out that the local union then had approximately 2,000 members. The letter goes on for 2 or 3 pages, Mr. Chairman.

The CHAIRMAN. I hand you what purports to be a photostatic copy of a letter dated July 11, 1952, from you to Mr. Joseph Jacobs. Will you examine it and identify it, please?

(The document was handed to the witness.)

Mr. POWELL. Yes.

The CHAIRMAN. It may be made exhibit No. 93.

(The document referred to was marked "Exhibit No. 93" for reference, and will be found in the appendix on p. 14546.)

Mr. KENNEDY. I just want to point out one thing. It says: "To Joseph Jacobs, Esq."

This is from Hyman Powell, July 11, 1952.

This will introduce Harold Mark, the accountant who set up the books for the two locals we spoke about. I expect to see you on Tuesday. Hyman J. Powell.

What were the two locals that you had in mind at that time?

Mr. POWELL. The Carnival, Amusement, and a miscellaneous local that was going to be operating in the Chicago area.

Mr. KENNEDY. How did you happen to get Mr. Harold Mark on that?

Mr. POWELL. Harold Mark is a man that I have known for over 30 years. He was an accountant in the city of New York practicing, working for the Hotel and Restaurant Workers Union. He did a great deal of traveling for them, and audited the books of many Chicago, Detroit, and St. Louis local unions. We thought he might be the proper man to use in that connection.

Mr. KENNEDY. Mr. Chairman, Mr. Mark, as you know, appeared before the committee. He is the one that received a \$150,000 loan from Mr. Hoffa's local and Mr. Bert Brennan's local, and he was the one that was involved in these two questionable dealings before the committee when we had our hearings back in September of last year.

Mr. POWELL. At the time that I recommended him there, I had no knowledge whatsoever, and even at this time, that he represented any of the Teamsters' locals in that area.

Mr. KENNEDY. It is just the same names.

Mr. POWELL. It is the same person.

Mr. KENNEDY. The same names come up involved in questionable activities lately, the same people that were involved in this local, involved in local 102, and involved in the issuance of several Teamsters' locals in New York City that we will be getting into at a later time.

You withdrew the charter, then, did you?

Mr. POWELL. Yes, we did.

Mr. KENNEDY. What happened to Mr. Karsh?

Mr. POWELL. Well, after we withdrew the charter, we did not know.

Mr. KENNEDY. What happened to the money that he had in the treasury?

Mr. POWELL. We made no attempt to take any of the money or to seize any of the books or records.

Mr. KENNEDY. He just walked off with the money, then?

Mr. POWELL. As far as we were concerned we don't know just what happened to him.

Mr. KENNEDY. Well, he got the money?

Mr. POWELL. I assume that the money was wherever it was at the time, in his possession.

Mr. KENNEDY. You mean you allowed him to go out with a charter of your union, collect dues, and then you revoked the charter and let him keep all the dues?

Mr. POWELL. Well, we assumed that he can't keep it, that the membership, that the local union, remains an independent organization, and, consequently, they have access to the moneys and to the assets of the local union.

Mr. KENNEDY. You knew that did not happen.

Mr. POWELL. Well, I have to admit that I assumed that that did not happen.

The CHAIRMAN. Did the international get any money out of it?

Mr. POWELL. I think \$25, our charter fee.

The CHAIRMAN. Did you get any part of the dues collected?

Mr. POWELL. No; we did not.

The CHAIRMAN. What were they supposed to pay out of the dues collected?

Mr. POWELL. They were supposed to pay us 70 cents per member per month, per capita.

The CHAIRMAN. Did you ever check on it to get your share of it?

Mr. POWELL. No; we did not.

The CHAIRMAN. Why?

Mr. POWELL. Because it has been the history in the labor movement that when local unions were first chartered, that the first couple of months that they were in existence, that whatever money was collected was used to further their organizational activities.

The CHAIRMAN. Is that a part of your constitution?

Mr. POWELL. No, sir.

The CHAIRMAN. What does your constitution say about it?

Mr. POWELL. It provides that they must send us per capita tax every month if they are to remain in good standing within our international framework.

The CHAIRMAN. You did not undertake to enforce the provisions of your constitution, then, did you?

Mr. POWELL. No; we did not.

Mr. KENNEDY. Mr. Chairman, here are two letters of August 14 and August 20, revoking the charter of the local.

The CHAIRMAN. I present to you here a photostatic copy of a letter signed by you, addressed to Harry Karsh, dated August 20, 1952, and also a carbon copy of a letter, presumably addressed by you to Carnival, Amusement, and Novelty Device Workers Local 450, dated August 14, 1952. I ask you to examine the two and state if you identify them.

(The documents were handed to the witness.)

Mr. POWELL. Yes, sir.

The CHAIRMAN. The one bearing the earliest date may be made exhibit No. 94, and the second one 94-A.

(The documents referred to were marked "Exhibits Nos. 94 and 94-A" for reference and will be found in the appendix on pp. 14547-14548.)

The CHAIRMAN. Are there any questions?

Mr. KENNEDY. Your union is under investigation at the present time?

Mr. POWELL. By the ethical practices committee; yes.

Mr. KENNEDY. All right.

Senator CURTIS. I might ask this: What particular phases of your operations are being investigated by the ethical practices committee?

Mr. POWELL. Supposedly exploitation of Puerto Rican workers in the New York area.

Senator CURTIS. That is all.

The CHAIRMAN. The committee will stand in recess until 1:45.

(Whereupon, at 12 o'clock, the committee recessed to reconvene at 1:45 p. m., Thursday, August 28, 1958.)

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. Herbert Dotten.

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. DOTTEN. I do.

TESTIMONY OF HERBERT DOTTEN

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

Mr. DOTTEN. My name is Herbert Dotten. I reside at 77 Blackhawk Drive, Park Forest, Ill. I am the outdoor editor of the Billboard, a weekly publication covering the amusement field.

The CHAIRMAN. You are the editor of it or publisher?

Mr. DOTTEN. Editor.

The CHAIRMAN. You waive counsel?

Mr. DOTTEN. Yes, sir.

The CHAIRMAN. Thank you. Proceed.

Mr. KENNEDY. Mr. Chairman, we took Karsh up to 1952, August-September of 1952, when his charter was revoked by the Jewelry Workers Union.

In 1953 and 1954 he was working in St. Louis. There is some evidence that he was attempting to get information on Mr. Harold Gibbons during that period of time for a certain group that was interested in the activities of Mr. Gibbons.

He became, again, very friendly to Nathan Shefferman. According to the information we have, through the intervention of Nathan W. Shefferman, with Dave Beck, Mr. Karsh was able to obtain a charter from the Teamsters Union. This was in 1955. Again, to organize the carnival workers. Now in 1955, which is the date we are going into, and his activities in the Teamsters Union, he now had a charter, local 447, from the Teamsters Union.

Mr. Dotten, I believe you stated you are the outdoor editor of the magazine Billboard?

Mr. DOTTEN. That is right, sir.

Mr. KENNEDY. What is the circulation of Billboard?

Mr. DOTTEN. ABC circulation of 52,000 to 54,000.

Mr. KENNEDY. What is the Billboard? Where does that circulate?

Mr. DOTTEN. Well, in the outdoor amusement field we have been established 64 years, and we are the recognized publication in the outdoor amusement field.

Mr. KENNEDY. Is one of the areas you are interested in the carnivals and circuses?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Do you specifically go around to various carnivals and circuses?

Mr. DOTTEN. I cover some.

Mr. KENNEDY. I mean, do you follow them on occasion?

Mr. DOTTEN. That is right.

Mr. KENNEDY. And you report the news regarding their activities?

Mr. DOTTEN. That is right.

Mr. KENNEDY. Did it come to your attention during 1952, I believe, the activities of Mr. Harry Karsh?

Mr. DOTTEN. Yes.

Mr. KENNEDY. What did you find out about that?

Mr. DOTTEN. Well, we found out that here was a gentleman who we felt was not a responsible labor leader, was not in the field to do a job for the people engaged in the business, and we were highly suspect—

Mr. KENNEDY. Could you speak up a little louder, please?

Mr. DOTTEN. Yes, sir. We were highly suspect of his activities.

Mr. KENNEDY. For what reason?

Mr. DOTTEN. Well, I think the principal one was the incident at Fort Wayne on which testimony was given this morning.

Mr. KENNEDY. Could you tell us a little bit about the operation of these carnivals or circuses as far as their being vulnerable to improper activities on the part of an individual like Mr. Karsh?

Mr. DOTTEN. Well, a carnival is exposed physically. It operates without any walls protecting it. It is completely in the open. On top of that, it must get to a particular place at a particular time, and leave the particular place at a particular time. It must be there to operate. It cannot have work stoppages or should not have work stoppages if the business is to be a reasonably sound business and the people engaged in it are to have a good livelihood. A carnival consists of a good many different things, rides, shows, food and drink concessions.

In the average carnival, there are a great many independent operators who, in turn, employ their own people. These units, whether they are rides or shows, or concessions, in turn, hire their own employees. These independent operators sometimes operate on a percentage basis, sometimes on an outright payment basis. Moreover, they do not always remain constantly with the same show throughout the year because the size of a date or an engagement will determine what units go into a particular town.

The carnival business, I might add, is dependent in a great measure upon the agricultural fairs of this country and Canada, of which we have about 2,000, and these 2,000 fairs draw approximately 85 million people annually. This may, to the lay person, seem to be a very large figure, but I should like to point out at the present time the Minnesota State Fair is on at St. Paul, and this event has in the past, each year, drawn 1 million people in 10 days. Simultaneously, this week we have the Iowa State Fair at Des Moines, attracting a half million people.

We also have on at the present time the Ohio State Fair, which will draw more than half a million people, and this weekend we will have the State fair start in Nebraska, at Lincoln; New York State Fair, at Syracuse; the Indiana State Fair, at Indianapolis; and a lot of other major fairs.

These fairs feature a carnival, and in a good many States there are regulations which prescribe the proper operation of a carnival at a fair. In addition to the fairs which support the carnivals and provide the people, there are a great many celebrations, fiestas, sponsored throughout the country by churches, volunteer fire departments, veterans organizations, and service clubs. These units go in—and I am repeating myself—but they are exposed physically, they are in a strange State, and in a good many of these States there are no laws to protect them at the present time if there are unscrupulous labor practices.

Mr. KENNEDY. What about their animals?

Mr. DOTEN. I beg your pardon.

Mr. KENNEDY. They carry animals with them?

Mr. DOTEN. Yes; they carry animals.

Mr. KENNEDY. Does that also create a problem for the carnival owners as far as if they were tied up by an unscrupulous—

Mr. DOTEN. Obviously, yes, if they were tied up, there is a danger to the animal. There are all kinds of animals that are carried, ranging from horses to snakes.

Mr. KENNEDY. Did you have any reports that any of these carnival owners were approached by Mr. Karsh and told that it would be unfortunate if the water or their grain was poisoned, or anything like that?

Mr. DOTEN. Not in those words; no, sir.

Mr. KENNEDY. What were the words that were used?

Mr. DOTEN. Well, the impression I got was that here was a man who proposed to organize this particular field, and not exercise what would be known as good labor practices to do this. There were various possible things that might happen.

You heard the testimony this morning of the show that was delayed a good many hours at Fort Wayne.

I should like to point out that shows playing large fairs sometimes have to put up a performance bond, which stipulates that they are to have everything up and in operation at a certain hour on a certain day.

If they fail to do this they forfeit this bond, and they not only forfeit the bond, but they forfeit the money that they would make if they were operating that particular period.

But under the present laws that we have, there is no protection for these people, and as a result, I might add, of the situation involving Mr. Karsh and the Carnival Allied Workers Union, we, as a publication, and I, as an individual, brought charges of unfair labor practices against Mr. Karsh, the Allied Workers Union, and a carnival.

Mr. KENNEDY. When did you do this?

Mr. DOTEN. This was subsequent to a meeting in Evansville, Ind., in 1955.

Mr. KENNEDY. This was when he was with the Teamsters Union; is that right?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Were you present at a meeting of the Royal American Shows?

Mr. DOTTEN. Yes, sir; I was.

Mr. KENNEDY. A meeting had been called of all the employees; is that right?

Mr. DOTTEN. I beg your pardon?

Mr. KENNEDY. A meeting had been called by the owner, Mr. Sedlmayr, of all the employees?

Mr. DOTTEN. Yes.

Mr. KENNEDY. That is S-e-d-l-m-a-y-r; is that correct;

Mr. DOTTEN. Yes.

Mr. KENNEDY. How many employees came; approximately?

Mr. DOTTEN. There were approximately 400 employees there.

Mr. KENNEDY. Did Mr. Sedlmayr address the meeting?

Mr. DOTTEN. Yes; he did. He opened the meeting.

Mr. KENNEDY. Was Mr. Harry Karsh there with him?

Mr. DOTTEN. He was.

Mr. KENNEDY. What was the situation—what was stated to the employees at that time—and what were the events that had preceded the meeting?

Mr. DOTTEN. Well, Mr. Sedlmayr opened the meeting by saying that everybody was familiar with the purpose of the meeting. He recalled that 2 weeks previously, at Nashville, Tenn., he and Mr. Karsh had met and discussed with people the union, and they were familiar with the purpose of this particular meeting.

Mr. KENNEDY. Would you tell the committee what was said at the meeting about joining the union?

Mr. DOTTEN. Well, Mr. Sedlmayr, after opening in this fashion, turned the meeting over to Mr. Karsh, who said that the contract would provide for a \$2 increase in wages on a weekly basis, and provide for group insurance.

Mr. KENNEDY. \$2 increase in the minimum wage?

Mr. DOTTEN. In the minimum wage; yes, sir. But a very few people on this particular show were getting anywhere near this minimum.

Mr. KENNEDY. So it actually would not mean an increase in wage for any of the folks?

Mr. DOTTEN. I don't believe it would, sir. The only thing that would be new would be group insurance.

Mr. KENNEDY. And did he tell the people that they should join the union?

Just describe what happened.

Mr. DOTTEN. Well, Mr. Karsh explained in answer to a question that this time they were organizing under a strong union. He had organized previously under the Jewelry Workers Union and he described that union as a weak union, and he said that this particular union, the Teamsters Union, was a powerful union. He indicated that, further, such provisions of the contract were only what he termed a beginning. When questioned about what had happened with the A. F. of I.—

Mr. KENNEDY. Do you mean with the Jewelry Workers?

Mr. DOTTEN. Yes. When they asked for the revocation of the charter, he said, "Well, the A. F. of L. can go to blazes."

Mr. KENNEDY. "Go to blazes"?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Were the people interested in joining the union?

Mr. DOTTEN. My impression, of course—and in a position such as mine you know a good many people on the show—my impression was that they did not want to join if they were left to their own devices. As a matter of fact, they were militantly opposed to it.

Mr. KENNEDY. Why were they opposed to joining the union?

Mr. DOTTEN. Well, I think in this particular business you have the real sense of troopers, and in a show of this type almost a family kind of existence. It is not necessarily paternalistic, but this is a way of life for these people as well as a way to make a living. They live together for about 26 months, they travel together, they eat together, they visit all these cities together, they go to winter quarters together, and they belong to the show clubs, these show clubs of which we have about 12, roughly, throughout the country.

They have their own—not hospitals, but their own cemeteries, provide medical aid to members, hospitalization to those who are needy. A good many of these people have a spirit of being free enterprisers, whether they have a frozen-custard stand, or a ride, or a show. They have this sort of spirit. The only thing that they like to do is just go out and operate and hope that the weather is good.

Mr. KENNEDY. You said 26 months. I believe you mean 26 weeks.

Mr. DOTTEN. I beg your pardon. I am sorry.

Mr. KENNEDY. They joined the union. Why did they join the union, then?

Mr. DOTTEN. Well, it is my impression, sir, that they joined it because they either recognized that Mr. Sedlmayr, the owner, was over a barrel—

Mr. KENNEDY. Did any of them state that to you?

Mr. DOTTEN. Yes. They put it this way, that Mr. Sedlmayr had told them that he, Mr. Sedlmayr, was over a barrel.

(At this point, members of the committee present are Senators McClellan and Curtis.)

Mr. KENNEDY. So after this meeting took place were the cards passed out among the employees?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Did Mr. Sedlmayr's son help and assist people in getting people signed up?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Had there been a contract signed before this?

Mr. DOTTEN. I don't know.

Mr. KENNEDY. After this meeting you brought an action before the National Labor Relations Board?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Against the show as well as against Harry Karsh?

Mr. DOTTEN. Yes, sir.

Mr. KENNEDY. Can you tell us what the results of that were?

Mr. DOTTEN. Yes; the regional board at Indianapolis, Ind., refused to take certain jurisdiction. We appealed to Washington and again the National Labor Relations Board refused to take jurisdiction.

Mr. KENNEDY. That was the end of it?

Mr. DOTTEN. Yes, sir.

The CHAIRMAN. Did they hold that a traveling show was not interstate commerce?

Mr. DOTTEN. They cited, as I recall it, two precedents. One involving a Philadelphia symphony orchestra and another case involving the Detroit stadium which I believe revolves around hockey.

The CHAIRMAN. As I understand these carnivals, they travel from State to State?

Mr. DOTTEN. Yes, sir. In the case of this particular show, sir, they moved from Tampa, Fla., to Calgary, Canada. I would say they played in 11 States in this country and at least 3 Provinces in Canada. They have quite a substantial amount of equipment and they buy a substantial amount of merchandise, all of which would be basis for coming under the jurisdiction so far as the National Labor Relations Board.

The CHAIRMAN. I am not immediately challenging the decision but I assume it was based on the fact they found they were not engaged in interstate commerce, the interstate commerce clause of the Constitution did not cover a traveling show, from State to State?

Mr. DOTTEN. I presume so.

The CHAIRMAN. Do you have any questions, Senator Curtis?

Senator CURTIS. No questions.

The CHAIRMAN. Thank you very much, Mr. Dotten.

Call the next witness.

Mr. KENNEDY. We had intended to have John Ringling North of the Ringling Brothers-Barnum & Bailey Circus. He had gone to Europe. So all we are able to do was to get an affidavit from him. We also have an affidavit from his manager at the time when Mr. Karsh was attempting to organize his circus.

The CHAIRMAN. The affidavit from John Ringling North, dated 9th of June 1958, may be read in the record at this point, Mr. Counsel, so that we may be acquainted with its contents.

Here is an affidavit from Michael Burke dated the 18th of July 1958. It may be read in the record at this point.

Mr. KENNEDY. Mr. Burke, Mr. Chairman, is also abroad. He is in London, England.

Now Mr. John Ringling North states:

I am president of Ringling Brothers-Barnum & Bailey Combined Shows, Inc., Sarasota, Fla., and have been served with a subpoena issued by said committee. My information concerning the attempts of Mr. Harry Karsh and Mr. Harold Gibbons to organize the circus employees on behalf of the Teamsters Local 447 is partly first hand and partly obtained from Mr. Michael Burke. Mr. Burke was general manager of the circus in 1955 and 1956, but is now employed by the Columbia Broadcasting System in Europe.

On August 12, 1955, Mr. Karsh appeared in Denver, where the circus was showing, to discuss organization of the employees, but Mr. Burke refused, stating that he was not in a position to grant recognition. Mr. Karsh said that we would hear from him.

On September 2, 1955, we opened in San Francisco and encountered heavy picketing by the Teamsters. On September 6 about 50 Teamsters showed up, attempted to prevent the circus from moving, and tried to divert the drivers. They were not successful. We experienced picketing through the remainder of the 1955 season. Mr. Burke was in touch with Mr. Karsh from time to time, and there were threats of physical harm to our drivers.

I went to Miami with Mr. Burke during the winter of 1955-56, where we met with Mr. Harold Gibbons and Mr. James Hoffa. They said they were interested

in obtaining recognition. They emphasized that the Teamsters, and no one else, would organize the circuses.

Mr. Burke remained in touch with Mr. Gibbons, and Mr. Gibbons stated that if we recognized the Teamsters our troubles would clear up. There was no indication, to my knowledge that the employees wanted to join the Teamsters, or that the Teamsters were dealing directly with the employees in an effort to sign them up. Mr. Burke told Mr. Gibbons that he would not deliver the employees to the Teamsters.

In the spring of 1956, I met with Mr. Gibbons, Mr. Burke, and Mrs. Anna Rosenberg, a consultant. Mr. Gibbons said he wanted a contract, but nothing came of the meeting. Picketing started before the show opened at Madison Square Garden in New York City, and Mr. Richard Kavner, a Teamster organizer, said it would be necessary to sign a contract with local 447 in order to have the picket line removed.

We were scheduled to stage a performance for television the day before our first public performance, but the picket line prevented the moving of television equipment into the Garden. We obtained a temporary injunction about 6 or 7 p. m., the evening before the scheduled TV performance, but the pickets remained on duty until the next morning when the judge reemphasized the requirement of having them removed. They were then removed, the show went on, and there was no more picketing until the injunction was withdrawn, after which picketing resumed.

We next showed in Boston where there was set up a rival circus supported by the American Guild of Variety Artists (AGVA), but I do not know whether the Teamsters were involved. I was not present at the circus lot or the railroad yard when we had trouble with the Teamsters in Philadelphia, but Mr. Burke reported that the police took part because of the violence, and there were newspaper accounts at the time (which I read) of beatings and damage to trucks.

Because of these labor difficulties, we were several hours late in opening in Philadelphia. Our attorney, Robert Thrun, called on Noyelles Burkhardt, who was employed by the circus at the time as an adjuster, to make an investigation. Much of the information in this and the preceding paragraphs of this statement is based upon reports to me by Mr. Burke rather than my own direct, personal knowledge. The show closed primarily for economic reasons related to the type of operation then conducted and not because of the labor troubles, and its closing represented a basic decision to discontinue a tent show operation.

After this closing I reengaged Mr. Arthur M. Concello, who had been manager several years previously, as manager, and plans were made for the reopening of the show in enclosed arenas where possible and where that was not possible, without a tent in baseball grounds and fairgrounds. Mr. Concello stated that these arenas and areas were for the most part unionized and that this method of operation would involve contact with other union members such as electricians and deliverymen and that in his opinion it undoubtedly would be necessary to be unionized.

As a consequence of the closing of the show, the circus then had no employees (except for a few individuals whose function it was to take care of the animals in winter quarters and to take care of the circus grounds and equipment there). Prior to the opening of the 1957 show, at a time when I was in New York, Mr. Concello entered negotiations with Mr. Harry Karsh of the Teamsters who was in Florida and reached an agreement upon a contract, which, according to Mr. Concello, was on the same terms as the agreement between the Teamsters and the Royal American Shows, a major carnival.

This contract calls for (1) \$4 a month dues under the checkoff system; (2) payment of \$8 a month by the circus for each employee to cover health and death benefits; and (3) a minimum salary of \$50 a week. The contract covers drivers, laborers, and roustabouts only, not the performers. About 100 employees are involved and the contract runs for 3 years. Much of the information in this paragraph is based on reports to me by Mr. Concello rather than my own direct, personal knowledge.

I have read the above statement and it is true to the best of my knowledge and belief.

(Signed) JOHN RINGLING NORTH.

This is the affidavit of Mr. Michael Burke.

JULY 18, 1958.

GREAT BRITAIN and NORTHERN IRELAND,

Embassy of the United States of America, London, England, ss:

ROBERT F. KENNEDY, Esq.,

Chief Counsel, United States Senate Select Committee on Improper Activities in the Labor or Management Field.

DEAR MR. KENNEDY: In response to your letter of July 15, I was executive director of Ringling Bros., Barnum & Bailey Circus in 1955 and 1956 when Teamster Local 447 was attempting to organize circus employees.

I was first approached by Harry Karsh on August 12, 1955, in Denver Colo., when he came aboard my railroad car, the Jomar, accompanied by two unidentified colleagues and stated that he wanted the circus to sign a contract with the Teamster's Union. I replied that I was unprepared to discuss seriously his proposal without studying all its ramifications and without having established the attitude of our circus employees. There was an unpleasant exchange and Karsh and his friends left with Karsh threatening "you'll hear more from me."

A canvass of our employees by myself and Manager Lloyd Morgan determined that the Teamsters represented none of our employees. Karsh's maneuver can be accurately described as an attempt to organize from the top.

There was no further Teamster activity until we reached San Francisco on September 2 for a week's engagement at the Cow Palace. As soon as we opened there the Teamsters threw out a strong picket line. None of our employees was included among the pickets.

As we prepared to leave the Cow Palace on Monday night, September 5, a crowd of approximately 200 pickets gathered around the rear exit from the Cow Palace in a concerted effort to stop our movement from the Cow Palace to the railroad crossing where we would be loading the train for our next move. The first of our vehicles to leave the Cow Palace grounds were 3 tractors and 6 or 8 trucks. The trucks got through the antagonistic crowd successfully, having rolled up the windows of their cabs and locked their doors, but the 3 tractor drivers were pulled off their seats and the tractors demobilized within 100 yards of the gate.

We subsequently got the drivers back on the tractors (I rode one myself) and got to the railroad crossing. Thereafter our movement was not seriously hampered due to the assistance of the San Francisco police.

During the balance of our road tour—that is, until we returned to Sarasota on December 4—there was no serious trouble although the show was picketed by a group of pickets which trailed us across the country.

On November 27, however, while we were playing in Miami I met with Karsh and Harold Gibbons, head of the Teamsters organization in St. Louis, at their request. This time it was Gibbons who proposed that we sign a contract with the Teamsters; I protested on the ground that they represented none of our employees.

Gibbons pointed out that we were planning to take a reduced version of the circus to Cuba during the Christmas-New Year holiday season and that unless we reached some agreement with the Teamsters our livestock and equipment might never reach Cuba. He cited a recent Teamsters-Longshoreman's pact and said that the longshoremen would make certain that our animals and equipment never left the Florida docks. The meeting broke up on that note.

Some days later I received a phone call from either Gibbons or Karsh during which I agreed to meet Jimmy Hoffa and Gibbons in Miami early in February 1956 to further discuss the same subject.

No difficulties occurred with our movement to or from Cuba in late December and early January.

John North, chairman of the board of the circus, and I met with Jimmy Hoffa and Harold Gibbons in a Miami hotel on February 11, 1956; to our surprise Mr. Jackie Bright of the AGVA was also present. Much the same proposition was put forward except this time the demand was broadened to include our performing personnel. We were asked simultaneously to agree to sign contracts with the Teamsters representing all nonperforming personnel, and with AGVA representing all performing personnel.

We rejected these proposals again on the grounds that the Teamsters had no representation among our employees and that AGVA membership among circus performers was certainly not more than 5 percent.

This extended meeting terminated on the note that if we did not reach an agreement with both the Teamsters and the AGVA prior to our scheduled spring opening in Madison Square Garden, we would never get the show on; we were told flatly that we would never get into the Garden. This again was purely and simply an effort to organize from the top.

The circus' arrival in New York in the spring of 1956 coincided with the trouble within the Teamsters organization in New York between the incumbent head, Martin Lacey, and Johnnie O'Rourke. In former years we had had contracts with the New York Teamsters covering our movement from the railroad yards to Madison Square Garden, and similar arrangements were laid on for the 1956 engagement. We were dependent upon local truckers for the delivery of dirt to the Garden (we always played on a dirt surface), for the delivery of feed for our livestock, and for the hauling away of refuse.

All of these services were cut off when the Teamsters and the AGVA threw a picket line around Madison Square Garden from the moment we took possession; that is to say, at midnight on April 1. The truckers had hauled our dirt to the Garden but refused to drive their trucks through the picket line into the Garden.

About 2 Monday morning April 2 I was invited out into 49th Street for a sidewalk meeting with a man whose name I think was Kavner, who said he represented local 447. He offered to call off the pickets and to permit delivery of our dirt into the Garden if I would sign contracts on the spot with both Teamsters Local 447 and with the AGVA.

I refused to do so. We were therefore unable to take delivery of our dirt in the Garden and during the next several hours had to improvise a coc-matting surface for the floor area. Meanwhile our own vehicles and drivers continued to work driving back and forth across the picket lines without any particular difficulty. Again, none of our own employees was on the picket line.

A temporary restraining order issued on Tuesday, April 3, permitted the Columbia Broadcasting System to move its camera and other equipment into the Garden for a television show which was broadcast from the Garden that night.

After the television show we were rehearsing when about 2 on the morning of April 4 we were visited by Johnnie O'Rourke. O'Rourke said Hoffa had asked him to talk to us and see if we could not come to some agreement. His proposal in essence was that if we would make a "gentleman's agreement" to sign a contract with the Teamsters Union at the end of our 1956 road tour, the Teamsters would call off their plan to halt the circus.

We maintained that there was no valid basis on which we could commit our employees to a closed-shop arrangement with the Teamsters Union. None of our employees had evidenced any desire or intent to become members of the Teamsters organization. This was apparently our last chance to make peace with the Teamsters.

The official circus opening on April 4 was a benefit for the Police Athletic League and, if my memory serves me, the AGVA withdrew its pickets during that one benefit performance.

Once we left New York and started on our road tour we were beset by an increasing number of difficulties. Sugar in the fuel tanks and motorized equipment immobilized by damage were common occurrences. There were no further discussions or negotiations with the Teamsters Union; there was merely a tacit understanding that we planned to keep going as long as we could in the face of Teamster and AGVA harassment. As you know, we took the circus off the road on July 16 and returned to Sarasota.

To answer your other specific questions. I do not recall whether Karsh or others advised the workers that they would be required to join the union within 30 days or be discharged; the proposed contract did, however, call for a closed-shop agreement whereby all workers would be required to join the union. I do not recall Karsh's making any proposals to us with regard to the payment of dues and welfare benefits; these proposals were made by Harold Gibbons and Jimmy Hoffa. Dues and welfare benefits were to be paid by the management but no specific recipient was named. Dues were to be paid under the checkoff system.

I do not know if this is the kind of information you are seeking but it represents an accurate thumbnail sketch of our dealings with the Teamsters. For the sake of brevity I have left out a number of minor incidents, all of which fell within the general framework of our relationship.

Very truly yours,

MICHAEL BURKE.

Sworn to and subscribed before me this 29th day of July 1958.

[SEAL]

CATHERINE A. ROCK,

Consul of the United States of America at London, England.

Service No. Tariff Item No. 58-A. No fee prescribed.

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

The CHAIRMAN. Does he state there why he took the circus off the road?

Mr. KENNEDY. The implication, Mr. Chairman, is because of the difficulties they were having. Mr. North said it was a basic policy decision, and I think that both of their affidavits have the implication also that a major point was the difficulty and trouble they were having with the Teamsters Union at that time.

We will have some figures in the record showing how much money they felt was lost because of the trouble that they were having with the Teamsters.

We have a police report, Mr. Chairman, on the violence that took place in Philadelphia, which I will not read in.

The CHAIRMAN. Who obtained the police report?

Mr. KENNEDY. Mr. Langenbacher.

TESTIMONY OF IRWIN LANGENBACHER—Resumed

The CHAIRMAN. You have been previously sworn, have you?

Mr. LANGENBACHER. Yes, sir, I have been sworn.

The CHAIRMAN. Where and how did you obtain this police report of 1956?

Mr. LANGENBACHER. I obtained it in Philadelphia, from the officer in charge of the labor squad.

The CHAIRMAN. Is this a part of the official files of the police records of Philadelphia?

Mr. LANGENBACHER. Is is.

The CHAIRMAN. It may be made exhibit No. 95.

(The document referred to was marked "Exhibit No. 95" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. In answer to your question before, Mr. Chairman, I would like to repeat that "there was no further discussion or negotiation with the Teamsters Union. There was merely a tacit understanding that we planned to keep going as long as we could in the face of Teamster and AGVA harassment.

The CHAIRMAN. How long was it after that before they disbanded the circus?

Mr. KENNEDY. In that year.

The CHAIRMAN. In the same year?

Mr. KENNEDY. Yes.

The CHAIRMAN. All right.

Mr. KENNEDY. According to Mr. North's affidavit, there was a rival circus formed in Boston during this period of time. In that

connection, we have called as a witness the head of AGVA, Mr. Bright.

The CHAIRMAN. Come forward, Mr. Bright.

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. BRIGHT. I do.

**TESTIMONY OF JACK BRIGHT, ACCOMPANIED BY COUNSEL,
HAROLD F. BERG**

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

Mr. BRIGHT. My name is Jack Bright. My address at home is 435 East 14th Street, Manhattan, New York. I am the national administrative secretary for the American Guild of Variety Artists.

The CHAIRMAN. You have counsel with you?

Mr. BRIGHT. I do.

The CHAIRMAN. Identify yourself, Mr. Counsel.

Mr. BERG. Harold F. Berg, 521 Fifth Avenue, New York City.

The CHAIRMAN. Proceed.

Mr. KENNEDY. I would like to say at the beginning, Mr. Chairman, that Mr. Bright and the union have cooperated completely with the committee in the course of its investigation. It is not a study being made of any personal dishonesty. I think that based on the facts that we know, AGVA's position toward Ringling Bros. was far different from the Teamsters' position toward Ringling Bros. There is certainly some evidence as I understand it that AGVA, the union that Mr. Bright represents, had a number of the employees or a number of the performers, who were interested in joining AGVA, and they were having difficulties with the Teamsters Union. What we are going to go into, as I have explained to Mr. Bright, is the formation—chiefly we are going into the formation of the circus up in Boston.

The CHAIRMAN. All right.

Mr. KENNEDY. Just tell us a little bit about the union, Mr. Bright. What is your position in it? Are you elected or appointed?

Mr. BRIGHT. I am appointed, sir.

Mr. KENNEDY. By whom are you appointed?

Mr. BRIGHT. By the national board of AGVA.

Mr. KENNEDY. And they are elected?

Mr. BRIGHT. By the membership of AGVA.

Mr. KENNEDY. And you are the chief paid employee; is that correct?

Mr. BRIGHT. That is correct, sir.

Mr. KENNEDY. When were you appointed to your position?

Mr. BRIGHT. In June of 1955.

Mr. KENNEDY. Prior to that time, you had been a performer yourself?

Mr. BRIGHT. For 28 years; yes, sir.

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

Mr. BRIGHT. Approximately at this moment, in and out, 22,000.

Mr. KENNEDY. And what is the jurisdiction of AGVA?

Mr. BRIGHT. AGVA's jurisdiction, sir, extends to nightclubs, theaters, hotels, parks, fairs, expositions, sportsmen shows, circuses, carnivals, showboats.

Mr. KENNEDY. And you cover the performers; is that right?

Mr. BRIGHT. Yes, sir.

Mr. KENNEDY. When did you become head of AGVA?

Mr. BRIGHT. In June of 1955.

Mr. KENNEDY. Did you begin then an organizational drive of AGVA?

Mr. BRIGHT. I did, sir.

Mr. KENNEDY. You had some conferences with Mr. John Ringling North; is that correct?

Mr. BRIGHT. Yes; I did.

Mr. KENNEDY. And you told him at that time that you wanted to get a contract, that a number of the performers were interested in joining your union?

Mr. BRIGHT. Yes, sir.

Mr. KENNEDY. And he expressed no interest in signing a contract; is that correct?

Mr. BRIGHT. Yes and no.

Mr. KENNEDY. Well, he kept putting you off?

Mr. BRIGHT. Yes.

Mr. KENNEDY. He explained on his side that they were having a difficult financial time; is that right?

Mr. BRIGHT. That is right.

Mr. KENNEDY. And you explained that you felt that the performers were not being paid enough?

Mr. BRIGHT. That is right, sir.

Mr. KENNEDY. Did you ultimately meet with Mr. James Hoffa and Mr. Harold Gibbons?

Mr. BRIGHT. That is right.

Mr. KENNEDY. When did you meet with them?

Mr. BRIGHT. I think it was in February of 1956, in Miami Beach, Fla.

Mr. KENNEDY. Who introduced you to them?

Mr. BRIGHT. Our local counsel from Chicago, a gentleman by the name of Joseph Kamen, I believe his name is.

Mr. KENNEDY. Joseph whom?

Mr. BRIGHT. Kamen, I believe it is. Joe Kamen, I think. No, Joseph Jacobs. I am sorry, Kamen was his law partner. Joseph Jacobs.

Mr. KENNEDY. Was he down there with you?

Mr. BRIGHT. Yes; he was.

Mr. KENNEDY. How did that meeting come about?

Did Mr. Gibbons and Mr. Hoffa call you and make the arrangements?

Mr. BRIGHT. No, sir. I had never met Mr. Gibbons or Mr. Hoffa at that particular moment. I was on vacation with my wife in Miami. Mr. Jacobs was vacationing, likewise, and at that particular moment one of the AFL-CIO executive council meetings was being held in Florida. I believe it was at the Monte Carlo Hotel. Mr. Jacobs said, "You know there are some people down here who are also having trouble with Ringling. As a matter of fact, they were picketing them last season."

I said, "Oh, yes."

He said, "Yes, Mr. Gibbons is here. It might be a good idea to meet him."

So he, Mr. Jacobs, introduced me to Mr. Gibbons. During my course of conversation with Mr. Gibbons, he said, "How are you doing with Mr. North?"

I said, "Pretty bad. I am getting a good stall and runaround."

He said, "Well, he is coming up here next Saturday to meet us."

I said, "Is there any way to meet him? I can't seem to meet him by phone."

He said, "Well, I think that can be arranged."

That Saturday afternoon, Mr. Ringling and Mr. North arrived and I was invited to participate.

Mr. KENNEDY. No agreement was arrived at that time at that meeting?

Mr. BRIGHT. No, sir.

Mr. KENNEDY. Did you understand that there were certain members signed up at that time?

Mr. BRIGHT. I had no idea.

Mr. KENNEDY. In April of 1956, the Ringling circus came to New York City?

Mr. BRIGHT. That is correct.

Mr. KENNEDY. And at that time, you and the Teamsters put up individual picket lines?

Mr. BRIGHT. Individual picket lines? Yes, sir.

Mr. KENNEDY. The picketing continued for how long?

Mr. BRIGHT. It started on a Sunday. That was the Teamsters started the picket on Sunday. We started to picket on Monday or Tuesday. Then a temporary restraining order was issued and we were taken off the line. Then Judge Stoyer said that we could go back on the line. Approximately, all in all, I would say about 37 or 38 days and nights, around the clock.

Mr. KENNEDY. Were the Teamsters supporting the picket line?

Mr. BRIGHT. They had their own picket line yes, sir.

Mr. KENNEDY. It was during this period of time, however, that there was a dispute between Martin Lacey and Mr. Hoffa; is that right?

Mr. BRIGHT. Yes, sir.

Mr. KENNEDY. So that the Teamsters, at least some parts of the Teamsters in New York, were not completely sympathetic toward the strike?

Mr. BRIGHT. That is correct.

Mr. KENNEDY. Then the next stop of the Ringling Bros. was in Boston; is that right; May 14-20, 1956?

Mr. BRIGHT. That is right.

Mr. KENNEDY. How did you decide that you were going to handle the situation in Boston?

Mr. BRIGHT. Well, sir, it seemed that after 38 days and nights of picketing, it did not seem to be too effective.

Mr. KENNEDY. Would you speak louder?

Mr. BRIGHT. I say after 37 or 38 days and nights of picketing, it did not seem to be too effectual, and I finally went to my executive council, my national executive board, and told them I thought we would have a more serious problem in picketing in Boston, due to the fact that the arena was located on railroad property, and there probably was not but one or two places that you could have a picket line established. So we decided that in view of the fact that it was our

thinking that Boston was a very fine labor town, and we did not want the children of those in labor who might be disposed to support us denied the opportunity of seeing a circus, we decided to put on our own circus.

We allowed all the children, 12 years and under, in free, and charged the adults separately, a dollar admission.

Mr. KENNEDY. Where did you get the money to put on your circus?

Mr. BRIGHT. Well, at that time, AGVA did not have too much money in its treasury. I think we had about \$45,000 or \$50,000. We decided we could go for part of it, and we decided we would see if we could get some participating help.

I called Mr. Harold Gibbons and told the proposition to him. I told him we might be more effectual this way with a rival circus, as you state, sir, rather than just picketing actually in a phantom way, because we could not get near the property. I asked if they could contribute. They wanted to know how much money it would take, and we said, "Well, we think it will be about \$10,000. We will put up five. Will you put up five?"

Mr. Gibbons said, "I will have to think it over. I will call you back."

The next thing we knew was Mr. Gibbons did call back and said "yes," they would go along with giving the \$5,000 for their share of the participation.

Mr. KENNEDY. Did he say he had taken it up with anybody?

Mr. BRIGHT. No, sir.

Mr. KENNEDY. So he advanced you \$5,000?

Mr. BRIGHT. That is correct, with the understanding that all profits that were to be derived from the show were to be turned over to Mayor Heintz' fund in Boston.

Mr. KENNEDY. Do you mean he is the mayor of Boston?

Mr. BRIGHT. He was the mayor of Boston at the time.

Mr. KENNEDY. What kind of a fund?

Mr. BRIGHT. A children's fresh air fund or something of that type.

Mr. KENNEDY. How much money did you turn over?

Mr. BRIGHT. We eventually turned over a thousand dollars.

Mr. KENNEDY. Where did the \$5,000 come from?

What organization of the Teamsters?

Mr. BRIGHT. To be quite honest and frank with you, sir, I never saw the check itself. All I know is that the money was deposited in the Teamsters' name through their Teamster office in Boston.

Mr. KENNEDY. At a later time the Teamsters contributed another \$3,000?

Mr. BRIGHT. I believe they did, sir.

Mr. KENNEDY. Did you people put up another three?

Mr. BRIGHT. Yes, sir.

Mr. KENNEDY. So it cost each union \$3,000?

Mr. BRIGHT. Yes, sir.

Mr. KENNEDY. Was the circus a success?

Mr. BRIGHT. Well, that is a question of opinion. Financially it was not a success because we were letting children in for nothing. You could not entertain and make money on it. We thought it was a success from the amount of people that attended the circus that might have gone ordinarily to the Ringling show.

Mr. KENNEDY. Did you have any difficulty in operating your circus?

Mr. BRIGHT. Not having gone in that type of business before I must confess I was beset with a lot of problems, particularly labor problems. I found out that I had to have more stage hands, electricians, carpenters, musicians. I have heard of the amount necessary but this threw me completely off balance.

The CHAIRMAN. You had a dose of your own medicine?

Mr. BRIGHT. Yes, sir; I did.

Mr. KENNEDY. Mr. Chairman, this is the \$5,000 check stub.

The CHAIRMAN. He probably could not recognize this letter.

Maybe Mr. May can present the information.

Mr. May, have you been sworn?

Mr. MAY. No, sir.

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. MAY. I do.

TESTIMONY OF WALTER R. MAY

The CHAIRMAN. State your name, your present occupation.

Mr. MAY. Walter R. May, assistant counsel to this committee.

The CHAIRMAN. How long have you been with the committee?

Mr. MAY. Since its inception.

The CHAIRMAN. I hand you two documents, one apparently a receipt for a check or a stub of a check. The other is a letter dated May 7, 1956, from Mr. H. J. Gibbons to Mr. Nicholas Morrissey. Will you examine these documents and state where you obtained them?

Mr. MAY. Mr. Chairman, I obtained these from Mr. Nicholas Morrissey, general organizer for the Teamsters Union in Boston, Mass. He had received them from Mr. Gibbons, according to Mr. Morrissey.

The CHAIRMAN. Did you receive the originals?

Mr. MAY. Yes, I did, sir.

The CHAIRMAN. Those are photostatic copies?

Mr. MAY. Yes, sir.

The CHAIRMAN. They may be made exhibit No. 96.

(Documents referred to were marked "Exhibit No. 96" for reference and will be found in the appendix on p. 14549.)

Mr. KENNEDY. I might point out, Mr. Chairman, that this being the Central Conference of Teamsters \$5,000, the check therefore would be signed by Mr. Gibbons and Mr. Hoffa, and it is assigned to organizational assistance for local union 447.

Senator CURTIS. Mr. Bright, how many members did your union have among the performers of Ringling Brothers circus when they appeared in New York City?

Mr. BRIGHT. We had the majority, sir.

Senator CURTIS. How was that determined?

Mr. BRIGHT. We had signed cards from our members in the circus which we presented to the New York State Labor Board and we asked for an election and certification.

Senator CURTIS. Was an election held?

Mr. BRIGHT. No, sir; it was not. Mr. North refused to recognize the jurisdiction of the New York State Labor Board. He said he did not come under their jurisdiction, would not appear at the hearings.

In fact, 5 separate hearings were held on 5 continuous days and Mr. North refused to come to any one of them.

Senator CURTIS. How long had the people been members of your union?

Mr. BRIGHT. I believe, sir, some of them, a good majority had been members for 2 and 3 years.

Senator CURTIS. Dues-paying members?

Mr. BRIGHT. Dues-paying members.

Senator CURTIS. Now this rival circus setup in Boston, was that for exactly the same days that Ringling Brothers was scheduled to show there?

Mr. BRIGHT. As a matter of fact, sir, we opened the day before they showed there. We opened on a Monday, I believe it was, and they opened on Tuesday.

Senator CURTIS. What was the effect upon their attendance, Ringling's attendance?

Mr. BRIGHT. That is hard to ascertain; if you are asking me in dollars and cents I don't know.

Senator CURTIS. What about the crowd?

Mr. BRIGHT. I would say during the week it was very light for us. Whether it was heavy for them I couldn't tell. But on weekends, Saturday and Sunday, we did well.

Senator CURTIS. Did you take any busineses away from them?

Mr. BRIGHT. I would believe we did, sir.

Senator CURTIS. You did not send anybody around to look at their crowds?

Mr. BRIGHT. No. Anybody who did that who was known or recognized was not allowed to come in. The Ringling circus had their own crew on the lookout for our members.

Senator CURTIS. Mr. Gibbons footed half of this bill. Did he have any members in Ringling Brothers?

Mr. BRIGHT. I believe Mr. Gibbons had stated, I don't know whether Mr. Gibbons had stated but someone representing the Teamsters Union had stated in an affidavit, which I think is in the possession of Mr. Kennedy in a court proceeding in front of Judge Stuer, in New York, that they did not represent the members that particular time.

Mr. KENNEDY. They stated they did not have anybody signed up?

Mr. BRIGHT. To that effect; yes, sir. We have had contracts with Ringling Brothers for several years prior to 1955.

Senator CURTIS. On this partnership arrangement with the Teamsters, did the Teamsters approach your union or did you approach them?

Mr. BRIGHT. No, sir, I approached them.

Senator CURTIS. That is all.

Mr. KENNEDY. Isn't this a rather unusual way to attempt to organize, that when you have been unsuccessful with a picket line, to set up a competitive business as you did in Boston?

Mr. BRIGHT. Mr. Kennedy, at that particular moment we were signing and we were not thinking of competitive business. We were trying to get more of labor's sympathetic attention to the AGVA cause. In New York City because of the factional fights between the two Teamsters groups on one would give any cooperation or help to AGVA per se. In Boston it was a different situation. There was

no fight up there so we, meaning AGVA, per se, were of the opinion we might be able to get a little more help.

Possibly if this were brought home more clearer and to the attention of Mr. North that he might be a little more susceptible of making arrangements with us which he had with us several years back.

Mr. KENNEDY. You intended after Boston to go on to various cities if you were successful?

Mr. BRIGHT. No, sir. We didn't have the finances to do it. After having had a taste of our own problems in Boston we were out of business, period.

Mr. KENNEDY. If you had been a success in Boston you intended to follow him around?

Mr. BRIGHT. No, sir; for the same reason I made concerning the Clyde Beatty Circus as a feller to find out the cost of operating a circus. Mr. Beatty told me if he were to bring his circus from somewhere in Arizona to Philadelphia, which was the next port of call, that the railroad charge just for the trains would be some \$27,000.

Mr. KENNEDY. You made a speech up in Boston?

Mr. BRIGHT. Yes, sir, and I can quote that speech almost verbatim. "We will follow them in every city, town, and hamlet." This is like going through the graveyard at night, whistling in the dark to keep your courage up.

Mr. KENNEDY. This was May 1956?

Mr. BRIGHT. Yes, sir.

The CHAIRMAN. You could keep your courage but you could not keep up your finances?

Mr. BRIGHT. I could not.

Mr. KENNEDY. You stated:

The picketing of the circus has cost Mr. North \$845,000 to date and though he did a business of \$2 million last year, it is doubtful if it will reach a total of \$1 million this year. In Boston we shall use the same tactics, augmented by our own circus.

Mr. BRIGHT. I will answer that by saying I think I was a pretty good propagandist for myself. I was trying to keep my own morale and courage up at that point.

Mr. KENNEDY (reading):

We are in the circus business now and we are going to do our very best. We may be in it for good, playing today and date with North's circus.

Mr. BRIGHT. That was reported immediately to Mr. North. He said, "Good luck to them; maybe we will sell them Ringling."

Senator CURTIS. You have more members now that are working in circuses than you did before this happened?

Mr. BRIGHT. We certainly do. We have every circus in America signed up that has any value.

Senator CURTIS. Are there more people entertained before circuses?

Mr. BRIGHT. Yes, sir.

Senator CURTIS. The business has increased?

Mr. BRIGHT. Business has increased. I might say, sir, if I may be permitted with pardonable pride, the pride of our negotiations of a contract with Mr. North, the salaries for the performers, particularly the chorus girls in 1940 and 1941 were \$25 a week.

In 1957, 1958, they are now a minimum of \$55 a week and up.

Senator CURTIS. Are there more performers now engaged in circus work than there were a few years back?

Mr. BRIGHT. I haven't made a direct survey but as to the amount of circuses that we have signed with us it is; yes, sir; it seems to my knowledge there are more performers working.

Senator CURTIS. What I am trying to find out, have employment opportunities for performers in circuses increased or decreased in the recent past.

Mr. BRIGHT. Well, on one side of the ledger if you are saying performers of American origin increased, I would say they have slightly decreased because of the importation of the foreigners to the circus. While this may not be germane to what we are discussing I might add I have been consulted and asked the union's position on the importation of a Russian circus for which Russian government is asking a guaranty of \$20,000 a week and a minimum of 13 weeks.

I am happy to say that our constitution prohibits the acceptance of any members of any group who belong to any subversive organization or Communist Party of any country. We are refusing this offer.

The CHAIRMAN. What are you going to do about it if they come over here? Are you going to picket them?

Mr. BRIGHT. Russians? I think we would call out the Marines in that particular case.

The CHAIRMAN. Do you think you have that power, too?

Mr. BRIGHT. You never know. I don't think we as a union have the power but it seems to me there is a wide area there that should be explored.

Mr. North, as a matter of fact, through his aid, Mr. Harry Dube, called Monday to say they were happy to hear we would not accept them as members because there was a strong feeling that this will actually cripple the circus business in America because at this particular moment many of the places that they have had contracts with are calling them to say that they will not renew the contracts in anticipation of the circus coming over. They are going to play them instead of Ringling.

The CHAIRMAN. I am not keenly interested in their coming.

Mr. BRIGHT. Thank you, sir. That makes two of us.

Mr. KENNEDY. I want to come back to your speech of May 9. Here is another statement:

In Boston we have become entrepreneurs and the Brotherhood of Teamsters has agreed to put up money to help us win this fight and they are going to work with us, too. In my experience with the Teamsters I have found that their word is as good as the word of my mother.

The CHAIRMAN. Which Teamsters were you talking about?

Mr. BRIGHT. Mr. Kennedy, let me say this to you, sir. In 1956 we knew—I am saying AGVA per se—we knew of no problems with the Teamsters Union. Any word that had been given either to me or to our organization by any representative of the union up until that time—I am talking about the Teamsters Union—had been lived up to. There had been words at that particular time given from, shall we say people who were not in disfavor at the moment of organized labor who went back on their word 5 minutes after they gave it.

Not only that, they were also setting me up as a clay pigeon on the premise: I was going to go over to Mr. North's apartment to receive

a signed contract and then got a telephone call, saying, "Don't go because you are going to be served by a restraining order."

The labor official told me it was all right to go and he was arranging for the signing of a contract.

Mr. KENNEDY (reading):

No one ever went into a competition like this before and we have some good backing. James R. Hoffa is in this thing up to his neck and Dave Beck has given us his personal blessing.

It seems to me that where you try the picket line and were successful that this is a new system of organizing a business, setting up a rival competitive business. I could think that would lead to all sorts of ramifications in the future if any time a union were unsuccessful in organizing a particular company they then set up a rival company to compete with them as you did with the circus.

As you were able to lose as you did here, some \$18,000, that is the end of it. Where a union has a very large treasury running into the millions and millions and millions of dollars, of course, this could have all sorts of future possibilities.

Mr. BRIGHT. Mr. Kennedy, actors primarily are of a high temperament, being a performer, myself, and we would not look away from any kind of enterprise at that particular moment that would not focus attention, that would stop from focusing attention upon AGVA, where very few people were interested in the situation at that time.

We were amazed that when the circus was in rehearsal the night before up in Boston, that the Dave Garroway Show and other syndicated programs finally became interested to express our viewpoints and our story to the public. As far as going forward with the show we have learned through a bitter and sad experience that while money is everything, good intentions are not enough.

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

Mr. KENNEDY. I don't think that answers the question. As you say, you were not in that for any profit, you could afford to lose the money. Therefore, you were in and taking business away from another competitor, which you were attempting to organize.

You don't see anything that is questionable in that kind of activity?

Mr. BRIGHT. Mr. Kennedy, we did not look upon it as a competitor, that is, looking upon Mr. North as a competitor, because our type of circus did not have either the type of people, the animals, or the savoir faire or the approach that the Ringling Bros. have. We were just trying to convey to the people of Boston that we were asking them not to patronize the Ringling Circus.

Labor would understand but the children would not understand. We had to have an alternative for the children.

Mr. KENNEDY. That is different from what you said at the meeting of May 8, where you said you would set up a competitive business and follow him around from town to town.

Mr. BRIGHT. Yes; that immediately got back to the——

Mr. KENNEDY. You are not answering the question.

Mr. BRIGHT. Yes; that is right.

Mr. KENNEDY. At the time, that you were setting up a competitive business, and you were going to follow the Ringling Bros. Circus from town to town, of course, if you had unlimited funds, you would

ultimately drive Ringling Bros. out of business, there is no question about that.

You would drive any competitor out of business if you were willing to go into something like this and willing to lose money.

Mr. BRIGHT. Well, the only thing I could say in answer to that is that it is highly questionable today, having looked at it in 1956, even having the funds, whether we would have been able to drive Mr. North out of the business. Mr. North is quite a showman himself, and I am sure he would have found other means to put on his presentation. I think his own remarks in closing the circus said that he was not closing the circus because of labor troubles, but because the day of the tent was over.

The CHAIRMAN. Cause what?

Mr. BRIGHT. The day of the tent show was over.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Here is this item, Mr. Chairman.

The CHAIRMAN. Would you recognize your speech at Boston?

Mr. BRIGHT. If I saw it, sir, I surely would.

The CHAIRMAN. You may examine the document the Chair presents and state if you identify it.

(The document was handed to the witness.)

Mr. BRIGHT. I would identify this, sir, as extracts of our branch membership minutes at Boston.

The CHAIRMAN. It may be made exhibit No. 97.

(The document referred to was marked "Exhibit No. 97" for reference and may be found in the files of the select committee.)

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much. Call the next witness.

Mr. KENNEDY. Mr. O. C. Buck.

The CHAIRMAN. Mr. Buck, come forward.

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. BUCK. I do.

TESTIMONY OF OSCAR C. BUCK

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

Mr. BUCK. Oscar C. Buck, 66 Point View Drive, Troy, N. Y. I operate the O. C. Buck Expositions, a traveling carnival.

The CHAIRMAN. Thank you, sir.

You waive counsel, do you?

Mr. BUCK. Yes.

Mr. KENNEDY. Mr. Buck, how many employees do you have?

Mr. BUCK. On my payroll I have in the neighborhood of 50 or 55 employees.

Mr. KENNEDY. And where does your carnival operate?

Mr. BUCK. On the eastern seaboard. Most of my operations are in New York State and New England, and in the fall of the year I go south as far as South Carolina.

Mr. KENNEDY. Were you approached in May of 1956 about signing a contract?

Mr. BUCK. I was introduced to Mr. Karsh in the early part of May 1956 by Charles Torch, of Albany, N. Y., a lawyer, whom I knew as a lawyer there.

Mr. Karsh spoke to me about——

Mr. KENNEDY. Mr. Harry Karsh?

Mr. BUCK. Harry Karsh. He spoke to me about organizing the show.

Mr. KENNEDY. Who was he representing at the time?

Mr. BUCK. He was representing the Carnival and Allied Workers Local 447.

Mr. KENNEDY. Of the Teamsters?

Mr. BUCK. Of the International Brotherhood of Teamsters.

Mr. KENNEDY. Did he tell you that he wanted you to sign a contract? Is that right?

Mr. BUCK. Yes.

Mr. KENNEDY. Did he say he represented any of the employees?

Mr. BUCK. No.

Mr. KENNEDY. Did you ask him whether he represented any of the employees?

Mr. BUCK. No, he did not.

Mr. KENNEDY. Did you ask him? Was there any conversation about representing any of the employees? Did he represent any of the employees?

Mr. BUCK. No, he did not.

Mr. KENNEDY. How do you know that?

Mr. BUCK. Well, because I know that he had not spoke to anybody but me on the show.

Mr. KENNEDY. Did he tell you he wanted you to sign a contract?

Mr. BUCK. Yes.

Mr. KENNEDY. And did you pay \$4 a month for dues?

Mr. BUCK. He said that the dues would be \$4 per man, and the welfare out of the office to be paid by the office would be \$8.

Mr. KENNEDY. Did he say that he was going to organize all the carnivals?

Mr. BUCK. He said that was his intention, organizing all the carnivals.

Mr. KENNEDY. Was he going to arrange it so that one carnival could not jump the spot of another carnival?

Mr. BUCK. Well, I asked him what benefit it was to the show to have the men organized, and he told me that he was going to give the organized shows protection as far as opening cities that were closed to shows, and also protect the organized shows at fairs, as far as getting the contracts were concerned.

Mr. KENNEDY. Not having a rival show come in and take the spot?

Mr. BUCK. That is right.

Mr. KENNEDY. He returned 7 or 8 times, did he?

Mr. BUCK. That is right.

Mr. KENNEDY. During the——

Mr. BUCK. During the season between May and the 1st of August.

Mr. KENNEDY. You refused to sign a contract with him?

Mr. BUCK. Yes. He was also trying to organize the Coleman Brothers' Show at the time.

After his first visit to me, this Charles Tosh, who was with him at the time of his first visit, told me during the course of the conversa-

tion, that he had organized the Cetlin-Wilson and the World of Mirth Show and also the Strates Shows.

I knew they had organized, but in what union I did not know. After he had left me on his first visit, I got in touch with these show owners, and they told me that they were in the Retail Clerks Union. I asked them who represented them, and it was a Pfeifer out of New York, whom they sent their dues to. I asked them how much they were paying, and they told me they were paying, I believe, if my memory serves me—the men were paying, I think, \$2.70 a man and the office was paying, I believe, \$3.90 for welfare.

On the next visit that Mr. Karsh made to me, I brought that point up. I could not understand with the same union why he could ask for \$4 from me and this other union was only getting \$2.70 from the men. He told me that after the first of the year it would all be the same, all one union. So after we went along for several weeks—

Mr. KENNEDY. Did he say he could make it difficult for you?

Mr. BUCK. Well, he said there was different ways of making me join the union, but he did not mention what they were.

Mr. KENNEDY. Did he mention anything about the trouble he caused Ringling Brothers?

Mr. BUCK. Well, he mentioned the fact of the trouble that the Cetlin-Wilson Show had had the year previous, I believe, and also that the Ringling Show could not make any matinees, and they finally had to go to the barn. That was the latter part of the season.

Mr. KENNEDY. What do you mean go to the barn?

Mr. BUCK. Well, they had to put the show away, due to the fact that they could not make their dates on time. They lost several matinees.

Mr. KENNEDY. Did he indicate that that was because of his activities?

Mr. BUCK. Well, he intimated that the union had something to do with it, his union.

Mr. KENNEDY. Is that what you understood to be the fact?

Mr. BUCK. Yes.

Mr. KENNEDY. Did you understand that Ringling Brothers stopped their road shows because of this?

Mr. BUCK. Well, I don't know for what reason, but I know they were having trouble with the union.

Mr. KENNEDY. Did you ultimately join the union?

Mr. BUCK. The last week in July, Mr. Harry Karsh paid a visit to me, and he was working me against another show, this Coleman Show. When he came up on 2 or 3 occasions, he told me that he was going to see Coleman the following week and he was ready to sign. I also asked him who he had signed up, and he mentioned two shows in the Middle West that I had never heard of.

So I said "Well, I will tell you what I will do." I said, "I can't meet you next week, because I am too far from the Coleman Show, but the following week I will be in Elmira, and the Coleman Show will be in Grafton, N. Y.," which is about 75 miles apart. "I will meet you there and I will meet you with Coleman at the time." Which I did. I went over to Grafton and spent 2 or 3 hours with Mr. Karsh. I mentioned the fact that it was toward the end of the season, and told him to forget about it for this season, until he had the thing organized as one union,

or even better than that I suggested that he come to Chicago the last of November, at which time all shows have a convention.

Mr. KENNEDY. I just want to move it along a little bit. You did sign up with him, then?

Mr. BUCK. Yes, I signed up the following day.

Mr. KENNEDY. Did the employees have any choice about joining the union at that time?

Mr. BUCK. No.

Mr. KENNEDY. They were just told that they were signed up; is that right?

Mr. BUCK. Well, after he signed up the Coleman Show on Wednesday, I believe it was, he came over to visit with me in Elmira on Thursday. I signed the contract and I called each of my employees in individually, and he signed them up.

Mr. KENNEDY. But the employees had no choice about signing up?

Mr. BUCK. No.

The CHAIRMAN. Did you agree to discharge them if they did not sign up and pay their dues?

Mr. BUCK. No.

The CHAIRMAN. Is that in your contract?

Mr. BUCK. That I cannot say. I don't recall reading that in the contract.

Mr. KENNEDY. Did you ever read the contract?

Mr. BUCK. Vaguely.

Mr. KENNEDY. You never read it, did you?

Mr. BUCK. No, I did not read it in its entirety.

Mr. KENNEDY. Did he ever ask you about any provision in the contract, ever speak to you about it?

Mr. BUCK. No.

Mr. KENNEDY. You paid him the money?

Mr. BUCK. I paid him the money. I gave him a check for the men and also a check for the welfare.

Mr. KENNEDY. Have you heard from Mr. Karsh since then?

Mr. BUCK. No; I have not.

Mr. KENNEDY. That was the last contact you had with him?

Mr. BUCK. That was the last contact I had.

Mr. KENNEDY. He took the money and left?

Mr. BUCK. That is right.

Mr. KENNEDY. How much money did you give him?

Mr. BUCK. Well, when I was discussing the signing of the contract, he wanted to organize the entire show, concessionaires, and show people who are independent operators, and I told him I would not consent to the concessionaires or the show people for the simple reason that if I went to them and said "You have to join the union," they would say "Well, I will join some other show that isn't unionized."

So I could not afford to lose concessions due to the fact of joining the union. I told him I would give him those on my payroll. We also have a tremendous turnover of help from week to week. I asked him how long a man would have to be employed before he would have to join the union, and he said he would have to be at least 2 weeks on the payroll before he was eligible to join the union.

Mr. KENNEDY. That is all.

The CHAIRMAN. Is there anything further?

Senator CURTIS. How many months did you continue to pay for these people?

Mr. BUCK. I paid 2 months.

Senator CURTIS. Did you carry that expense yourself or did you deduct it from the employees?

Mr. BUCK. Well, I raised their salary enough to go and pay their union dues.

Senator CURTIS. But you so handled it so your books showed a checkoff?

Mr. BUCK. That is right.

Senator CURTIS. But you gave them a raise so that you would not have to take any loss?

Mr. BUCK. They would not take any loss on their salaries.

Senator CURTIS. Did any of them ever get any benefits from the pension and welfare fund?

Mr. BUCK. My secretary took sick 2 weeks after I joined the union and he was confined to the hospital for 9 days. He had a heart attack. Then he came out and went up home to recuperate for a week or 10 days, which the doctor advised him. He got another attack up in Massachusetts. He entered the hospital up there and died. I wrote the office at St. Louis on two occasions and received no reply. So the following month, when I sent in the dues and the welfare money for that second month, I registered the letter and also wrote a lengthy letter mentioning the fact of the two letters I had sent previously I heard nothing from them about. I did finally get an application for the deceased beneficiary to fill out which I forwarded on to my secretary's sister. Only recently I found out that they did get the \$1,000 death benefit.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you.

Call the next witness.

Mr. KENNEDY. Mr. Magador Cristiani.

The CHAIRMAN. 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. CRISTIANI. I do.

TESTIMONY OF MAGADOR E. CRISTIANI, ACCOMPANIED BY COUNSEL, ROGER ROBB

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

Mr. CRISTIANI. My name is Magador E. Cristiani. I live at 2470 Main Street, Sarasota, Fla.

The CHAIRMAN. What is your occupation?

Mr. CRISTIANI. At the present, I am the general agent of Cristiani Bros. Circus.

The CHAIRMAN. Do you have counsel?

Mr. CRISTIANI. Yes, I do.

The CHAIRMAN. Counsel, identify yourself, please.

Mr. ROBB. Yes, sir. My name is Roger Robb. My address is the Tower Building, Washington, D. C.

The CHAIRMAN. Thank you.

All right, Mr. Kennedy.

Mr. KENNEDY. What is your first name?

Mr. CRISTIANI. Magador.

Mr. KENNEDY. How do you spell that?

Mr. CRISTIANI. M-a-g-a-d-o-r.

Mr. KENNEDY. And your family has been in the circus business for how long?

Mr. CRISTIANI. On my father's side, since 1840.

Mr. KENNEDY. What country?

Mr. CRISTIANI. All over Europe and here since 1934.

Mr. KENNEDY. And your mother also?

Mr. CRISTIANI. Also my mother, yes, and on my mother's side it doesn't go back quite that far.

Mr. KENNEDY. You have a fairly large family?

Mr. CRISTIANI. I consider it quite large.

Mr. KENNEDY. How many do you have?

Mr. CRISTIANI. 10 children.

Mr. KENNEDY. And do you and the children run and operate the circus?

Mr. CRISTIANI. Yes, including my father and all the boys. There are six brothers.

Mr. KENNEDY. Six brothers and your father operate this circus?

Mr. CRISTIANI. Right.

Mr. KENNEDY. How many employees do you have?

Mr. CRISTIANI. At the moment I would say—are you speaking of performers included and all?

Mr. KENNEDY. Yes.

Mr. CRISTIANI. I would say approximately between 200 and 250.

Mr. KENNEDY. Are you one of the largest in the United States?

Mr. CRISTIANI. Our show is considered the largest in America today.

Mr. KENNEDY. And where do you operate?

Mr. CRISTIANI. We operate all through the Eastern States. This year we have covered quite a bit of the Middle West. Occasionally we go up to Canada, and occasionally we go West.

Mr. KENNEDY. In the spring of 1956 were you approached by Mr. Harry Karsh?

Mr. CRISTIANI. Yes, we were.

Mr. KENNEDY. For what purpose, at that time?

Mr. CRISTIANI. Negotiating a contract with the Teamsters Union.

Mr. KENNEDY. Had he talked to any of your employees at that time?

Mr. CRISTIANI. Well, first he approached the management and introduced himself. He had an associate with him by the name of Kane. I don't know his first name, I knew this fellow. He had been an employee previously with the Ringling Bros. Circus. I believe I met him first in, I believe it was, in Syracuse, N. Y. Then he went into some form of discussion with one of my brothers, Brother Lucio. I don't quite recall. There were a couple of other brothers present. There was David and possibly my younger brother Pete.

I don't know whether it was the first discussion they had or the second. It was sort of a heated argument, and due to that discussion which I heard about the following day, my brother, Lucio, says "I am a little bit too hot tempered, so if you feel that you can negotiate

this more diplomatically, perhaps you better talk to Mr. Karsh yourself," and that is when I basically took over the negotiation.

Mr. KENNEDY. Do you know what Karsh had said to your brother that brought about the disagreement?

Mr. CRISTIANI. Well, it seems to me that there was a few things mentioned about some form of pressure. As I say, I don't know, and I am not in a position to mention that. At that point, I think that my brother became irritated and refused to discuss it.

Mr. KENNEDY. Did Mr. Karsh indicate to you the difficulties that he had been able to cause for the Ringling Bros.?

Mr. CRISTIANI. No, he did not approach me that way. He immediately went and brought forth the benefits that the union may have as far as the employees were concerned. He did not in any words ever indicate to me any form of threats in my discussion with him.

Mr. KENNEDY. Was there any discussion about the Ringling Bros. at all?

Mr. CRISTIANI. Well, I believe that I asked that, myself. I asked Mr. Karsh, I said "We hear a lot of stories about the Ringlings," and he mentioned the fact of the picketing, and some of the local teamsters that sort of stopped some of the show trucks from either going through or made it very difficult for them to go through. But he never indicated to me that the union, or, rather, Mr. Harry Karsh, himself had any direct connection with them.

Mr. KENNEDY. Did he say the damage that had been caused to Ringling Bros. by this?

Mr. CRISTIANI. I believe he mentioned there was some damage caused to the tractors.

Mr. KENNEDY. Did he say how much it amounted to?

Mr. CRISTIANI. I believe there was a mention of several thousand dollars.

Mr. KENNEDY. A quarter of a million dollars?

Mr. CRISTIANI. Something like that.

Mr. KENNEDY. That is several-several thousands of dollars.

Mr. CRISTIANI. Yes, sir; it is.

Mr. KENNEDY. You signed the contract?

Mr. CRISTIANI. No. My brother signed the contract.

Mr. KENNEDY. Well, your circus signed the contract?

Mr. CRISTIANI. Yes.

Mr. KENNEDY. Had the employees indicated that they wanted to join the Teamsters Union?

Mr. CRISTIANI. Well, in my discussion, and I believe my brother said this to me, if the employees wanted to go along with it, that we would go ahead and sign it.

Mr. KENNEDY. Had the employees ever indicated that they wanted to sign with the union?

Mr. CRISTIANI. Well, in my discussions with a good portion of them, and I spoke to the steady employees, they made mention to me that if the show was going along, that they would go along with the show.

Mr. KENNEDY. They had not come to you and petitioned to join the Teamsters Union?

Mr. CRISTIANI. No, they did not do that.

Mr. KENNEDY. There was no election held to determine whether they wanted to join the union?

Mr. CRISTIANI. No, there was no formal election, I would say, although Mr. Karsh and this fellow by the name of Kane did talk to several of the employees in reference to the union.

Mr. KENNEDY. But, Mr. Cristiani, there was no election held?

Mr. CRISTIANI. No, there wasn't.

Mr. KENNEDY. The contract was signed with the Teamsters Union, and the employees were not consulted?

Mr. CRISTIANI. No, that is true.

Mr. KENNEDY. Under the contract they either had to join the union within 30 days, or they had to leave, isn't that correct?

Mr. CRISTIANI. Well, of course, I made mention, if I recall correctly, to Mr. Karsh, and possibly Mr. Kane was present at the time, of "supposing that the employees do not want to join? We are certainly not going to force anything."

They said that if they would not join, then we just forget about the contract and possibly negotiate later on.

Mr. KENNEDY. How many employees did you pay for?

Mr. CRISTIANI. I think we paid to a minimum of 25. As I stated earlier in your office, at that time I assumed that the Teamsters was strictly for transportation, such as truckdrivers. Of course, our show at the moment is on trucks, and it was in 1956. So I made mention to Mr. Karsh that we only had at the time approximately 32 or 30 or 32 show-owned vehicles, and that I did not see where it was necessary for more than 32 of the employees to belong.

(Members of the select committee present at this point in the proceedings: Senators McClellan and Curtis.)

Mr. KENNEDY. You arrived at a figure of about 25?

Mr. CRISTIANI. Twenty-five.

Mr. KENNEDY. You selected 25?

Mr. CRISTIANI. Yes.

Mr. KENNEDY. Then when they would leave your employment you would fill it in with another name?

Mr. CRISTIANI. That is correct.

Mr. KENNEDY. Did you ever pay any initiation fees on this?

Mr. CRISTIANI. No. When I spoke to you in your office earlier this morning I could not quite recollect, but now that I remember, I don't think there was any initiation fee involved.

Mr. KENNEDY. You informed the employees that they were members of the Teamsters Union?

Mr. CRISTIANI. Yes.

Mr. KENNEDY. In each case when you put somebody new in you would tell them they were members of the Teamsters?

Mr. CRISTIANI. Right.

Mr. KENNEDY. You would send in the money for the 25 each periodically?

Mr. CRISTIANI. Yes, sir, we assumed the payments ourselves. I remember one particular fellow that took care of our horses. He said he would not pay anything, that he would not pay 25 cents to any union. So I believe we paid it for him right along.

Mr. KENNEDY. How did Mr. Karsh refer to the employees?

Mr. CRISTIANI. He mentioned rontabouts many times. A couple of times he mentioned the word "winos."

Mr. KENNEDY. The employees of the circus?

Mr. CRISTIANI. Yes.

Mr. KENNEDY. These were the people he pretended to represent?

Mr. CRISTIANI. Yes. He referred to some of them that way. The exact expression was, I think, "Some of these winos."

Mr. KENNEDY. Of course, the circus is extremely vulnerable, is it not, to pressure?

Mr. CRISTIANI. I would say that it is possibly the most vulnerable form of business.

Mr. KENNEDY. Is that why you signed the contract?

Mr. CRISTIANI. I wouldn't say that that was the deciding factor.

Mr. KENNEDY. Was that an important factor?

Mr. CRISTIANI. At the time I don't know whether it was or not. We certainly thought about it.

Mr. KENNEDY. There wasn't any other reason. The employees had not demanded that they join. There would not be any reason for you to be paying this money out particularly?

Mr. CRISTIANI. I would say this: My brother, Lucio, was opposed to it, although we do believe in labor management. We were at one time, and still are, members of AGVA.

Mr. KENNEDY. I am not questioning that, but certainly it was an important factor in your signing the contract.

Mr. CRISTIANI. Well, sometimes your subconscious mind makes you think, and we had heard the stories about Ringling. I think we thought about that, that those things could happen.

Mr. KENNEDY. I won't press it.

The CHAIRMAN. How many employees, aside from performers, did you have?

Mr. CRISTIANI. At the time, I would say that we were sort of short of help. I would say approximately 125, maybe 130.

The CHAIRMAN. That is aside from performers?

Mr. CRISTIANI. That's correct.

The CHAIRMAN. So they finally settled for you to sign up 25 people?

Mr. CRISTIANI. That's correct.

The CHAIRMAN. During that conversation was there any suggestion about the health of your animals, how to keep them healthy?

Mr. CRISTIANI. I can't say that there was ever anything like that suggested by Mr. Karsh.

The CHAIRMAN. Or about how they may become unhealthy?

Mr. CRISTIANI. No. If they did mention anything like this they did it indirectly.

The CHAIRMAN. Did they do it indirectly?

Mr. CRISTIANI. Well, of course, they spoke to the men.

The CHAIRMAN. Was there any threat or implied threat, of injury or harm to your animals?

Mr. CRISTIANI. No.

The CHAIRMAN. None?

Mr. CRISTIANI. None.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Had you heard discussions about what could happen to the animals, Mr. Cristiani?

Mr. CRISTIANI. Yes, I had.

Mr. KENNEDY. That was also a factor that you took into consideration?

Mr. CRISTIANI. Well, of course—

Mr. KENNEDY. About animals being poisoned?

Mr. CRISTIANI. Well, we had heard these things. Wouldn't you take it under consideration if you were me?

Mr. KENNEDY. Yes. I am not critical at all.

That is all.

The CHAIRMAN. Thank you. Stand aside.

The committee will take a 5-minute recess.

(Thereupon, a brief recess was taken.)

The CHAIRMAN. The committee will come to order.

Proceed.

Mr. KENNEDY. Mr. Chairman, we have finished the background of Mr. Karsh's activities. Now we go into the election that was held in January 1958, and the delegates from Mr. Karsh's local, local 447, seven delegates in all were the delegates which won the election for Mr. Gibbons out in St. Louis.

I would like to call as the witnesses two of the officers of that local, Mr. Vernon Francis Korhn, and Mr. Harold Leroy Brocies, who were delegates to the election and participated.

The CHAIRMAN. Mr. Korhn and Mr. Brocies.

Let the two witnesses sit in the chairs in front of the mikes.

Will you be sworn, please.

Do you, and each of 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. BROCIES. I do.

Mr. KORHN. I do.

The CHAIRMAN. Be seated.

TESTIMONY OF HAROLD L. BROCIES AND VERNON F. KORHN, ACCOMPANIED BY COUNSEL, TED A. BOLINGER

The CHAIRMAN. Beginning on my left, will you state your name, your place of residence, and your business or occupation.

Mr. BROCIES. My name is Harold Brocies, 1407 Yukon Street, Tampa, Fla., employee of Royal American Shows.

Mr. KORHN. My name is Vernon F. Korhn, 2609 Fountain Boulevard, Tampa, Fla.

The CHAIRMAN. Thank you. What is your business?

Mr. KORHN. I am a showman, assistant to the secretary of the Royal American Shows.

The CHAIRMAN. Mr. Counsel, identify yourself for the record, please, sir.

Mr. BOLINGER. Ted A. Bolinger, attorney, 408 Olive Street, St. Louis, Mo.

Mr. KENNEDY. Your name is Mr. Korhn, K-o-r-h-n?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. For the past 6 years you have been employed as assistant to the secretary-treasurer of the Royal American Shows?

Mr. KORHN. Yes.

Mr. KENNEDY. That is a traveling carnival with winter headquarters at Tampa, Fla.?

Mr. KORHN. That's right.

Mr. KENNEDY. You have also been secretary of the Greater Tampa Showmen's Association?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. Which is an association made up of various show people in the Tampa area?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. In 1953, Mr. Harry Karsh, who was then an organizer for the Jewelry Workers Union, tried to organize the employees of your show; is that right?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. That union was done away with by the action of the A. F. of L.?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. Your group, in the meantime, formed an independent union?

Mr. KORHN. That was under Mr. Brocies.

Mr. KENNEDY. Mr. Brocies, you formed an independent union?

Mr. BROCIES. I did.

Mr. KENNEDY. Your independent union existed from 1953 to 1955; is that right?

Mr. BROCIES. After that even. We kept it as a club even after we joined the Teamsters.

The CHAIRMAN. Will you adjust your mike.

Mr. BROCIES. We kept it going as a club up until November of last year.

Mr. KENNEDY. Now Karsh began to try to organize the employees again in 1955?

Mr. BROCIES. That's right.

Mr. KENNEDY. You attempted to get a petition going before the National Labor Relations Board in Atlanta, Ga.?

Mr. BROCIES. I did.

Mr. KENNEDY. Against this organization of the Teamsters?

Mr. BROCIES. That's right.

Mr. KENNEDY. That was unsuccessful, they refused to take jurisdiction; is that correct?

Mr. BROCIES. That's correct.

Mr. KENNEDY. So then you all signed up with the Teamsters Union?

Mr. BROCIES. Yes.

Mr. KENNEDY. A contract was signed by Mr. Sedlmayr with the Teamsters Union; is that correct?

Mr. BROCIES. That's right.

Mr. KENNEDY. The dues were paid, and welfare?

Mr. BROCIES. Right.

Mr. KENNEDY. Mr. Korhn, you were the one responsible for collecting the dues for management?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. You are actually part of management, are you not?

Mr. KORHN. No. I can't fire anybody or anything like that. I am considered in a managerial position, yes.

Mr. KENNEDY. One of your responsibilities is to send the dues into the Teamsters?

Mr. KORHN. That's right, sir.

Mr. KENNEDY. Who were the officers of the union up until January 1958?

Mr. KORHN. I think it was only Mr. Karsh, as far as I know.

Mr. KENNEDY. Were there other officers then appointed in January 1958 or selected in January 1958?

Mr. KORHN. I was the one that was selected to be the president.

Mr. KENNEDY. Who selected you?

Mr. KORHN. Mr. Karsh called me at the club, at the Showmen's Club, and told me I had been appointed the president, and asked me to get hold of at least five good men that knew show business to be on the advisory board, to serve as the officers of the union.

Mr. KENNEDY. When did he have this conversation with you.

Mr. KORHN. I think it was either last part of December or the first week in January. I don't know the exact time.

Mr. KENNEDY. Did you agree to take over?

Mr. KORHN. I called the men together first. I got hold of Harold and Tom Adams, old employees of the show, and all of them ranging from 10 to 15 years. I talked to them with the idea in mind that if we were to function as a local it would be better to have people associated in the show business holding those offices rather than to have somebody that was not in show business, I pointed out, maybe out of St. Louis, Chicago, New York, elsewhere.

So we decided it would be the best thing for the industry if we did accept it. In case we did function we would have some advice to give the union people to control it, because our industry could be wrecked in a very short time.

Mr. KENNEDY. So you agreed to take the position as president?

Mr. KORHN. I agreed to take it.

Mr. KENNEDY. Did you get five other people?

Mr. KORHN. I got the five boys.

Mr. KENNEDY. Whom did you get?

Mr. KORHN. Tom Adams.

Mr. KENNEDY. Tom Adams was made vice president?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. Who was made recording secretary?

Mr. KORHN. Harold.

Mr. KENNEDY. Harold Brocies?

Mr. KORHN. Yes. And Robert Garner.

Mr. KENNEDY. Robert Garner?

Mr. KORHN. Robert Garner and Chet Fowler.

Mr. KENNEDY. Chester Fowler and George Hercha. So you were the six officers; is that right?

Mr. KORHN. That's right.

Mr. KENNEDY. Together with Mr. Karsh you made it seven?

Mr. KORHN. That's right.

Mr. KENNEDY. Did Mr. Karsh come down to Tampa, Fla., himself?

Mr. KORHN. He did. He came down. Before we went to St. Louis he came down and talked to the boys and asked them if they would accept it and told them what it meant to them, that we would come out of the trusteeship and function as a local, and that we were to go to St. Louis to be properly seated on the Central Conference of Teamsters Union.

Mr. KENNEDY. All the men that you selected for these positions were foremen; is that right?

Mr. KORHN. Yes; they were all foremen.

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

Mr. KENNEDY. Adams is the foreman of the electrical department?

Mr. KORHN. That is right. He belongs to the electrical union, too.

Mr. KENNEDY. Brocies is the kiddycar foreman?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. Hercha is the scrambler foreman?

Mr. KORHN. Yes.

Mr. KENNEDY. What is a scrambler?

Mr. KORHN. It is a new ride brought out last year.

Mr. KENNEDY. Garner is the scooter foreman?

Mr. KORHN. That is right.

Mr. KENNEDY. And Fowler is the foreman of the twister?

Mr. KORHN. The twister. They are all rides.

Mr. KENNEDY. Hercha is the scrambler?

The CHAIRMAN. You have two scrambler foremen?

Mr. KORHN. No; here Hercha is on the scrambler, and Fowler is the twister, and Garner is the scooter.

Mr. KENNEDY. You were all management people; is that right?

Mr. BROCIEN. Yes and no. We are foremen over a group of men, but we do not have the final word in any hiring or firing. That is strictly done by the office.

Mr. KENNEDY. You represent management, however?

Mr. BROCIEN. That is right.

Mr. KORHN. That is right.

Mr. KENNEDY. Did you then make a trip to St. Louis?

Mr. KORHN. We made a trip to St. Louis.

Mr. KENNEDY. Who paid for the trip to St. Louis?

Mr. KORHN. The union paid it; the local, I imagine, our local. Anyway we went to St. Louis. Mr. Karsh bought the tickets for those that went on the train. There were three of us went on the train and four of them went by car.

Mr. KENNEDY. And when did you go to St. Louis?

Mr. KORHN. I don't know the exact date. But we left Sunday in Tampa. It was right ahead of the election, whatever the election date was. We got in there on Monday night, and the election was held on—Wednesday, wasn't it? On Wednesday. I don't know the date of it. It was in January—the 23d or the 24th.

Mr. KENNEDY. The election was January 15.

Mr. KORHN. The 15th?

Mr. KENNEDY. Yes.

Mr. KORHN. We left January about the 11th or 12th, then.

Mr. KENNEDY. Mr. Karsh made those arrangements?

Mr. KORHN. Yes.

Mr. KENNEDY. How long did you stay in St. Louis?

Mr. KORHN. We got in there on Monday night, about 8 o'clock. We stayed until the election was over and then we left the next day.

Mr. KENNEDY. You voted in the election?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. And you all voted for Mr. Gibbons; is that correct?

Mr. KORHN. Yes, sir.

Mr. KENNEDY. Then you took the trip back to Tampa?

Mr. KORHN. Back to Tampa.

Mr. KENNEDY. Did you receive any money for going up?

Mr. KORHN. We received \$150 apiece loss of time. I lost a week apiece at the club, and the boys were all working at the winter quarters.

Mr. KENNEDY. Who gave you that money?

Mr. KORHN. They brought us out checks for that.

Mr. KENNEDY. Who did that?

Mr. KORHN. Mr. Karsh delivered it to us.

Mr. KENNEDY. Who paid your hotel bill out there?

Mr. KORHN. That was paid by the local, I imagine, the union. I don't know. I went in and signed in, and checked into the hotel, but it was all taken care of by the local in St. Louis.

I couldn't say which one or who.

Mr. KENNEDY. Had you ever examined the books, or records, or known anything about the operation of the union from that point of view?

Mr. KORHN. No, sir.

Mr. KENNEDY. Have you looked at the books and records since the time you were elected president?

Mr. KORHN. No, sir.

Mr. KENNEDY. Have you done anything about running or operating the union?

Mr. KORHN. No. We can't—you see, we could not call a meeting or have any right now because all the shows are in operation. To call a meeting, we would have to bring in a show from there like the Cristiani Brothers, they are in one part of the country and we are in another.

So to have any meetings at all would be strictly impossible.

Mr. KENNEDY. Did you know anything about the joint council up in St. Louis?

Mr. KORHN. Not a thing.

Mr. KENNEDY. Had you ever heard of the joint council?

Mr. KORHN. I had never heard of it. It was all new to me.

The CHAIRMAN. You don't have to call a meeting of all the members to look over the books and see everything is all right.

Mr. KORHN. No, I know that. But I am working at something else besides the union and I don't have the time to go out there.

Senator CURTIS. Where is the headquarters for this local?

Mr. KORHN. St. Louis, sir.

Senator CURTIS. The local of which you are the president?

Mr. KORHN. Yes, sir.

Senator CURTIS. But all the officers of that are connected with the same circus?

Mr. KORHN. Yes, sir. We all live in Tampa.

Senator CURTIS. You all live in Tampa. What is the name of the local?

Mr. KORHN. The Carnival and Allied Workers Local 447.

Senator CURTIS. Do they have any members in St. Louis?

Mr. KORHN. That I could not tell you, sir. All I know is the members from which I collect the dues.

Senator CURTIS. Do they have any office or headquarters in St. Louis that you know of?

Mr. KORHN. Yes, sir; 1631 South Kingshighway, at the labor building, the Labor Temple.

Senator CURTIS. The labor building?

Mr. KORHN. Yes.

Senator CURTIS. Do you know whether you have any employees there?

Mr. KORHN. That I could not tell you, no, sir. I send in the reports to the Carnival and Allied Workers Local 447, and I send in the health and welfare money to Carnival and Allied Workers Local 447 health and welfare fund, two checks every month.

Mr. KENNEDY. Do you have an office in that building?

Mr. KORHN. I imagine they do.

Mr. KENNEDY. Have you ever been in the building?

Mr. KORHN. I was through it when we went to St. Louis, yes, sir.

Mr. KENNEDY. Did you ever go through any office that belonged to you?

Mr. KORHN. No, sir, because we were just being organized, I guess.

Mr. KENNEDY. When you were president, have you ever been in an office that belonged to your union?

Mr. KORHN. No, sir.

Mr. KENNEDY. Have you?

Mr. BROCIES. No, I have not.

The CHAIRMAN. If you were to start to find your office tomorrow, would you have to inquire where it is?

Mr. KORHN. I sure would.

Senator CURTIS. How did you happen to vote for Gibbons?

Mr. BROCIES. That would be easy. If you had been at the meeting, that would not have been hard to tell.

Senator CURTIS. Tell us about it.

Mr. KORHN. Tell them Harold.

Mr. BROCIES. Well, at least Gibbons and Mr. Karsh and the rest of them treated us like white men. We had several slurs, and they acted like we was a bunch of scum or something when we walked in, the opposition did. There wasn't but one way we could vote, even if we had never seen Mr. Gibbons or anybody else before.

Mr. KENNEDY. I guess nobody else had known you were coming, did they?

Mr. BROCIES. They did. They knew we were coming.

Mr. KENNEDY. When had they found that out?

Mr. BROCIES. I don't know. But they knew we were there.

Mr. KENNEDY. I know they knew you were there, but they didn't know you were going to come.

Mr. BROCIES. That I don't know. But they knew we were there.

Mr. KENNEDY. Didn't they appear quite surprised when you showed up?

Mr. BROCIES. No.

Mr. KORHN. I couldn't tell you about that, but I know we did not hide out or anything.

Mr. KENNEDY. I understand that, once you got there.

Mr. KORHN. The opposition was fighting to keep us from being recognized, and I thought after paying due for 3 years that we were entitled to some recognition. So we voted for the man that told us we were going to get recognition.

The CHAIRMAN. That was the first recognition you had gotten?

Mr. KORHN. That was the first recognition we had gotten.

The CHAIRMAN. When they needed your votes.

Mr. KORHN. Well, I don't know about that.

The CHAIRMAN. You know that is what you went there for.

Mr. KORHN. No, I wouldn't say that.

The CHAIRMAN. What did you go there for?

Mr. KORHN. To organize the union.

The CHAIRMAN. You were already organized.

Mr. KORHN. No, we was not.

The CHAIRMAN. You were president.

Mr. KORHN. No, I wasn't, until we got to St. Louis.

The CHAIRMAN. You went there to be president?

Mr. KORHN. No, I did not.

The CHAIRMAN. What did you go there for?

Mr. BROCHES. Well, we spent about 3 days—

The CHAIRMAN. Wait a moment.

Mr. KORHN. I went there to become president, yes, for the simple reason of protecting the show industry.

The CHAIRMAN. Yes. Now what protection have you given them? You have not looked at the books; you don't know anything about it, do you?

Mr. KORHN. That is right.

The CHAIRMAN. You have not given it a lot of protection, have you?

Mr. KORHN. We didn't get it.

Mr. KENNEDY. You could have been president just as well if you had stayed down in Florida?

Mr. KORHN. Well, I don't know about that.

Mr. KENNEDY. It was not necessary—the purpose in going to St. Louis was in order to vote in the election.

Mr. KORHN. Yes; that was the purpose of going to St. Louis.

The CHAIRMAN. That is what I asked you just a moment ago?

Mr. KENNEDY. Had you actually, Mr. Korhn, been paying your dues every month for 3 years?

Mr. KORHN. Yes; we had been paying dues. It was for the first 3 years of the contract.

The CHAIRMAN. All right.

Mr. KENNEDY. Did you pay your dues every month?

Mr. KORHN. For the 6 months of the year, yes.

Mr. KENNEDY. Well, there are 12 months in the year.

Mr. KORHN. We only pay for 6.

Mr. KENNEDY. You only pay for dues 6 months of the year?

Mr. KORHN. We pay dues for 6 months of the year, while we are in operation.

Mr. KENNEDY. So actually you had not been paying dues for a period of 3 years. You had been paying your dues for 6 months out of every year for a period of 3 years?

Mr. KORHN. Yes; that is right.

Mr. KENNEDY. The Teamster constitution says in order to participate in an election you have to be a member in good standing, which means that you have to be paying your dues for over a period of 2 years. You had not been paying your dues. You had not paid your dues every month for 2 years.

Mr. KORHN. No, we had not.

Mr. KENNEDY. And, as a matter of fact, some of the officers that participated in this election had withdrawal cards during that period of time. Were you aware of that?

Mr. KORHN. No, sir.

Mr. KENNEDY. None of the representatives of local 447 who participated in that election had, in fact, paid their dues up over a period of 2 years. You know that, do you not?

Mr. KORHN. I know we only paid for 6 months.

Mr. KENNEDY. For instance, you yourself, Mr. Korhn, took a withdrawal card, according to the records, on October 31, 1955, and did not come back into the union until May of 1956.

Mr. KORHN. That is right.

Mr. KENNEDY. So you had not been a member in good standing for 2 years.

Mr. KORHN. Well, our understanding that we have is that we pay 12 months' dues in the 6 months, the same as we pay \$48 a year insurance in the 6 months, which pays the policy for the year. You see, our health and welfare policy that we get is covered for a year, from May 1 to May 1.

Mr. KENNEDY. Then why was a withdrawal card given to you, if you paid your dues up?

Mr. KORHN. I don't know. I did not get any withdrawal card.

Mr. KENNEDY. Mr. Brocies also got a withdrawal card on October 31, 1955, and did not come back into the union until May of 1956, and the dues were not twice the regular dues. The dues were \$4 a month. That is how much dues you were paying. That was just for 6 months. That is all you had to pay your dues for. You understood that.

You both took withdrawal cards. Neither one of you were members of the union, according to this record, until May of 1956.

Mr. BROCIES. This is the first I knew of it.

Mr. KENNEDY. Mr. Korhn?

Mr. KORHN. That is the first I knew that I had a withdrawal card.

Mr. KENNEDY. I will show you your record.

The CHAIRMAN. Do you want to see your record about it?

(The document was handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Do you understand why the record reflects that?

Mr. KORHN. No, sir.

The CHAIRMAN. Who is your union boss? You don't run the union, somebody else runs it. Who runs it?

Mr. KORHN. Harry Karsh, as far as I know.

The CHAIRMAN. That is what I thought. All right.

Mr. KENNEDY. Then, for instance, from November of 1956 you did not pay any dues from November 1956 until June of 1957, according to your own records.

Mr. KORHN. Yes.

Mr. KENNEDY. And the records also show that you paid your dues in November of 1957 and did not pay again until March of 1958.

Mr. KORHN. That is about right.

Mr. KENNEDY. So you were not even up to date in your own dues at the time you voted in the election.

Mr. KORHN. Well, when I was not on the road—

Mr. KENNEDY. I am not saying there was not a question with that. I am sure it was an arrangement made in your union, and Mr. Harry Karsh made this arrangement. I am not questioning that at all. But because of this, according to the constitution, you could not participate in the election, and yet your votes were counted. That is the only question I am raising.

(Members of the select committee present at this point in the proceedings: Senators McClellan and Curtis.)

The CHAIRMAN. How long had you been in the union hall before you voted?

Mr. KORHN. We visited there in the afternoon. Then that night we went in about a half hour, we sat in there while they were having discussion whether we should be seated or should not be seated.

The CHAIRMAN. They did have some discussion about it?

Mr. KORHN. Yes, plenty of discussion.

The CHAIRMAN. Plenty?

Mr. KORHN. Yes. Mr. Gibbons as trustee recognized our local, and they voted we could take part in the election.

The CHAIRMAN. Mr. Gibbons ruled in his own election that you were entitled to vote?

Mr. KORHN. As trustees we were entitled to vote..

Mr. KENNEDY. I will read this one other provision of this constitution, which is article X, section 5 (c):

(c) All members paying dues to local unions must pay them on or before the first business day of the current month, in advance. Where membership dues are being checked off by the employer pursuant to properly executed checkoff authorization, it shall be the obligation of the member to make one (1) payment of one (1) month's dues in advance to insure his good standing. Thereafter, he shall remain in good standing for each consecutive month for which the monthly checkoff is made. Any member failing to pay his dues at such time shall not be in good standing. Any member who shall be three (3) months in arrears in the payment of dues, fines, assessments, or other charges, at the end of the third (3d) month, shall automatically stand suspended and shall not be entitled to any rights or privileges as a member of the local union or international union.

As I pointed out, Mr. Chairman, Mr. Korhn, for instance, had not paid—

The CHAIRMAN. How many months was he delinquent when he voted?

Mr. KENNEDY. He was delinquent from October 31, 1955, to May 1956. He was delinquent November 30, 1956, to June 28, 1957, and from November 29, 1957, to March 31, 1958. The same kind of situation as far as Mr. Brocies is concerned.

The CHAIRMAN. At least he was delinquent 4 months at the time he voted for that preceding year.

Mr. KENNEDY. No, because the vote took place in January 1958. So he would be delinquent only for a month.

The CHAIRMAN. We had better have somebody make these part of the record.

TESTIMONY OF THOMAS EICKMEYER—Resumed

The CHAIRMAN. Are those the records of the ledger account of the dues of the two witnesses which you have?

Mr. EICKMEYER. Yes, sir; they are.

Mr. CHAIRMAN. Where did you procure them?

Mr. EICKMEYER. These were obtained from local 447 records in St. Louis, Mo.

The CHAIRMAN. They may be made exhibit No. 98.

(Documents referred to were marked "Exhibit No. 98" for reference and may be found in the files of the Select Committee.)

Mr. KENNEDY. Could we put the rest of them in for the rest of the individuals?

The CHAIRMAN. Do you have others you obtained for the other delegates that went down and voted?

Mr. EICKMEYER. Yes, sir, we have. Here is Mr. Thomas Adams. His record reflects the same as the previous witnesses.

The CHAIRMAN. Let us put them all in together.

Mr. KENNEDY. There is another one of particular interest which is Carl J. Fowler, Mr. Chairman.

Mr. EICKMEYER. Mr. Fowler first started paying dues June 28, 1957. He then stopped payment in November 1957, and started again in March 1958.

The CHAIRMAN. Do you have any others?

Mr. EICKMEYER. Mr. Robert Garner, his reflects the same as Mr. Brocies and Mr. Korhn. Mr. George Hercha reflects the same as Mr. Korhn and Mr. Brocies.

We have Mr. Harry Karsh's record here. His shows that his dues are paid every month during the whole year from the inception in June 1955 to the present date. He is the only one who has been paid up through the whole period of time.

The CHAIRMAN. Let all of them be made exhibit 98.

(Documents referred to were marked "Exhibits 98 for reference and may be found in the files of the Select Committee.)

Mr. KENNEDY. There is also a provision in the constitution, a number of provisions which are interesting.

The CHAIRMAN. Let the constitution be filed as exhibit No. 99.

(The document referred to was marked "Exhibit No. 99" for reference and may be found in the files of the Select Committee.)

TESTIMONY OF HAROLD L. BROCIES AND VERNON F. KORHN, ACCOMPANIED BY COUNSEL, TED A. BOLINGER—Resumed

Mr. KENNEDY. There is article II, entitled "Jurisdiction, Membership, and Eligibility to Office." Under the category of "Eligibility to Office," section 4 states:

To be eligible for election to any office of a local union or the international union a member must be in continuous good standing for a period of 2 years prior to nomination for said office and must have worked at the craft as a member for a total period of 2 years.

Then, Mr. Chairman, there is another section, section 5 (d), which states:

Temporary officers and trustees must be members in good standing—
this is dealing with unions that are under trusteeship, temporary officers appointed by the trustee—

Temporary officers and trustees must be members in good standing of local unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

Did anybody give any bonds?

Mr. KORHN. No, sir.

Mr. KENNEDY. Neither of you? Which one of you handles the money?

Mr. BROCIEN. I do.

The CHAIRMAN. Neither one of you is under any bond? You don't handle any money, just pay in?

Mr. KORHN. I just pay in.

The CHAIRMAN. Thank you. Stand aside.

Call the next witness.

Mr. KENNEDY. Mr. Harry Karsh.

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

Mr. KARSH. I do.

TESTIMONY OF HARRY KARSH, ACCOMPANIED BY COUNSEL, TED A. BOLINGER

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

Mr. KARSH. My name is Harry Karsh. I live at 7150 Vernon Boulevard, St. Louis, Mo.

The CHAIRMAN. Did you finish?

Mr. KARSH. Yes, sir.

The CHAIRMAN. I was going to ask you what your business or occupation is.

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. You have counsel. Counsel, you may identify yourself for the record.

Mr. BOLINGER. Ted A. Bolinger, 408 Olive Street, St. Louis, Mo.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Mr. Karsh, I would like to ask you how you received your charter first from the Jewelry Workers back in 1952.

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you honestly believe that if you answered the question truthfully as to what is your business or occupation, that a truthful answer thereto might tend to incriminate you?

Mr. KARSII. I honestly believe that if I am forced to answer the question I will be forced to become a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. Could you tell us whether Mr. Paul Dorfman was involved in that situation?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are you now a member of any union?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you think an organization that cannot be testified about, without self-incrimination of the witness testifying, membership in it, should be permitted to exist in this country?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. You do not want to be a witness against yourself. What else do you do?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Proceed.

Mr. KENNEDY. Is it a fact that you were an organizer of the A. F. of L. during the 1940's and that you were laid off because of questionable activities?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You became an organizer for local 688 of the Teamsters and then you participated in the sale of the union to Mr. Harold Gibbons, did you not, and received some \$18,000 for that?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Why was your interest in the union worth only about half of what Mr. Camie's was?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

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

The CHAIRMAN. I guess I was under the wrong impression. I thought you were one of the big shots. You are just half big; is that right?

Mr. KARSII. I respectfully decline to answer that question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Well, if you could claim to be a big shot, I don't think that would be against you; would it?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Proceed.

Senator CURTIS. Mr. Karsh, I would like to ask you one question that I think you could answer.

Have you been present in this hearing room today—all day?

(The witness conferred with his counsel.)

Mr. KARSH. Yes, Senator.

Senator CURTIS. Are you the Mr. Karsh that has been referred to by the previous witnesses?

(The witness conferred with his counsel.)

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Maybe we ought to call 1 or 2 of them around. Recall 1 or 2 of the witnesses, please, that have been testifying about Mr. Karsh.

Mr. KENNEDY. Mr. Hyman Powell.

The CHAIRMAN. I think we can establish the fact that you are the same one, if you want to have the record show that you decline to say that you are.

Mr. KENNEDY. Mr. Powell?

Is Mr. Powell out there?

The CHAIRMAN. Call Mr. Korhn back, too.

Mr. KENNEDY. Mr. Korhn and Mr. Brocies?

The CHAIRMAN. Get some of those witnesses back that have been in here testifying.

Proceed.

Mr. KENNEDY. When you sold your interest out, isn't it a fact that you were making some \$8,500 or \$9,000 at the time that Mr. Gibbons took over as head of the union? That he increased your salary to \$15,000; that you stayed on in the union for a year and then you sold out after this period of a year, and sold out for some \$18,000?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Isn't it a fact that the money that you received, which was supposedly salary advance, or severance pay, also included certain expenses that you might have received during the coming year?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Then after you left, you worked as a labor consultant, at least part time, for Mr. Nathan W. Shefferman?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Then you obtained the charter from the jewelry workers local, you became active in that, and then because of your high-handed methods, your charter was withdrawn, isn't that correct?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Then you became investigator, did you, a private investigator, for Mr. Fred Bender, in St. Louis, from September 1953 to April 1954?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And then you started organizing under the operations and control of the Teamsters Union in 1955?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You were responsible, were you, for a good deal of the damage that was done to the Ringling Bros. Circus in San Francisco and in Philadelphia?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Then you were operating and running this local completely on your own. Then, when it was seen that further votes were needed in the election of January 1958, for the control of Joint Council 13, you arranged to appoint six other officers, is that correct?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are you one of those racketeers who has utter contempt for the Government of the United States?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Isn't it correct that in 1955, in the election in January 1956, when Mr. Hoffa was attempting to gain control of the joint council in New York City, he appointed and formed certain phony locals that had no members; that a different system was used out in St. Louis by Mr. Harold Gibbons, because of all the attention that had been on New York, and what you did was appoint six other officers for this local that had never been active as far as its membership in the joint council is concerned?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

TESTIMONY OF VERNON F. KORHN—Resumed

The CHAIRMAN. We will interrupt the interrogation of this witness just a moment.

Mr. Korhn, in the course of your testimony of a few minutes ago, you referred to a Mr. Karsh, did you not?

Mr. KORHN. Yes, sir.

The CHAIRMAN. Do you know the man?

Mr. KORHN. Yes, sir.

The CHAIRMAN. Where is he now?

Mr. KORHN. Right here [indicating].

The CHAIRMAN. Do you mean the man testifying in the witness stand?

Mr. KORHN. Yes, sir.

The CHAIRMAN. Are you sure?

Mr. KORHN. Yes, sir.

TESTIMONY OF HYMAN J. POWELL—Resumed

The CHAIRMAN. How about you, Mr. Powell?

Mr. POWELL. I met Mr. Karsh, I think, after we suspended the local. That was the first and only time I met him. It was 4 or 5 years ago.

The CHAIRMAN. Do you recognize him?

Mr. POWELL. I think that is the same man.

The CHAIRMAN. You have no doubt about it, do you?

Mr. POWELL. I have no doubt.

The CHAIRMAN. Not a bit.

All right. Thank you.

Stand aside.

Well, first—

Mr. POWELL. I spoke to Mr. Jacobs. I just got him on the telephone about 10 minutes ago. Mr. Jacobs tells me he has no recollection of the conversation. However, he says he does not know of any other Paul. So he assumes it may be Mr. Dorfman.

The CHAIRMAN. Thank you very much.

TESTIMONY OF HARRY KARSH, ACCOMPANIED BY COUNSEL,
TED A. BOLINGER—Resumed

Mr. KENNEDY. Mr. Chairman, it might be of some interest to know that we subpoenaed the records of Mr. Joe Jacobs in Chicago, all the records in connection with Harry Karsh, and he furnished us every document except two letters that had the name Paul, the letters that referred to Paul in them.

He gave us all the other documents except those two letters.

The CHAIRMAN. The two that were introduced here today?

Mr. KENNEDY. That is correct.

The CHAIRMAN. All right.

Thank you, gentlemen.

Mr. Karsh, do you have any doubt now about who they were talking about?

(The witness conferred with his counsel.)

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Don't you see how ridiculous you make yourself when you wouldn't admit an obvious fact?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. All right, Mr. Kennedy.

Senator CURTIS. Mr. Chairman, I would like to ask one question. Did you ever make a report to any union members of the union money that you have handled?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Did you turn over to the international union all per capita tax that you received?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Well, did you keep it?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Am I to understand that you held out on the boys, on Jimmy Hoffa and Harold Gibbons?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

Mr. KENNEDY. According to the testimony that we have had before the committee, your activities on behalf of the Jewelry Workers Union and also on behalf of the Teamsters was not of any interest in the employees, but you always went right to the management. Is that correct?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And at least on one occasion you would not allow the animals to be unloaded so that they could be fed and receive water?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. I have an affidavit here from Mr. James E. Strates, who is president of the Strates Shows Carnival. He talks about his contact with you. He states:

Karsh talked to me at that time and wanted me to go out and talk to my employees and organize them for him. I told him my lawyers had advised me against that, and that I would not interfere with the workers. I told him that if they wanted to join the union he would have to organize them. At that time, he did not make any attempt to organize the employees.

That same year, Karsh threatened Paul Olson, who operates the Olson Show, which winters at Hot Springs, Ark. Carl J. Sedlmayr, Sr., told me that that s. o. b. (meaning Karsh) went up and got Paul Olson, who is a small man, in his room and threatened him to the extent that when Olson emerged he was shaking like a leaf, and was sick for a week.

This angered me and when Karsh came to see me at the Orlando Fair I refused to see him. My assistant manager at that time, Jes, urged me to talk to Karsh and I did so. Karsh told me such things as "I love the laborer. I'm working for the laborer. I want to make it easier for you. I want to organize your help. I want you to do it." I refused and at that time he got kind of rough with me. I don't recall what he said but I remember he threatened me. He also, at this time, told me that he would be my partner. I told him he was not going to fool me like he did Olson. He denied threatening Olson and I told him what he had done.

Did you tell him you wanted him to go out and organize the employees to make it easier for you?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the United States Constitution not to be a witness against myself.

The CHAIRMAN. The affidavit may be printed in the record at this point.

(The document referred to follows:)

AFFIDAVIT

CITY OF WASHINGTON,

District of Columbia, ss:

James E. Strates, being duly sworn, deposes and says:

James E. Strates Shows, Inc., is a New York corporation, of which I am president. This corporation owns and operates the James E. Strates Shows, a carnival.

I first met Harry Karsh, a labor organizer, in Tampa, Fla. I believe this was in 1952. Karsh was in Tampa to attempt to sign a labor contract with Royal American Shows and the James E. Strates Shows. The Royal American Shows compelled their employees to join Karsh's union, although there was a lot of resentment among the employees and many of them wanted to leave the show. At that time, James E. Strates shows wintered in De Land, Fla.

Subsequent to his visit to Tampa, Karsh visited Orlando, Fla. and De Land. I am not sure which city he visited first but he was at the Orlando Fair.

Karsh talked to me at that time and wanted me to go out and talk to my employees and organize them for him. I told him my lawyers had advised me against that, and that I would not interfere with the workers. I told him that if they wanted to join the union he would have to organize them. At that time, he did not make any attempt to organize the employees.

That same year, Karsh threatened Paul Olson, who operates the Olson Show, which winters at Hot Springs, Ark. Carl J. Sedlmayr, Sr., told me that the SOB (meaning Karsh) went up and got Paul Olson, who is a small man, in his room and threatened him to the extent that when Olson emerged he was shaking like a leaf, and was sick for a week.

This angered me and when Karsh came to see me at the Orlando Fair I refused to see him. My assistant manager at that time, Jes, urged me to talk to Karsh and I did so. Karsh told me such things as "I love the laborer. I'm working for the laborer. I want to make it easier for you. I want to organize your help. I want you to do it." I refused and at that time he got kind of rough with me. I don't recall what he said but I remember he threatened me. He also, at this time, told me that he would be my partner. I told him he was not going to fool me like he did Olson. He denied threatening Olson and I told him what he had done. I told him I would sign nothing and he could go ahead and organize the employees if he wanted to. He did not do so and left Orlando thereafter.

Karsh then went to Tampa and afterward telephoned me from Tampa and told me "the king capitulated." By this, he meant that Sedlmayr had made a labor agreement with him. Sedlmayr operates the Royal American Shows, which is one of the largest carnivals.

I told him I did not give a damn for the king and that I was not signing up.

A few weeks later, Karsh came to De Land again and, at this time, he was driving a dilapidated old automobile and there was a woman with him. I again refused to sign with him and he pleaded with me for a while and asked me why I wanted to fight somebody else's battle.

Karsh was very angry when he left me and I followed him a little way and observed him driving the old small car and that there was a woman with him.

I did not see Karsh again in Florida. The show went North and opened in Washington, D. C., as we usually do, and Karsh called on me at Washington and told me he was calling a meeting of all the show owners at Atlanta, Ga., to have a conference and sign a contract. I told him I would not go and, when he said everybody else was going, I told him I didn't care and would not go.

The next day, I got a telephone call from Jack Wilson of Cetlin & Wilson Shows of Petersburg, Va. Wilson asked me if I was going to Atlanta and I told him I was not. Later I got a telephone call from Frank Bergen of the World of Mirth Shows.

He asked me if I was going to Atlanta and told me he had received a call from Karsh. I told him I was not going and he said if I didn't go, he wouldn't either. I am not sure whether Wilson went to Atlanta or not.

I did not see Karsh after that. Our show got to Plainfield, N. J., a few weeks later, and I received a telephone call from one of the concessionaires, who told me that Royal American Shows had already signed with Karsh and that they were after me. I told him to let them be after me.

I telephoned Sedlmayr and asked him what he was doing with relation to Karsh. He said he had not yet signed with him but that he was going to. Sedlmayr was in Memphis, Tenn., at that time. He told me he was going to sign with Karsh because "this guy is vicious." I told him I would not sign with Karsh.

When our show was in Schenectady, N. Y., in June or July of that same year, I received a telephone call from the same concessionaire previously mentioned.

This concessionaire is Willie Steinberg, who usually goes by the name of Willie Stein, and he was a concessionaire with the Cetlin & Wilson Shows.

He called me from some place where there is a big plant of the International Harvester Co. I believe this place was in Indiana, and it may have been Fort Wayne. He telephoned me on a Sunday night and said "they" had just come down there with 25 or 30 men with guns and held up the Cetlin & Wilson Shows, preventing them from operating. He said they had just had it out and these people had come down with guns and clubs and stopped them from unloading. He told me these men held the Wilson Show up until 11 or 12 at night, and they had finally made up their mind to sign with Karsh. Stein told me I was next on the list.

I didn't see Karsh again until we showed at Clearfield, Pa., during the first week of August. Karsh came to Clearfield with some "gorilla," whose name I do not know. Art Lewis, my assistant manager, persuaded me to talk with Karsh. Karsh, Lewis, and I met in the office wagon and I asked Karsh what he had in mind. He said "What the hell you want to be rough and fight somebody else's battles for?"

He wanted to talk to the Strates employees and did have a meeting with them. I think this was in Clearfield. After he talked to them a vote was taken and all the employees voted against joining his union.

Afterward, possibly the next day, Karsh came to me again and wanted me to help him out with organizing the employees. I refused, and told him I didn't like his attitude or his tactics and that I would go according to the law.

He indicated complete disrespect for the law. I told him the only thing he could do with me would be to stop the trucks from moving. I told him I did not hire any trucks but that the show operated its own trucks and I was going to be driving the first truck and if any of his people came in front of me, I would run over them.

During the next season, Karsh did not approach me but, while we were at Albany, N. Y., the season after that, two men from the Retail Clerks Union came to see me at Albany, N. Y., about organizing the employees. They told me what the conditions would be and they were not too bad. Their conditions involved a small raise for the employees. I told them to be at Utica, N. Y., the next week and, if the employees were willing, I would sign.

These men did come to Utica and held a meeting with the employees, at which they were polite and explained to the employees what they would give them. I figured this contract would cost the show about \$10,000 a year, but that I would rather do business with this AFL union than with someone who was trying to force me into something.

I signed with the Retail Clerks and they still represent the employees.

Four weeks after signing with the Retail Clerks, the show was playing at Cheektowaga, N. Y., which is near Buffalo. I received a telephone call from the chief of police on a Friday night. He told me he had just got word that the Teamsters were going to picket my show around 6 p. m.

I told him I had signed with the AFL, and he told me they were going to picket me anyway. I presume the union took this action late on Friday to prevent me from getting an injunction.

I telephoned the Retail Clerks Union in New York, and they had a man fly to Cheektowaga to start injunction proceedings. This man was a lawyer by the name of Charles Torch, of Albany, N. Y. He looked into the matter and learned that Karsh was there, and he also told me that Beck had permitted the picketing.

Torch stayed up all night working on the injunction proceedings and, by noon the next day, had obtained an injunction.

I believe the name of the judge who signed it was Hagerty (phonetic), and I remember Torch had to drive out in the country to see him. The Teamsters had started picketing Friday evening but stopped as soon as we obtained the injunction.

While they had the picket line on they had stopped all supplies from coming in so the show had to send its own trucks out for supplies. I believe this was about the middle of July 1953 or 1954. I have not seen Karsh since that time and in fact I did not see him at that time but I was told he was there.

Subsequently the World of Mirth Shows and the Celin & Wilson Shows also signed with the Retail Clerks. About 3 years ago, Torch started working with Karsh and left the Retail Clerks Union. After he went with Karsh, he signed up the O. C. Buck Shows and the Coleman Bros. Show.

Under our contract with the Retail Clerks, Strates Shows pay \$1.40 a month into the welfare fund during the carnival season. I believe the members pay \$3 a month dues during the season and the contract provides for the checkoff system. The welfare fund covers the employees only during the carnival season.

At the time Karsh was in De Land, Fla., he was driving a dilapidated old Chevrolet. When he was in Clearfield, later on, he was driving a brandnew Fleetwood Cadillac, smoked 50-cent cigars, and was well-dressed.

About 2 years ago, representatives of a St. Louis newspaper, I believe the Post-Dispatch, came to me seeking information about Karsh, and said he had sued the paper for \$500,000 because they had called him an ex-convict or something like that.

Karsh also signed up Mr. F. E. Gooding of Columbus, Ohio, who operates several show units and who is a big operator. Gooding gave Karsh a check for \$2,500. He then tried to stop payment on the check but Karsh got to the bank early in the morning and got the money.

Further, affiant saith not.

JAMES E. STRATES.

Subscribed and sworn to before me this 26th day of April 1958.

MARGARET T. WHISTON,
Notary Public, District of Columbia.

My commission expires November 14, 1960.

I understand this statement may be used by the United States Senate Labor-Management Committee in public hearings and consent to its introduction in evidence.

JAMES E. STRATES.

Mr. KENNEDY. Did you threaten him and tell him that you wanted to be his partner?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. What did you do with all the money from the Jewelry Workers local?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. How have you spent the money that came in in this local of the Teamsters, local 447?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You went down there to Florida and obtained these 6 employees or 6 individuals, who were all associated with management, and you and Mr. Gibbons made them officers of the local; isn't that correct?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And under the ruling of Mr. Gibbons, which was later supported by a group of officers that were appointed by Mr.

Hoffa to look into the matter, you and the other six individuals were allowed to participate in the election and swung the election for Mr. Gibbons; is that right?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Did it take that maneuver to get him elected?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Without those votes, would he have been defeated?

Mr. KARSII. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Do you think you are above the law?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Proceed, Mr. Kennedy.

Mr. KENNEDY. It shows, does it not, Mr. Karsh, once again, that the top officials of the union operated and run the union as if it was their own private, personal property?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And Mr. Gibbons, like Mr. Hoffa, is not interested in democracy within the Teamsters Union?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Whether he could do it under the constitution, the Teamster constitution, or not, certainly every vestige of democratic procedure would have called upon him and you as the officers of the local, and Mr. Hoffa, to have an election, to select the delegates who were going to participate in the joint council election in St. Louis; isn't that correct?

Mr. KARSII. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. That election was run and operated just as you ran and operated your local, as we have seen here today; isn't that right?

Mr. KARSII. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are there any further questions?

Senator CURTIS. Can the staff inform me whether or not this gentleman is still a part of the Teamsters Union?

Mr. KENNEDY. He is still the one who runs Local 447 of the Teamsters.

Senator CURTIS. Is he on the Teamsters payroll?

Mr. KENNEDY. He is.

Senator CURTIS. Mr. Karsh, have you heard of the Bender commission?

Mr. KARSH. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Well, now, I know Mr. Bender to be a very studious person, and he is apt to read this record. I don't believe hearing about that commission would incriminate anybody. Have you ever heard of it?

Mr. KARSH. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. That is all, Mr. Chairman.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. Mr. Chairman, we have some checks here. I don't know whether we will get any answers. They were signed by Mr. Gibbons and Mr. Hoffa for a considerable amount of money. They are all made out to Harry Karsh.

The CHAIRMAN. I present to you four photostatic copies of checks, 1 dated August 31, 1955, in the amount of \$2,000, signed by James R. Hoffa. It is check No. 2751. I present to you another check in the amount of \$1,000, dated September 9, 1955, check No. 2759, signed by Mr. Hoffa—James R. Hoffa and H. J. Gibbons. Another one, dated September 16, 1955, in the amount of \$1,000, check No. 2771, signed by James R. Hoffa and H. J. Gibbons. Another one is dated October 10, 1955, in the amount of \$1,000, check No. 2867, signed by James R. Hoffa and H. J. Gibbons. All four checks are made payable to you and bearing your endorsement on the reverse side thereof. I ask you to examine these checks and state if you identify them as photostatic copies of the checks you received.

(The documents were handed to the witness.)

(The witness conferred with his counsel.)

The CHAIRMAN. Have you examined the checks?

(The witness conferred with his counsel.)

Mr. KARSH. Yes, sir.

The CHAIRMAN. That is the first answer we have had. Will you now identify the checks?

Mr. KARSH. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. What was this money paid to you for?

Mr. KARSH. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Was it in payment for some skulduggery about which you cannot testify without incriminating yourself?

Mr. KARSH. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. The checks will be made exhibit 100, A, B, C, and D, in order of their dates.

(The checks referred to were marked "Exhibit 100, A, B, C, and D," for reference and will be found in the appendix on pp. 14550-14553.)

Mr. KENNEDY. Mr. Karsh, why was Mr. Gibbons so anxious to help you continuously? For example, why did he recommend you in 1952 to the Jewelry Workers Union?

Mr. KARSIL. I can't hear you, sir.

Mr. KENNEDY. Why was Mr. Gibbons so close to you, personally? Why did he recommend you to the Jewelry Workers Union in 1952, for instance?

Mr. KARSIL. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. With your unsavory reputation and the fact that you lost your charter, that you were involved with Mr. Nathan Shefferman, how were you able to obtain another charter and once again become close to Mr. Harold Gibbons in 1955?

Mr. KARSIL. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to the sworn testimony we have here, you, No. 1, organized from the top, frequently against the will of the employees; No. 2, you made no effort to contact the employees in advance of forcing a contract on the employer; No. 3, you endeavored to place the show in a position where it could not afford a delay and where you could coerce the employer to sign a contract; No. 4, there was violence, particularly in Philadelphia and San Francisco; No. 5, you collected the first month's dues with a check without any contact with the employee.

Finally, according to the testimony that we have had, even from the president, none of the members are afforded any right or control over the operation of the union or given any information regarding the finances of the local.

Now, why would Mr. Gibbons and Mr. Hoffa put up with something like that, Mr. Karsh?

Mr. KARSIL. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. The reason is because they condone it and similar operations that they have in many sections of the country: isn't that right, Mr. Karsh?

Mr. KARSIL. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You have no interest in the employees whatsoever, you are only interested in the money involved; isn't that correct? You have no interest in labor union organization or in the employees?

Mr. KARSIL. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. Are there any further questions?

The Chair has stated on a number of occasions that there is an element in this country that has infiltrated certain labor organizations that is definitely a challenge to law and order and to constitutional government in this country. These witnesses who come into high positions in unions such as the position that this witness has openly and affirmatively confirm that declaration.

You may stand aside.

The committee will stand in recess until 10:30 in the morning.

(Thereupon, at 4:20 p. m., the committee recessed, to reconvene at 10:30 a.m., Friday, August 29, 1958.)

(Members of the select committee present at the taking of the recess were: Senators McClellan and Curtis.)

INVESTIGATION OF IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

FRIDAY, AUGUST 29, 1958

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

Washington, D. C.

The select committee met at 10:30 a. m., pursuant to Senate Resolution 221, agreed to January 29, 1958, 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 Carl T. Curtis, Republican, Nebraska.

Also present: Robert F. Kennedy, chief counsel; Jerome S. Adlerman, assistant chief counsel; Paul Tierney, assistant counsel; John J. McGovern, assistant counsel; Carmine S. Bellino, assistant counsel; Pierre E. Salinger, investigator; Leo C. Nulty, investigator; James P. Kelly, investigator; Walter J. Sheridan, investigator; James Mundie, investigator, Treasury Department; John Flanagan, investigator, GAO; Alfred Vitarelli, investigator, GAO; 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 Curtis.)

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Mr. Chairman, this matter refers to something entirely separate and apart from the current hearings but this being the last day that I will be at these hearings for some weeks I wanted to report it in the record.

On March 25, 1958, I made a request which was found on page 3851 of the transcript for that day, in which I wanted certain information to be furnished by Mr. Walter Reuther. The thing I requested was a list of all the international representatives who have been commissioned, appointed or designated by the UAW-CIO. I received a list containing almost 32 pages, 22 names on a page, which is entitled "International Representatives." And a statement that that is the representatives as of Wednesday, March 26, 1958.

I just call your attention to the fact I have received this material, but point out that it is the current list as of March 26, 1958, and does not include all of those that have been appointed in the past. Without taking any further time, Mr. Chairman, I mention this in the record, and I would ask that the staff be directed to call this to his attention so that the balance of the material can be supplied.

The CHAIRMAN. You make your request specific in the record, what material you wish.

Senator CURTIS. Mr. Chairman, the material I want Mr. Reuther to supply are those international representatives, the names and addresses of those international representatives of the UAW-CIO, which have been commissioned or appointed or designated by the UAW-CIO, other than those that were included in the list provided.

The CHAIRMAN. For how many years back?

Senator CURTIS. Since he became president.

The CHAIRMAN. Very good.

All right, is there anything further?

Senator CURTIS. That is all, and I thank you very much.

The CHAIRMAN. Call the next witness.

Mr. KENNEDY. Mr. Robert F. Lewis.

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. LEWIS. I do.

TESTIMONY OF ROBERT F. LEWIS

The CHAIRMAN. All right, Mr. Lewis, will you state your name, your place of residence, and your business or occupation?

Mr. LEWIS. Robert F. Lewis, I am the secretary-treasurer of the Brewers and Maltsters Union, St. Louis, Mo.

The CHAIRMAN. Do you waive counsel?

Mr. LEWIS. Yes, sir, I do.

Mr. KENNEDY. That union is part of the Teamsters, is it?

Mr. LEWIS. Yes, sir, we are affiliated with the Teamsters Joint Council 13.

Mr. KENNEDY. How long have you been in the labor movement, Mr. Lewis?

Mr. LEWIS. Since the latter part of 1945.

Mr. KENNEDY. What union were you with then?

Mr. LEWIS. I was with the same union, and I was affiliated with a different international union.

Mr. KENNEDY. What international union were you with?

Mr. LEWIS. CIO Brewery Workers.

Mr. KENNEDY. And when did you become an official, in 1945?

Mr. LEWIS. No, sir, I officially was voted in office in 1946.

Mr. KENNEDY. And then you disaffiliated from the CIO?

Mr. LEWIS. Yes, sir, I did.

Mr. KENNEDY. What was the difficulty?

Mr. LEWIS. Well, it was a manifold of reasons, more than anything because of their dictatorial attitude, bringing pickets into St. Louis and putting them at the Anheuser-Busch plant against the will of my members as well as the executive board of the various brewery workers unions.

Mr. KENNEDY. So you disaffiliated?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. You and your membership withdrew from the CIO?

Mr. LEWIS. Yes, sir; and two other organizations with me in the Brewery Workers Joint Council.

Mr. KENNEDY. When was that, and when did that happen?

Mr. LEWIS. That was in 1952.

Mr. KENNEDY. Were you independent then for a period of time?

Mr. LEWIS. A very short time, and I felt we would have to affiliate with some organization who economically were substantial enough to deal with the breweries who at that time were starting to decentralize and build in various localities in the country other than in St. Louis. At that particular time Anheuser-Busch had just two plants, and the second plant was under construction in New Jersey at that time.

Mr. KENNEDY. Could you tell us how you became affiliated with the Teamsters, then?

Mr. LEWIS. I was under the impression that that was the only organization that my organization could affiliate with because of a mandate of the AFL that in the event the brewery workers would see fit to affiliate with any other labor organization or international, they could only affiliate with the Teamsters.

Now, this represents a 40-year old jurisdictional dispute and there is a lot more to it than I could at this moment explain.

Mr. KENNEDY. But you affiliated with the Teamsters?

Mr. LEWIS. Yes, sir; we did.

Mr. KENNEDY. In 1952?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. Your local?

Mr. LEWIS. The Brewers and Maltsters Union, and the Brewery Oilers and Firemen's Union, and the Brewery, Mill, Grain and Syrup Workers also affiliated with the Teamsters.

Mr. KENNEDY. How many members does your local have?

Mr. LEWIS. At the time of my affiliation I represented 2,300 members, my own organization.

Mr. KENNEDY. How many members do you have at the present time?

Mr. LEWIS. 1,600.

Mr. KENNEDY. That fluctuates, does it not, depending on the time of the year?

Mr. LEWIS. Well, I lost about 500 or 600 members to the CIO, and they were successful in Labor Board action against me, and all of the 500 or 600 men voted for my organization, but they voted the whole city of St. Louis Brewery Workers against my organization, and consequently I lost close to 600 men. They voted to a man better than 600 to stick or affiliate with my union but unfortunately I lost them.

Mr. KENNEDY. What local number is this?

Mr. LEWIS. That I represented, No. 6.

Mr. KENNEDY. You have periodic elections in your local, do you?

Mr. LEWIS. Periodical, yes, sir, and we used to have one every year, but since the international union requires every 3 years, that is the minimum figure, that is the one we comply with.

Mr. KENNEDY. You have membership meetings how often?

Mr. LEWIS. Once a month.

Mr. KENNEDY. Out of your approximately 1,600 members, how many people come to your membership meetings?

Mr. LEWIS. I have between 850 and 1,000 people at every one of my meetings, and I am proud to say that.

Mr. KENNEDY. How are you able to get such a high attendance?

Mr. LEWIS. I think you have to perform for these people and you have to administer to them properly, and if you don't they are not going to attend the meetings. If you are going to talk about the weather, or something that generally doesn't pertain to their welfare, they are not going to attend the meetings and a man must attend at least six meetings in my organization.

Mr. KENNEDY. Do you think that there has been, in some instances, discouragement of membership at meetings by certain officials?

Mr. LEWIS. Well, I don't know whether they discourage the members or not but I sometimes wonder how in the devil you can run an organization when you have possibly 2,000 or 3,000 people and you end up with a membership attendance of 125 or 200 or 300 people.

Mr. KENNEDY. Now, Mr. Lewis, you were a candidate for the office in the joint council election in St. Louis?

Mr. LEWIS. Yes, sir; I was.

Mr. KENNEDY. What position were you running for?

Mr. LEWIS. As recording secretary.

Mr. KENNEDY. What had been the situation as far as joint council 13 was concerned? That was under trusteeship?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. It was placed in trusteeship during what period of time?

Mr. LEWIS. Back in 1953 sometime, if I remember correctly.

Mr. KENNEDY. Mr. Beck put the whole joint council under trusteeship?

Mr. LEWIS. It was my understanding that Mr. Beck put the council under trusteeship.

Mr. KENNEDY. Mr. Gibbons was made the trustee?

Mr. LEWIS. Yes.

Mr. KENNEDY. Why was he made the trustee, Mr. Lewis, and why was Mr. Gibbons selected at that time?

Mr. LEWIS. You are asking for my observation, Mr. Kennedy?

Mr. KENNEDY. Yes.

Mr. LEWIS. Well, I think it was a political plum, and that is my way of looking at it.

Mr. KENNEDY. And it was given to Mr. Gibbons by Mr. Beck?

Mr. LEWIS. That is right, and I think there were a lot of fine old men disposed of, good old men, men who had devoted their lives to the labor movement who were disposed of, and Mr. Gibbons would have never gotten the council in St. Louis if Mr. Beck didn't give it to him.

Mr. KENNEDY. He couldn't have been elected?

Mr. LEWIS. He couldn't have run for dogkeeper and made it.

Mr. KENNEDY. He hadn't been in the Teamsters long enough?

Mr. LEWIS. It wasn't so much a question of whether he was affiliated with the Teamsters or who he was, and I don't think the man was liked, and I think this recent election was reasonable proof of that.

Mr. KENNEDY. If the joint council had not been put in trusteeship, and Mr. Beck had not appointed Mr. Gibbons, he would never have gained that control, is that correct?

Mr. LEWIS. That is exactly my own personal feeling and I think it represents the feelings of a lot of other people in St. Louis, too.

Mr. KENNEDY. It was taken out of trusteeship in 1957, is that right?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. At the end of 1957?

Mr. LEWIS. It was never taken out of trusteeship and it is still in trusteeship.

Mr. KENNEDY. It still is?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. They took a step toward taking it out of trusteeship, in having an election, is that right?

Mr. LEWIS. It was a faulty step but it was taken any way.

Mr. KENNEDY. What position were you running for?

Mr. LEWIS. I ran for recording secretary.

Mr. KENNEDY. You were nominated and running for recording secretary?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. How many locals are there in the joint council in St. Louis?

Mr. LEWIS. I never have known the joint council to represent any more than 20 locals.

Mr. KENNEDY. There were 20 locals, and does that include local 447?

Mr. LEWIS. No, sir; and never to the best of my recollection had 477 ever been a part of joint council 13 in St. Louis.

Mr. KENNEDY. Now, the joint council puts out a research bulletin, do they not?

Mr. LEWIS. Yes, sir; we receive those once a month, and the council publishes those bulletins.

The CHAIRMAN. I hand you here what purports to be a photostatic copy of that bulletin, dated January 15, 1958, and ask you to examine it and state if you identify it.

(A document was handed to the witness.)

Mr. LEWIS. Yes, sir; this is one of the research bulletins.

The CHAIRMAN. Thank you. That may be made exhibit 101.

(Document referred to was marked "Exhibit No. 101" for reference and may be found in the files of the select committee.)

Mr. KENNEDY. That is put out by the joint council, is it?

Mr. LEWIS. Yes, sir.

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

Mr. KENNEDY. And a good deal of study and work goes into that, does it not?

Mr. LEWIS. Yes, they have some research men who compile this information and publish it once a month.

Mr. KENNEDY. Does that list the members of the joint council?

Mr. LEWIS. This lists the various local unions affiliated with the joint council, but there is no mention of local 447.

Mr. KENNEDY. There is not?

Mr. LEWIS. No, sir.

Mr. KENNEDY. It lists here the total number also, it lists out here in the front, the numbers of the locals, is that right?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. For instance, your local No. 6 at the top?

Mr. LEWIS. Yes, sir, I head the list.

Mr. KENNEDY. 447 is not listed there?

Mr. LEWIS. No, sir.

Mr. KENNEDY. And then inside on the second page, it says "Facts and figures relating to Joint Council of Teamsters No. 13" and it

gives the total number of affiliated unions and gives that number as 20?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. Which, of course, would not include local 447?

Mr. LEWIS. No, it would not include the carnival workers 447, no, sir.

Mr. KENNEDY. Here you have the International Brotherhood of Teamsters, Chauffeurs and Warehousemen, roster of local unions. I would like to have you examine that.

The date of exhibit 101 is January 15, 1958, which is the date of the election.

Mr. LEWIS. Yes, sir.

The CHAIRMAN. The election was on the same day?

Mr. KENNEDY. Yes, sir.

The CHAIRMAN. I hand you here what purports to be roster of local unions, with addresses of the secretaries, dated October 1, 1957. I ask you to examine that and state if you identify it.

(The document was handed to the witness.)

Mr. LEWIS. Yes, sir. This is published by the international union, and this is a roster of the local unions.

The CHAIRMAN. That may be made exhibit 102.

(The document referred to was marked "Exhibit 102" for reference and may be found in the files of the select committee.)

The CHAIRMAN. That is the roster that was published by the union on that date?

Mr. LEWIS. The international union; yes, sir.

The CHAIRMAN. All right.

Mr. KENNEDY. This lists all of the local unions of the International Brotherhood of Teamsters, is that correct?

Mr. LEWIS. Well, to the best of my knowledge it always has listed every local union in St. Louis that was affiliated.

Mr. KENNEDY. I am not talking now about the research bulletin, I am talking about the International Brotherhood of Teamsters, Chauffeurs, and Warehousemen roster of local unions.

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. It lists all the locals, there, their addresses and their principal officers, and on page 40 it has local 447, carnival and allied workers, United States of America.

Other locals, for instance, your local here is Brewers, Malting and General Labor Department, St. Louis, Mo.

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. Every local has its residence, is that correct?

Mr. LEWIS. That is correct.

Mr. KENNEDY. And this one has the United States of America?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. Over on page 146 also it lists the locals broken down into areas, into States, and you have here as a national local only one union, and the name of that union is the Carnival and Allied Workers Local 447. There is nothing about the fact that it is affiliated or associated with St. Louis, Mo.

Mr. LEWIS. No, sir.

Mr. KENNEDY. Then starting on page 155, it has a cross-reference with the local union and the joint council. It lists each local union

and the joint council that that local union is a member of. On page 157 we see that local 447 is not affiliated with any joint council. It is not mentioned at all.

Mr. LEWIS. That has always been my impression, sir.

Mr. KENNEDY. Were you surprised, then, or was it brought up to you that local 447 was going to participate in this election of joint council 13?

Mr. LEWIS. Yes, sir. Not only was it a surprise, but it was quite a shock.

Mr. KENNEDY. When did you first find out about it?

Mr. LEWIS. Well, when it was made known that we were going to go out of trusteeship, Mr. Gibbons stated that he was going to vote local 447's votes, and to which a number of other candidates on the slate objected to including myself.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Based upon your knowledge of the labor movement and your connections there in St. Louis, and in regard to the facts recited here about that Carnival Workers' Union, is it your opinion that they did have a lawful authority to vote?

Mr. LEWIS. No, sir, it is not my opinion that they had a lawful authority to vote in joint council 13, St. Louis.

Senator CURTIS. And you feel it is so clear that there is not a dispute about it?

Mr. LEWIS. There is no dispute in my mind, sir, and I don't think there is any dispute in anyone else's mind connected with joint council 13 that wants to be honest about it.

Senator CURTIS. Thank you.

Mr. KENNEDY. On that point, back on May 11, 1955, an examination of the locals appearing on the rollcall at the joint council meetings, there is part of the minutes, showing that the seating of Carnival and Allied Workers Local 447 passed upon by the body.

"Brother Karsh gave a report on progress of organization." That appears in the minutes that we subpoenaed of joint council 13. That would indicate that local 447 was seated with the joint council back in May of 1955.

Mr. LEWIS. Mr. Kennedy, I disagree with what the minutes embody. Mr. Karsh was introduced to the assembly of delegates that night of the joint council. He was introduced as being an organizer for the Carnival Workers. Mr. Gibbons was not even present there at the meeting that night. Mr. Walla was the one that chaired the meeting that particular night. Mr. Walla merely introduced Mr. Karsh, which, in my opinion, was only proper. After all, if you see a strange face in a meeting of delegates, you would like to know who he is.

Mr. KENNEDY. But you say there wasn't any seating of the Carnival and Allied Workers Local 447?

Mr. LEWIS. No, sir. It has always been a practice of joint council 13, when any new delegates are admitted, that their names be presented to the delegates assembled, and then by motion they are seated. In this particular case, it was nothing but an introduction, because nobody was ever under the impression that St. Louis had anything to do with the Carnival Workers.

Mr. KENNEDY. Do you say that these minutes as they appear here, as they are written up and as I read them, are phony minutes, then?

Mr. LEWIS. Let me say this, Mr. Kennedy. I am not going to sit here and say that they are phony. But let me say I have seen a lot of shenanigans going on in joint council 13 and nothing would surprise me.

Mr. KENNEDY. But you say local 447 was never seated at that time?

Mr. LEWIS. No, sir. They were introduced, and it was never intended that they be seated.

Mr. KENNEDY. On June 8, 1955, it says there are 21 locals appearing on the roll, and that includes local 447, but no 447 delegates were present. You say they were never included and never considered to be part of the joint council?

Mr. LEWIS. Mr. Kennedy, in joint council 13 or any other council, organizers are always admitted. They are there as observers. They are not there as delegates. They have no legal right to express themselves, other than the fact that they might be called on by the Chair to give an explanation as to the progress of their organizational activities.

Mr. KENNEDY. I might say, Mr. Chairman, that from that date on, June 8, 1955, on, in the rollcall of those at the joint council meeting, that local 447 is never mentioned again. It just states that there are 20 locals and 447 never appears after that date.

The CHAIRMAN. Did it take 447 to make the 20 locals?

Mr. KENNEDY. 21 locals.

Mr. LEWIS. 21 locals.

Mr. KENNEDY. After that date, it appears that there are only 20 locals in joint council 13.

The CHAIRMAN. It would take 447 to make the number 21?

Mr. LEWIS. Yes, sir.

The CHAIRMAN. You have 20 aside from that?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. And at the rollcall, which was called at the joint council meeting after June of 1955, local 447 was never mentioned.

The CHAIRMAN. Who can verify these minutes?

Mr. KENNEDY. Mr. Langenbacher.

The CHAIRMAN. Where did you procure this copy of the minutes?

Mr. LANGENBACHER. It was taken from the book of minutes of joint council 13.

The CHAIRMAN. These minutes may be made exhibit 103.

(The document referred to was marked "Exhibit No. 103" for reference, and may be found in the files of the select committee.)

Mr. KENNEDY. Will you tell us what happened when you first heard about local 447, the Carnival Workers, which we have been discussing, that they were going to participate in the election.

Who made that announcement?

Mr. LEWIS. Mr. Gibbons did.

Mr. KENNEDY. What did he say then?

Mr. LEWIS. He said that the local 447 votes were going to be voted by him.

Mr. KENNEDY. Could you tell us what your reaction was?

Mr. LEWIS. Well, it was quite an explosion. We made it clear that we were not going to hold still for it. Then he asked if Mr. Karsh could not vote the votes.

Mr. KENNEDY. Who?

Mr. LEWIS. Mr. Karsh, who is the supposed secretary-treasurer of the Carnival Workers. We also objected to that.

Mr. KENNEDY. Had not Mr. Karsh nominated some of the officers or at least one of the officers on Mr. Gibbons' slate?

Mr. LEWIS. At the nominations, Mr. Kennedy, they even had organizers they intended to have nominate. The organizers at first, under Mr. Gibbons' direction, were even going to be allowed to vote. We objected to that.

Mr. KENNEDY. Did Mr. Karsh nominate one of the officers on Mr. Gibbons' slate?

Mr. LEWIS. To the best of my recollection, yes; yes, he did.

Mr. KENNEDY. Was there any objection to that?

Mr. LEWIS. I think we objected to Mr. Karsh having anything to say prior to that time, but Mr. Gibbons ruled again. Of course, you have to understand the trusteeship under the Teamsters' direction to know how one can rule a body of men. It would take an hour trying to explain that to you.

Senator CURTIS. Mr. Chairman, may I ask a question?

Is it an ordinary practice to place joint councils under trusteeship in union operations? I will ask both the witness and the staff. Do you know, Mr. Lewis?

Mr. LEWIS. Let me say that in my opinion, sir, a lot of these joint council local unions, not only in St. Louis but all over the country were placed in trusteeship for political reasons.

Senator CURTIS. I understand that, but most of them which have been called to my attention were the individual local unions. Are there many instances where an entire joint council in an area has been placed under trusteeship, do you happen to know?

Mr. LEWIS. To be very frank with you, I know of no other joint council under trusteeship now. There very well could be, but to the best of my knowledge, I don't know.

Senator CURTIS. Does the staff know?

Mr. KENNEDY. I don't know of any other joint council under trusteeship.

Mr. Gibbons then stated that Mr. Karsh should be allowed to vote the delegates. What was the reaction to that?

Mr. LEWIS. Well, I thought it was only fair, Mr. Kennedy, that Mr. Karsh bring his delegates in like everybody else was expected to do. All the other locals must have their delegates present. No one would be allowed to vote any votes for the delegates.

Mr. KENNEDY. Did you know who these delegates were?

Mr. LEWIS. No, sir, I did not. Nobody else did either, I don't think.

Mr. KENNEDY. Did you ask for the names and addresses of the delegates?

Mr. LEWIS. Yes, sir, I did.

Mr. KENNEDY. Who did you ask?

Mr. LEWIS. A number of the other men on our slate asked for them, including myself. We asked Mr. Gibbons for them.

Mr. KENNEDY. What did Mr. Gibbons say?

Mr. LEWIS. Mr. Gibbons really didn't say anything. He said Mr. Karsh had them.

Mr. KENNEDY. What did Mr. Karsh say?

Mr. LEWIS. Mr. Karsh wasn't in this particular meeting. He was outside of the door of the particular office in which we had the meeting in, and I visited Mr. Karsh on 2 or 3 occasions in and out of the door.

I asked Mr. Karsh for the names of his delegates, and he gave me a lot of mumbo-jumbo about them being in Puerto Rico, South America, and God knows where. I said, "We will have to pick up a little Spanish to talk to these people if they come in."

Mr. KENNEDY. He said they were in Puerto Rico?

Mr. LEWIS. Florida, Puerto Rico, and God knows how many other places. Mexico also.

Mr. KENNEDY. Did he say he had a delegate in California, too?

Mr. LEWIS. I can't recollect that State.

Mr. KENNEDY. Did you ask him to get the names and addresses of these delegates?

Mr. LEWIS. Yes, sir; I asked three times. I asked for just the names. He wouldn't give me the names. Mr. Gibbons stuck his head out the door and told him, "Keep your mouth shut; don't give him any information."

Mr. Gibbons claimed he had the names, but they were downstairs, locked in a file somewhere. I don't know why they were locked, but they were locked.

Mr. KENNEDY. When was this?

Mr. LEWIS. This was the same day.

Mr. KENNEDY. In December 1957?

Mr. LEWIS. 1957?

Yes, sir; prior to the election.

Mr. KENNEDY. Mr. Chairman, we had testimony yesterday that the delegates were not selected by Mr. Karsh until January of 1958. So it would appear that they had no names at that time.

Did Mr. Karsh say that he would have to go and pick up these delegates?

Mr. LEWIS. I suggested to Mr. Gibbons that these people either be telephoned, telegraphed, or their employers be notified to get this contact with them. They professed that these people were all over the world.

They made it so complex and at the same time asinine that toward the end it did not make a lot of sense to me one way or another. But anyway, I went along with the joke. But I suggested from a practical sense I suggested that they be contacted by those three media, by telephone, telegraph, or tell the employer to contact them.

Mr. KENNEDY. What was the reaction to that?

Mr. LEWIS. He said that no, Mr. Karsh had to go out and round them up.

Mr. KENNEDY. Who said that?

Mr. LEWIS. Mr. Gibbons and so did Mr. Karsh.

Mr. KENNEDY. Was it arranged for Mr. Karsh to go round them up?

Mr. LEWIS. Yes. He said he would be on his way very shortly, and he was going by slow boat and train, because he does not like planes. He is afraid of them. There is no place to step out when something goes wrong up there.

Mr. KENNEDY. He said he was going to take a slow boat?

Mr. LEWIS. That is right.

Mr. KENNEDY. When was the election supposed to be at that time?

Mr. LEWIS. Well, it was postponed in order to give Mr. Karsh his lariat in order to go out and round them up.

Mr. KENNEDY. Had local 447 been paying per capita dues into the joint council?

Mr. LEWIS. No, sir; to the best of my recollection, I am reasonably certain now they have never paid any per capita tax in the joint council.

Mr. KENNEDY. They never had?

Mr. LEWIS. No, sir.

Mr. KENNEDY. Did you ask Mr. Gibbons about that?

Mr. LEWIS. No, sir, I did not, but I presumed, and I had information to the effect that they had never paid per capita tax.

Mr. KENNEDY. Do you know if they had been paying any dues into the international, per capita tax into the international?

Mr. LEWIS. I could not answer that, Mr. Kennedy.

Mr. KENNEDY. What about the list of the other delegates? Did you ask Mr. Gibbons for a list of the others?

Mr. LEWIS. Yes, sir. We were all required—every local secretary whose union was affiliated with the joint council—to submit the names to Mr. Gibbons, of their executive board, who are the eligible candidates or the eligible participants in the election. They are the delegates to the council and eligible to vote. There are seven men to an executive board.

Mr. KENNEDY. Did everybody submit their names?

Mr. LEWIS. Yes, sir; everybody did.

Mr. KENNEDY. Including yourself?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. Did you ask Mr. Gibbons for the names of the delegates who were going to participate in the election?

Mr. LEWIS. Yes, I did.

Mr. KENNEDY. What did he say?

Mr. LEWIS. He refused to give them to us.

The CHAIRMAN. You were one of the candidates?

Mr. LEWIS. Yes, sir. What I wanted and what the rest of the men on our slate wanted, was the names and the addresses of the various delegates eligible to vote in the council, because we had word to the effect that Mr. Gibbons was coming out with a letter, glorifying himself and all that he had done in behalf of joint council 13. By virtue of that, it would naturally or supposedly have a tendency to sway the eligible delegates to vote for his slate. A letter was sent out to that effect; we were denied the addresses of the delegates, and the addresses, I think, were finally given to one of our men on our slate at a date when it would have been impossible for us to construct a letter and mail it out.

I argued about that point, and Mr. Gibbons said "Listen, this is a fight to the finish and no holds are barred."

That is one of the reasons I am taking advantage of one of the holds here today.

The CHAIRMAN. He had all the advantage then?

Mr. LEWIS. That is correct, Senator.

The CHAIRMAN. As a trustee, he had absolute autocratic power, almost, over the council, did he not?

Mr. LEWIS. If there is anything more dominating than his position, I would like to know.

The CHAIRMAN. Is that the democracy that he bragged about in his union?

Mr. LEWIS. I have heard democracy talked about, but I have seen damn little of it practiced.

The CHAIRMAN. All right, proceed.

Mr. KENNEDY. So he had the names of the delegates and sent out a letter to all the delegates regarding his candidacy, but he would not allow you and the opposition to have the names of the delegates?

Mr. LEWIS. That is right.

Mr. KENNEDY. When did you finally receive them?

Mr. LEWIS. I think it was the day before the election. In other words, it was impossible for us to get a letter out.

Mr. KENNEDY. So your slate never knew who the delegates were who were going to participate in the election?

Mr. LEWIS. That is right. He took a vote, by the way, of the executive board, and the executive board voted that we should not be given the names.

Mr. KENNEDY. What would possibly be the reasons that they would not give you the names?

Mr. LEWIS. After all, we have a few Rasputins of the press ourselves. We probably could have typed out a little jazzy note and said a few things about Mr. Gibbons instead of him telling them the things himself.

Mr. KENNEDY. Did you ever discuss your per capita dues with Mr. Gibbons?

Mr. LEWIS. Yes, sir. We told them that they had not paid the per capita tax, and he made it clear that he could pay the per capita tax and that would make them eligible.

Mr. KENNEDY. Did he ever indicate that he had paid the per capita tax?

Mr. LEWIS. Yes, sir; he indicated that at the business session.

Mr. KENNEDY. He stated that he paid the per capita tax for local 447?

Mr. LEWIS. In order to make them eligible, yes.

Mr. KENNEDY. Do you know how much that per capita tax amounted to at that time?

Mr. LEWIS. No, Senator; I don't.

Mr. KENNEDY. Are there any records showing it was paid?

Mr. LEWIS. I have never seen the records, sir.

Mr. KENNEDY. We have those. Shall we put them in now?

The CHAIRMAN. Yes, you may put them in now.

TESTIMONY OF THOMAS EICKMEYER—Resumed

The CHAIRMAN. You have been previously sworn, and you are on the committee staff. Did you make an examination of the records of this joint council to ascertain with respect to the per capita tax of local 447 being paid?

Mr. EICKMEYER. Yes, sir, I have.

The CHAIRMAN. What do the records reflect?

Mr. EICKMEYER. On December 16, 1957, local 447 paid a check, No. 44, to joint council 13, in the amount of \$1,017.50 in part payment of per capita tax to joint council 13.

The CHAIRMAN. It says in part payment?

Mr. EICKMEYER. Right.

The CHAIRMAN. All right.

Mr. EICKMEYER. On January 13, 1958, check, No. 45, to joint council 13, in the amount of \$1,644.60, which was the remainder of the payment. The total payment, then, of \$2,762.10.

The CHAIRMAN. Over what period of time does that cover?

Mr. EICKMEYER. That covers from June of 1955 through December of 1957.

The CHAIRMAN. In other words, it was 2 years behind in its per capita tax, that local?

Mr. EICKMEYER. Two and a half.

The CHAIRMAN. Two and a half years behind. And the tax was paid up 2 days before the election?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. When was it listed on the books as being received?

Mr. EICKMEYER. I think the books reflect that it was received the 15th of January, the second payment was received the 15th of January.

Mr. KENNEDY. That was the day of the election.

The CHAIRMAN. Does it show who made the payment?

Mr. EICKMEYER. Yes, sir; local 447 made the payment.

Mr. KENNEDY. With the trustee being Mr. Harold Gibbons?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. Was the check signed by him?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. Proceed.

Mr. KENNEDY. What about the per capita payments to the international? Had local 447 been paying per capita dues to the international, on this local?

Mr. EICKMEYER. Yes, sir; they had. That was one of the few expenses of the local which they were paying themselves.

Mr. KENNEDY. Had they been paying right along?

Mr. EICKMEYER. They made intermittent payments. Which ones would you prefer to have me testify to?

Mr. KENNEDY. Well, in 1955. Do you have a list of them?

Mr. EICKMEYER. Yes, sir; we have, furnished by the international.

Mr. KENNEDY. Were they paid every month during 1955, 1956, and 1957?

Mr. EICKMEYER. No, sir; they were not.

Mr. KENNEDY. Were there gaps of several months when they weren't paying any to the international?

Mr. EICKMEYER. That is correct. For instance, for the year of 1955, there was a payment in November to the international for a total of 1,205 members. This was a payment for the members for June, July, August, September, and October of 1955. This was paid in November of 1955.

The next payment was in June of 1956, for 215 members. This was a payment for 214 members of May of 1956, and 1 member on April of 1956.

Mr. KENNEDY. Then, for instance, in January of 1957, they paid—

Mr. EICKMEYER. \$1,095.

Mr. KENNEDY. What was that to cover?

Mr. EICKMEYER. That covered 410 members in September, 1956; 388 members in October 1956; 293 members in November 1956; 1 member

in December 1956; 1 member in January 1957; 1 member in February 1957, and another member which we could not account for.

Mr. KENNEDY. There was one interesting payment made in 1958.

Mr. EICKMEYER. That is correct.

In April of 1958 there was a payment for 286 members. This was composed of the following: 188 members for April of 1958; 7 members for May of 1955; 7 members of November 1955; 7 members December of 1955; 7 members January 1956; 7 members February 1956; 7 members March 1956; 7 members December 1956.

Mr. KENNEDY. That goes along, but for every month in which there was a per capita tax missing, it was made up in April of 1958, is that correct?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. So the records would make it appear that the payments had been made all along in 1955, 1956, and 1957, when, in fact, the payment was not made until May of 1958?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. And it covered way back, for 7 members, for instance, in 1 month, to 1955?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. We received a memorandum, did we not, from the international?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. Would you identify the memorandum?

(The document was handed to the witness.)

Mr. EICKMEYER. This is a memorandum which we received from the international made out to Harold J. Gibbons from John F. English, which purports to list the number of members whose per capita tax had been paid for each month from 1955 through May of 1958.

Mr. KENNEDY. Does that memorandum give a list of each month of the per capita tax payments?

Mr. EICKMEYER. Yes, sir; it does.

Mr. KENNEDY. Does it make it appear that the per capita tax payments had been made for 7 individuals for January and February of 1955, for instance?

Mr. EICKMEYER. Of 1956, you mean?

Mr. KENNEDY. 1956.

Mr. EICKMEYER. 1956; yes.

Mr. KENNEDY. It makes it appear that the money had been paid for those individuals.

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. When, in fact, it was not paid until April of 1958?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. So the document is completely misleading; is it not?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. Anybody looking at that document would think that local 447 had been paying per capita taxes to the international each month for a period of 2½ years?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. When, in fact, that is completely false.

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. I would think "misleading" describing that document is an understatement.

The CHAIRMAN. The document may be made exhibit 104.

(The document referred to was marked "Exhibit No. 104" for reference and may be found in the files of the select committee.)

The CHAIRMAN. He says here:

This information was taken from the remittance statement submitted by the local union.

I assume the remittance statements are statements that they submit along with their payments.

Mr. EICKMEYER. That is correct. They have a form, the international has a form.

The CHAIRMAN. This is intended to mislead in the sense that it indicates that at each time of remittance during the past 2 years or 2½ years, the 7 members were remitted for at the regular remittance period?

Mr. EICKMEYER. Yes, sir.

The CHAIRMAN. Whereas the truth is it was never paid on them until some time in April 1958?

Mr. EICKMEYER. That is correct.

The CHAIRMAN. In other words, they doctored this memorandum to try to cover up?

Mr. EICKMEYER. That is the way it appears.

The CHAIRMAN. Do you know who the seven are that are involved?

Mr. EICKMEYER. I would imagine those are to pay for the officers for the winter months.

The CHAIRMAN. To pay for what?

Mr. EICKMEYER. To pay the officers for the winter months, because during the winter months, you will remember from yesterday, they don't pay dues to the local. They just did not bother paying it to the international.

The CHAIRMAN. What I am trying to determine is who are these mysterious seven members that were not paid on all this time. Do you know?

Mr. EICKMEYER. I don't know who they are.

The CHAIRMAN. All right. If you don't know, we will see if we can find out.

Mr. KENNEDY. What I think you were trying to say is, or what this was trying to do, is to show or indicate that the seven people who were the officers and who participated in the election in January of 1958 had, in fact, been paying their dues since January 1955. So it shows seven people had been paying since January of 1955. Therefore, they would be in good standing, Mr. Chairman.

The CHAIRMAN. Mr. Korhn and what is the other fellow's name?

Mr. EICKMEYER. Mr. Brocies.

The CHAIRMAN. They testified they were not even members until a day or two before the election, is that correct?

Mr. KENNEDY. No; they were members, but they testified that they had not been paying their dues. This document would make it appear that they had been, and that per capita dues had been paid to the international.

The CHAIRMAN. All right.

TESTIMONY OF ROBERT F. LEWIS—Resumed

Mr. KENNEDY. When did these delegates appear? When did you first find out about them?

Mr. LEWIS. Well, I heard through the grapevine that they were in town a day or two before the election, but the first time that any of my group saw them or anybody else for that matter, outside of Mr. Gibbons' group, was the night of the business session, an hour before the election.

Mr. KENNEDY. Did you find out where the delegates had come from or anything about their background?

Mr. LEWIS. No; nobody stated where they were from.

Mr. KENNEDY. Did you know they were associated with management?

Mr. LEWIS. We never knew that; no, sir.

Mr. KENNEDY. Did you know who had paid their transportation up, or where they came from?

Mr. LEWIS. We had a lot of ideas, but we did not know for sure.

Mr. KENNEDY. Did you know who paid their hotel bill?

Mr. LEWIS. No, sir.

TESTIMONY OF IRWIN LANGENBACHER—Resumed

Mr. KENNEDY. Do we have that, Mr. Langenbacher?

Mr. LANGENBACHER. Yes; we do.

Joint council 13 paid both the travel expenses and the lost-time payments, and local 447's books reflect that on January 23, 1958, they reimbursed joint council 13, \$1,300 for transportation expenses of the officers who came up to participate in the election and \$900 for lost-time payments to these officers. The \$900 was paid by 447 on January 29, to joint council 13.

Mr. KENNEDY. Joint council 13 had originally paid all of the bills?

Mr. LANGENBACHER. That is correct.

Mr. KENNEDY. They were reimbursed by local 447?

Mr. LANGENBACHER. Yes, sir.

Mr. KENNEDY. What was the total amount of the bills?

Mr. LANGENBACHER. The total amount of the 2 bills would be \$2,200.

TESTIMONY OF ROBERT F. LEWIS—Resumed

Mr. KENNEDY. Were you aware of that?

Mr. LEWIS. No, sir; I wasn't. I know I didn't approve it.

The CHAIRMAN. Well, were your travel expenses, your hotel bill, and all of that paid while you were in attendance?

Mr. LEWIS. I live in St. Louis, Senator, and I don't think I could have gotten a car token out of the council if it meant I had to get there to vote.

The CHAIRMAN. You couldn't have gotten a free ride?

Mr. LEWIS. I don't think that I could.

Mr. KENNEDY. Now, at the time of the election did anybody request that the delegates get up and identify themselves?

Mr. LEWIS. Yes, sir, Charley Grogan, the recording secretary of the council.

Mr. KENNEDY. He was recording secretary?

Mr. LEWIS. Yes, sir; and he stood up and he asked that the delegates rise and he would like to ask them some questions. Mr. Gibbons objected to that, and there were no questions asked.

Mr. KENNEDY. On what grounds?

Mr. LEWIS. That he and he alone had the right to decide whether that was proper or improper. That was in reference to the seating of these people, too.

Mr. KENNEDY. He said he was the one to make the decision?

Mr. LEWIS. That is right.

Mr. KENNEDY. Why should he make the decision?

Mr. LEWIS. These are things that we don't know about, Mr. Kennedy. This is a strange life we lead under Mr. Gibbons' direction. One of my delegates, Edward Goedecker, stood up and made some statements to Mr. Gibbons about being undemocratic, and he didn't get anywhere either.

Mr. KENNEDY. Did Mr. Gibbons explain why?

Mr. LEWIS. Only the fact that he and only he had the right to decide what was proper or what was favorable or unfavorable.

Mr. KENNEDY. So what finally happened? The delegates from 447 were seated and cast their votes?

Mr. LEWIS. They were seated.

Mr. KENNEDY. Their votes were put in a separate envelope, is that right?

Mr. LEWIS. That is correct.

Mr. KENNEDY. To be counted only if the election was contested or close?

Mr. LEWIS. In the event they were needed.

Mr. KENNEDY. Without their votes, without counting those votes, what was the result of the election?

Mr. LEWIS. The Walla slate would have all been elected.

Mr. KENNEDY. The anti-Gibbons slate would have been elected, all seven of them?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. And what did counting the carnival votes do?

Mr. LEWIS. Counting the carnival votes, in spite of that, on the anti-Gibbons slate, Patrick Burke was elected secretary-treasurer, and I was elected the recording secretary, and Lester Dickens was elected as trustee, and William Frenner was also elected—not elected trustee but he was tied with one of Mr. Gibbons' men. So as it stands now, 3 of us were elected, and 1 of our candidates was tied with 1 of Mr. Gibbons' candidates.

Mr. KENNEDY. If these carnival local votes were not counted, this carnival local we discussed at length yesterday, had those votes not been counted your slate would have been all elected?

Mr. LEWIS. That is correct.

Mr. KENNEDY. Now, did Mr. Hoffa send out a group of vice presidents to make an investigation of the joint council election?

Mr. LEWIS. I presume he did.

Mr. KENNEDY. You understand he did?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. And they ruled in favor of Mr. Gibbons?

Mr. LEWIS. Recently I understand they did, and I read that in the International Teamster magazine. I was not in attendance at the hearing that they conducted.

Mr. KENNEDY. That was Miller from Texas; he was one of the individuals?

Mr. LEWIS. I think he was.

Mr. KENNEDY. And O'Brien from Chicago?

Mr. LEWIS. That is correct.

Mr. KENNEDY. And Backus from Philadelphia?

Mr. LEWIS. I believe that is right.

Mr. KENNEDY. What is the status at the present time?

Mr. LEWIS. We are still in trusteeship.

Mr. KENNEDY. And Mr. Gibbons is trustee?

Mr. LEWIS. Yes, he is.

Mr. KENNEDY. He is running the joint council?

Mr. LEWIS. Well, I don't know how he can do that, but he is supposed to be running it, because we are not paying per capita tax to the joint council.

Mr. KENNEDY. You are not paying any more?

Mr. LEWIS. No, we are paying in to the man that we consider was elected the secretary-treasurer, Mr. Patrick Burke, and a great number of the local unions or a number of them are paying their per capita tax in to Mr. Burke.

Mr. KENNEDY. Now, we have had testimony here, Mr. Lewis, about certain acts of violence that were connected with certain Teamster locals who have been associated with Mr. Gibbons. This violence certainly does not exist for all Teamster unions, or all Teamster officials, or all Teamster members in the St. Louis area, does it?

Mr. LEWIS. No. Can I speak the way I feel? I just want to tell you, Mr. Kennedy, and the Senators if they will be gracious enough to listen, I think by far and wide the average Teamster representative in St. Louis is sincerely dedicated to his organization. I believe if and when our group ever takes over the council, I think we can further that feeling. I don't know of any acts of violence and I don't know anything about Mr. Gibbons' activities other than the joint council.

But I sincerely feel that there has been a nasty reflection made in St. Louis, in reference to all Teamsters, and it seems like it is a mass indictment and I think it is unfair, because I think that they are all, by a vast majority, I think are good Americans, and sincerely dedicated to the movement, and I say that sincerely.

I am not saying that for the drama or the publicity that may come from that.

The CHAIRMAN. Do you think if the men, the working people who pay the dues, were given an opportunity of free expression that they would tolerate this racketeering and this violence and the undemocratic processes that have been reflected by the testimony this committee has heard?

Mr. LEWIS. Well, Senator, if you deny it for any length of time, this democratic process that you talk about, a lot of these people become somewhat complacent, and then you must encourage it to bring it up, to bring them up out of the doldrums that they are in, or the indifference that they might have in reference to the conduct of their organization.

The CHAIRMAN. In other words, they finally just give up?

Mr. LEWIS. I don't know whether they give up or it is indifference more than anything else. It might be a pattern of a long standing.

The CHAIRMAN. Do you think, as I say, if they had the opportunity to express themselves freely with democratic processes they would tolerate such violence?

Mr. LEWIS. Frankly I don't think any workingman believes in violence, and I don't think that he wants to tolerate it.

The CHAIRMAN. If given the opportunity, where he could act freely and independently of pressure, and coercion and intimidation, you don't think that he would tolerate it; do you?

Mr. LEWIS. No, I don't think any good American would.

The CHAIRMAN. I just can't believe and it is shocking to me that the rank and file of the Teamsters Union tolerate and condone and approve of the corruption that has been exposed by this committee, and of the tactics and practices used in controlling elections. I just can't believe that the rank and file would approve of it if they could prevent it, if they had any way of preventing it. You know them better than I do. What do you say about it?

Mr. LEWIS. I agree with you, Senator.

The CHAIRMAN. You say we indict all of labor. I don't want to indict all of labor, and I don't want to indict the Teamsters who work and who are honest and decent Americans. That is what we are trying to do here, point out, find out and point out where the rascality is, in the hope that the Congress will have courage enough to enact some legislation to protect the working people of this country against such exploitation. I think the rank and file members ought to assert themselves to the very limit of their power, and give the full strength and power of their support to any movement to clean this scum off the labor movement.

It ought to be removed. If it isn't removed, it is becoming daily a greater menace to decent society in this country and to law and order and to the democratic processes of Government. Is there anything further?

Senator CURTIS. Mr. Lewis, do you know anything about the political operations under Mr. Gibbons' leadership there in St. Louis?

Mr. LEWIS. I don't know too much about them; only I don't like them.

Senator CURTIS. Do you know anything about the endeavor called Operation Penland?

Mr. LEWIS. I don't think so. Do you have reference to a State senator?

Senator CURTIS. Yes.

Mr. LEWIS. I don't know too much about that.

Senator CURTIS. Was that Mr. Gibbons' undertaking?

Mr. LEWIS. I presume that Mr. Penland is a member of his organization. I don't meddle in politics, and my organization is completely free of any political actions.

Senator CURTIS. I was asking you if you knew how it was done under Mr. Gibbons' leadership.

Mr. LEWIS. I wouldn't know or I couldn't honestly say, Senator.

Senator CURTIS. You don't know about the contributions?

Mr. LEWIS. No, sir; I don't.

Senator CURTIS. That is all.

Mr. KENNEDY. What about the association that Mr. Gibbons and Mr. Baker and certain others have had with some of the gangsters and hoodlums in St. Louis? Could you make any comment on that?

Mr. LEWIS. I know nothing about it, Mr. Kennedy, to be very frank with you.

Mr. KENNEDY. Is that also unusual, even in the Teamster hierarchy, in labor-union officials?

Mr. LEWIS. I can only speak for myself, that I don't associate with these people, and I have no reason to associate with them, and I wouldn't last long in my organization if I did.

Mr. KENNEDY. Would you say that was generally true of the Teamsters' leadership?

Mr. LEWIS. No, sir; I couldn't say that. I couldn't make a statement like that; honestly I couldn't, other than what I have read in the newspapers.

Mr. KENNEDY. You were in the service yourself?

Mr. LEWIS. Yes, sir.

Mr. KENNEDY. For how long?

Mr. LEWIS. 30 months overseas.

Mr. KENNEDY. What were you with?

Mr. LEWIS. Signal Corps.

Mr. KENNEDY. Where did you serve?

Mr. LEWIS. In the African and Italian campaigns.

Mr. KENNEDY. You got out of the service when?

Mr. LEWIS. In the latter part of 1945.

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you very much.

Call the next witness.

Mr. KENNEDY. Mr. Gene Walla.

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. WALLA. I do.

TESTIMONY OF ELMER E. WALLA, ACCOMPANIED BY HIS COUNSEL, JEROME F. DUGGAN

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

Mr. WALLA. My name is Elmer E. Walla, and I am president and business manager of the Building and Construction Local 682. My residence is No. 7 Fountain Court, Florissant, Mo.

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

Mr. DUGGAN. Jerome F. Duggan, 705 Chestnut Street, St. Louis 1, Mo.

The CHAIRMAN. Thank you.

All right; proceed.

Mr. KENNEDY. Now, Mr. Walla, how long have you been with the Teamsters Union?

Mr. WALLA. As an officer or as a member?

Mr. KENNEDY. As a member.

Mr. WALLA. I joined the Teamsters Union in the latter part of 1935.

Mr. KENNEDY. And then you were in the Teamsters Union for how long then?

Mr. WALLA. Since 1935, with the exception of a couple of years out for service.

Mr. KENNEDY. You were in the service during what period of time?

Mr. WALLA. From May of 1941 until July of 1943.

Mr. KENNEDY. In what branch?

Mr. WALLA. Army engineers; Corps of Engineers.

Mr. KENNEDY. And then you returned to the Teamsters Union then?

Mr. WALLA. Yes, sir; I did.

Mr. KENNEDY. What were you doing?

Mr. WALLA. Driving a truck.

Mr. KENNEDY. You became an officer?

Mr. WALLA. Yes; approximately in March I became an appointed officer of 1953.

Mr. KENNEDY. And then what local was that?

Mr. WALLA. That was in local 682.

Mr. KENNEDY. Were you elected president of that local?

Mr. WALLA. I was elected president and business manager in September, and I was nominated and elected by acclamation without opposition.

Mr. KENNEDY. Now, how many members does 682 have?

Mr. WALLA. Now, you mean?

Mr. KENNEDY. Yes.

Mr. WALLA. Approximately 3,200.

Mr. KENNEDY. How many did you have at that time?

Mr. WALLA. In 1953, when I took it over, we had approximately 1,500 to 1,600 members.

Mr. KENNEDY. What are the assets of local 682?

Mr. WALLA. Now, you mean?

Mr. KENNEDY. Yes.

Mr. WALLA. Well, conservatively speaking, the physical and financial assets are approximately a quarter of a million dollars.

Mr. KENNEDY. They have grown since the time you took over?

Mr. WALLA. That is what we have now, and when I took it over the local was practically broke, after a long and disastrous strike. It was broke financially, and in debt to the tune of about \$70,000.

Mr. KENNEDY. Now, Mr. Walla, we have had the testimony here regarding the fact you were running for president of joint council 13 against Mr. Harold Gibbons; is that correct?

Mr. WALLA. That is; yes, sir.

Mr. KENNEDY. We have had the testimony regarding Local 447 of the Carnival Workers' Union. Had you ever considered 447 as a member of the joint council 13?

Mr. WALLA. No, sir; I did not.

Mr. KENNEDY. What did you understand Mr. Karsh was at that time?

Mr. WALLA. Mr. Karsh to my knowledge was an organizer who was attempting to organize the circus and carnival workers.

Mr. KENNEDY. Now, in May of 1955, you presided over a meeting in which the minutes show that Local 447 of the Carnival Workers was seated and passed upon by the body and seated in joint council 13.

Mr. WALLA. There are two things, there, Mr. Kennedy. I think in checking you will find that the recording secretary did not make those minutes out, No. 1, and No. 2, those minutes are inaccurate.

I did not seat Mr. Karsh as a delegate to the joint council 13. I introduced him to the body of delegates as a visitor, and an organizer of the carnival workers and circus workers.

Mr. KENNEDY. So these minutes are not correct?

Mr. WALLA. No, sir, they are not.

Mr. KENNEDY. Did anybody ever consider local 447 to your knowledge as a member of joint council 13?

Mr. WALLA. To my knowledge, not even Harold Gibbons considered 447 an affiliate of joint council 13.

Mr. KENNEDY. Had anybody actively participated on behalf of local 447 in any of the meetings of the joint council?

Mr. WALLA. No, sir.

Mr. KENNEDY. When was the first time you heard 447 was going to be a member of joint council 13?

Mr. WALLA. It was approximately a week or so, or a week or 10 days or so, before the nominations of officers during the month of December of 1957. In a meeting when we were notified that Mr. Gibbons was going to vote local 447, and then in a heated discussion between myself and several people who were in the room we demanded an explanation of why he was going to vote 447, when 447 was not a member of the Teamsters Joint Council 13 and was not even within the geographical structure or area of joint council 13.

Mr. Gibbons said they were and he would definitely vote them.

Mr. KENNEDY. Did he indicate that they had officers at that time?

Mr. WALLA. No, sir.

Mr. KENNEDY. Did he indicate who the delegates were?

Mr. WALLA. No, sir; and we asked him, and I myself asked him and several of my people and we were told that he had the record of them. We asked for them and he said we would have to get them the same way he got them.

Mr. KENNEDY. Which was how?

Mr. WALLA. I don't know.

Mr. KENNEDY. When was it that you first learned who the delegates were going to be?

Mr. WALLA. I didn't quite understand.

Mr. KENNEDY. When did you learn who the delegates for 447 were going to be?

Mr. WALLA. Approximately 1 hour before the election, the night of the election, in the business meeting, and he had these 7 delegates there. Upon questioning by myself, and several of the delegates of the officers who were on my slate running for office, we demanded to know who they were, and after quite a bit of argument they were then introduced, and that was the first time that we had any knowledge who the officers were, and what they looked like, or where they were from.

Mr. KENNEDY. What about the delegates generally from the other locals? Did you try to get a list of the delegates from the various locals?

Mr. WALLA. Yes, sir, I did. I asked Mr. Gibbons for a list of the delegates several times, and Mr. Gibbons denied the list to me.

Mr. KENNEDY. On what grounds?

Mr. WALLA. He never gave any grounds or reasons why he did things.

Mr. KENNEDY. He just said you couldn't have it?

Mr. WALLA. That is correct.

Mr. KENNEDY. He sent out a letter to all of the delegates?

Mr. WALLA. He sent out a letter to all of the delegates including myself, and the officers who were candidates on my slate telling about the virtues of himself, and what he had accomplished as president of the joint council 13 and so on and so forth.

Mr. KENNEDY. Did you know if local 447 had been paying any per capita taxes to the joint council?

Mr. WALLA. To my knowledge, I never heard of local 447 paying any per capita tax, or being affiliated or attending any meetings, with the exception of the one night when Karsh had come in. I think that I would know that, because I was the vice president under the trusteeship of the joint council 13.

Mr. KENNEDY. And you knew nothing about it?

Mr. WALLA. No, sir.

Mr. KENNEDY. When you protested about seating or counting the votes of local 447, what was Mr. Gibbons reaction to that?

Mr. WALLA. Well, the protest started several days before the actual election. Mr. Gibbons called me into his office with I believe 2 or 3 of the candidates on my slate, and asked me what I thought of the idea of selecting a Federal judge, or a municipal judge, and he would do the same thing, and we would have them at the meeting the night of the election to act as observers in the clean democratic way of elections that would be performed in joint council 13.

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

I refused. I told Mr. Gibbons, "You as a trustee have never taken any of us into consideration. If you want the judges here, you go ahead and invite them."

The night of the election, he did. There were three judges there. They were State municipal judges to act as observers. During the course of the meeting, the protest came up several times again about the voting of the carnival workers' delegates. I, myself, took the floor and questioned Mr. Gibbons on how he was going to vote these people. He said "They will vote. Their ballots will be put in an envelope. I will hold the envelope to be used at my discretion."

I said "Mr. Gibbons, you always preach democracy, equality for all. Do you think you are giving these seven men, even though I contend they don't have the right to vote, a fair shake; where is the secret ballot election, when they are going to vote on a ballot and give it to you to open it at your discretion?"

"They have no discretion at this election. If you are going to vote them, put them in the ballot box with the rest of the votes."

Mr. Gibbons at that time told me "Well, Mr. Walla, if you will go on record at this time that you will not contest this election, I will put them in the box."

Well, I am an ex-truckdriver, and I may not have too much sense, but I did not leave my brains home that night and I told him that. Consequently, the ballots were voted, they were put in an envelope, they were put in Mr. Gibbons' pocket. At the end of the election, when myself and my slate had won the election, he then produced the ballots which offset three of my people, including myself, in the election.

Mr. KENNEDY. Initially, you would have won by one vote, not counting them?

Mr. WALLA. I had won by two votes.

Mr. KENNEDY. What was the number?

Mr. WALLA. 69 to 71, the 7 votes swung it over where it gave him a 6 vote majority or a 5 vote majority.

Mr. KENNEDY. When you protested about having 447 participate at all in this election, what was his reaction to that, even before the final meeting?

Mr. WALLA. In what respect, sir?

Mr. KENNEDY. When you said that 447 should not be seated and shouldn't participate, did he indicate who was going to make that decision?

Mr. WALLA. He definitely said he would be the sole judge, that he was the trustee not only over the council but also over 447, and he would be the sole judge in producing these people and having them vote.

Mr. KENNEDY. Is there anything else regarding that election that we don't know about?

Mr. WALLA. No. I think you have pretty near covered the whole thing, Mr. Kennedy. If there is anything else that I have probably forgotten, it is in the record that was taken by the three international vice presidents in our appeal of the election.

The CHAIRMAN. Is it on appeal now?

Mr. WALLA. Senator, I have appealed it. My group has appealed it. We have never received an answer from the international telling us one way or the other of a decision. I read in the last Teamsters Journal of last month where, in a short article there, the decision had been made, and the 6 officers were named, 3 from Gibbons' slate, 3 from my slate, and 1 to be at a runoff at a later date. But as far as receiving an answer to my appeal directly, I never have.

Mr. KENNEDY. Who would the appeal go to?

Mr. WALLA. The appeal was sent to the international, to the office of the international president, Mr. Hoffa, and also an appeal was made to the international secretary-treasurer, Mr. John English.

Mr. KENNEDY. Has the board of monitors indicated some interest in it?

Mr. WALLA. The only thing that I have heard from the board of monitors, when this thing was appealed, it was my understanding—as you know, I have counsel here for the reason that Mr. Duggan represents my entire slate of candidates in this appeal.

We understood, or thought we understood, that the makeup of the monitors was that we would exhaust the remedies and the prerogatives of our international constitution through our general executive board, and then, before a decision was made there, that the monitors themselves would enter into the picture.

Consequently, we never appealed directly to the monitors. As I understand, the monitors have informed the international to hold up on a decision of this joint council 13 election until they issued a decision themselves. That is all the information I have.

Mr. KENNEDY. Has a representative of Mr. Gibbons, one of those who ran on Mr. Gibbons' slate, called some of you in and said that you should all send a letter to the monitors, asking them to keep out of the matter?

Mr. WALLA. Yes, sir.

Mr. KENNEDY. Who did that?

Mr. WALLA. Mr. Edward Dorsey, the secretary-treasurer of Teamsters Local 618.

Mr. KENNEDY. What did he suggest to you?

Mr. WALLA. Well, he called me and asked me if my people would meet with him, that he wanted to discuss the election situation.

I told him that I did not think they would, because Mr. Dorsey is not held in too high a regard by people on my slate and people in our group.

So he asked me if I would arrange to get them there, and I said I would, that I would get them in. At that particular time, I had a broken ankle and was in a cast.

One of my officers who was a candidate on my slate, Mr. Burke, was in the hospital having a kidney removed. I told him I would get the balance of them in there, if they would pay attention and which they did. We appeared in his office, and Mr. Dorsey asked us if we would sign a form that he had drawn up in regard to — I can't recall verbatim, but the gist of it was to tell the monitors to stay out of town, we wanted nothing to do with them.

I refused to sign it, and all of my officers who were candidates on my slate refused to sign it.

Mr. KENNEDY. What is your reaction to the way this matter was handled, Mr. Walla?

Mr. WALLA. Well, my reaction is, as I said a minute ago. I have been a teamster for a long time. I have been an officer for a very short time. It has always been within the structure of the Teamsters, it is the only international, the only union I have ever belonged to, to handle your grievances through your executive boards, first your local executive board, then your joint council, then your international, and I appealed following that.

I don't like particularly what I have heard that is the decision, but I don't know what else I can do about it.

Mr. KENNEDY. What I am talking about is what is your reaction to the way this election was handled and the voting of local 447?

Mr. WALLA. I think it was as crooked as anything could possibly be.

Senator CURTIS. When did you file your appeal petition with the international? Do you remember?

Mr. DUGGAN. Senator, approximately the 28th of January, I would say. Within about 13 days after the election. Possibly sooner but not any later.

Senator CURTIS. 1958?

Mr. DUGGAN. Yes, sir.

The CHAIRMAN. So that that may be sworn testimony, you better let the witness answer.

Senator CURTIS. Is that your best information?

Mr. WALLA. May I talk to my counsel, please.

The CHAIRMAN. Yes, you may confer.

(The witness conferred with his counsel.)

Mr. WALLA. Sir, as near as I can recall, it was in the latter part of the month of January 1958 we filed the protest and a grievance to the international.

Senator CURTIS. Now I want to ask you: Under Mr. Gibbons' leadership, did you get full and frequent reports on the financial operations of the joint council?

Mr. WALLA. Once in a great while. We very seldom ever got financial reports.

Senator CURTIS. Did he ever disclose to the council the political expenditures?

Mr. WALLA. No, sir.

Senator CURTIS. You received no knowledge about that?

Mr. WALLA. No, sir.

Senator CURTIS. Do you know anything about the political operations?

Mr. WALLA. No. I have had nothing to do with the political operation of the joint council. The only thing I know in regard to the political was that a part of the per capita tax, I think 5 cents of the per capita tax, which at one time he had the delegates to the council vote upon, to set aside 5 cents into a separate fund for political campaigns.

Senator CURTIS. You don't know anything about this operation?

Mr. WALLA. No, sir, I don't know how the money was spent.

Senator CURTIS. Or what candidates' contributions were made to or anything like that?

Mr. WALLA. No, sir, I do not.

Senator CURTIS. You never got adequate information about expenditures generally, did you?

Mr. WALLA. No, sir.

Senator CURTIS. How much money do you suppose the joint council would handle in a year?

Mr. WALLA. The only thing we could do on this is guess our own selves. We knew how many members we had, and we knew what the per capita tax was, we knew how much it approximately amounted to a month. Whenever we did hear a financial report, which was to the board alone, we were always in the red. We lost money every month.

We were never given a complete breakdown on the structure of the expenditures is what I am saying, Senator, and what this money was spent for.

We were given breakdown in executive board meetings occasionally that we had taken in so much money, so much money was spent, and we were either in the black \$500 or we were in the red \$500 for this month. There was no itemized statements that was given to us.

Senator CURTIS. How much was the per capita tax?

Mr. WALLA. The per capita tax is 45 cents per member.

Senator CURTIS. Per month?

Mr. WALLA. Per month.

Senator CURTIS. That is the amount of the per capita tax that goes to the joint council?

Mr. WALLA. To the joint council.

Senator CURTIS. It has nothing to do with what goes to the international?

Mr. WALLA. No, sir.

Senator CURTIS. You had how many members?

Mr. WALLA. My membership will fluctuate because I am in the building construction. My membership will fluctuate to where it will average on a yearly average 3,000 members.

Senator CURTIS. So probably, \$1,400 is the amount that you put in?

Mr. WALLA. Yes, sir, per month.

Senator CURTIS. Per month?

Mr. WALLA. Yes, sir.

Senator CURTIS. And there are 20 locals?

Mr. WALLA. Yes, sir.

Senator CURTIS. Are you one of the larger ones?

Mr. WALLA. I am about the fourth or fifth largest one. I believe there are approximately four locals that are of bigger membership than I have.

Senator CURTIS. That is all.

Mr. KENNEDY. Mr. Walla, there was another matter about which we have had testimony before the committee, and that is in connection with Mr. Ford being beaten up at a meeting that he attempted to go to while the local was being operated by you. The testimony was that a number of individuals, goons, with criminal records, were sent over to your local at your request; that they participated in a beating of Mr. Ford, and that afterwards they were paid by you either \$25 or \$35 apiece. Is it correct that Mr. Ford did receive the beating while attempting to get into your local office, your union office?

Mr. WALLA. Mr. Kennedy, may I answer this in the way of leading up to what you are asking me, up to and including the question you have asked me?

The CHAIRMAN. All right.

Mr. WALLA. At the meeting that was described, and I was here when the testimony was given in the Ford incident, a week prior to that meeting we had a meeting. You have to understand local 682 at that time, not any more, but at that time, we had what we termed divisional meetings. The building construction men, the ready-mix men, the lumbermen also have ice and coal drivers, and ice and coal drivers, had separate meetings. The week before this Ford incident we had the meeting in which Ford was a member of that particular division. In this meeting, the former officers of this local who number with relatives and with friends approximately 30 people, attended this meeting, and during the course of the meeting they started a fight. One of the executive board members, who is a man 76 years old, was grabbed off the rostrum and was kicked, had his collarbone broke, his jaw broke, and several of his teeth, false teeth, broken, and, in addition, 2 of the members were grabbed by this group. This group, as I said, was headed by former officers of this local. Ford was a former officer not of this local but of another local. They did this, and consequently after the melee was over they made a statement, a flat statement, that from that point on we would never hold another meeting in peace, and that the membership of this local union would be hurt if they attended any meetings.

The following week we had the meeting of the ready-mix division, which is ready-mix concrete drivers. I received several phone calls that day from different people that would not identify themselves, telling me, "Gene, if you hold a meeting tonight, your members are liable to get broken up and you are liable to get broken up, even though you are a big man." I was not scared for myself, but I saw what happened to two members. I called Mr. Gibbons and I asked Mr. Gibbons if he would send me out some men to act as door

wardens. That evening, approximately 10 or 12 men arrived, about an hour before the meeting.

They came into my office and asked what their duties were to be. I told them, "You will act as door wardens, inside the door, and, if anything breaks out, you will take the instigators and remove them from the hall, not violently, but remove them."

I, myself, told them that the men coming into the hall, I would inspect their books because I knew the majority of the members. I was standing at the door at the time when Mr. Ford and this group of former officers, with their relatives—and I might add that several of this group of former officers of local 682 are in Leavenworth Penitentiary today, doing 10 and 20 years for extortion—they came in and Mr. Ford advanced to me, and I have known Mr. Ford for many years. He showed me his book, and I told him, "Jim, you have no business in this meeting. This is a meeting for the ready-mix drivers; you fellows were here last week. You created part of a disturbance. There is a man still in the hospital suffering the results of the injuries that you people inflicted on him.

"We don't intend to have that again tonight."

In the course of the conversation, Ford was over, and one of my business agents, who is dead now, yelled at me, and when I turned around somebody hit me across the back of the neck with a black-jack and knocked me down, and the fight started.

Who hit Ford, I don't know. I know that I don't recall hitting him; I don't know why I would hit him. You saw Ford here the other day, and you see me. Why I would have to hit a man like that or shove him around, I can't think of any reason. I don't think anyone else here can. But the fight started and, during the course of the fight, these injuries resulted to Mr. Ford. The fight was very short. It started approximately 10 minutes to 8. At 8 o'clock I was conducting the meeting when Sergeant Moran, who is now Captain Moran, who was here the other day testifying, stuck his head into the door of the meeting hall and asked me to step off the rostrum, which I did, and Captain Moran asked me about the fight, and I told him approximately what happened, and it was 5 minutes long, and I was back in the hall.

That was the extent of it. But I at no time, as I heard the testimony the other day, ever used my feet on Jim Ford or any other man.

The CHAIRMAN. According to the testimony, you had hired people to do that for you.

Mr. WALLA. Sir, I did not have people there to cause damage or violence. I had people there to preserve order.

The CHAIRMAN. What did you pay these men for?

Mr. WALLA. As door wardens.

The CHAIRMAN. You did pay them?

Mr. WALLA. Yes, sir; I did.

The CHAIRMAN. \$25 and \$35 for 1 night?

Mr. WALLA. Yes, sir; I did.

The CHAIRMAN. They did a pretty good job for you, didn't they?

Mr. WALLA. Well, as I say, I don't know whether they performed the violence. You must take into consideration, Senator McClellan, the man who was injured, John Noblett, the previous week, had sev-

eral friends of his own in that local. The other man who was injured and who was in the hospital at this particular time, Mr. James Blair, has several friends in that local. There were several different factions that came to that union looking for blood and thunder that night. I was primarily interested in keeping peace

The CHAIRMAN. Where did these men come from that you had down there?

Mr. WALLA. That, I could not say, sir. I called for them and they were sent.

The CHAIRMAN. They were not members of that particular group or division, were they?

Mr. WALLA. No, sir; they were not.

The CHAIRMAN. Yet they were permitted in there?

Mr. WALLA. They were not permitted into the meeting.

The CHAIRMAN. They were in the door?

Mr. WALLA. They were in the outer hall, the foyer, going into the meeting hall.

The CHAIRMAN. They were there to keep order?

Mr. WALLA. Yes, sir.

The CHAIRMAN. How many men did you have at that meeting?

Mr. WALLA. Do you mean the membership?

The CHAIRMAN. Yes.

Mr. WALLA. Approximately 150 or 200 people.

The CHAIRMAN. 150 or 200 people?

Mr. WALLA. Yes.

The CHAIRMAN. All members of that particular section or division?

Mr. WALLA. That particular division; yes, sir.

The CHAIRMAN. Do you think they could not protect themselves against one man?

Mr. WALLA. Well, they had not the week before, sir.

The CHAIRMAN. All right. Proceed.

Mr. KENNEDY. Why would you need 12 people to keep the doors?

Mr. WALLA. I did not understand you.

Mr. KENNEDY. Why did you need 10 or 12 people over there to act as door watchers?

Mr. WALLA. To prevent any violent incidents as occurred the week before.

Mr. KENNEDY. You say you called up Mr. Gibbons on that?

Mr. WALLA. Yes, sir.

Mr. KENNEDY. Obviously, these people had to get inside the room, did they not?

Mr. WALLA. Yes, sir.

Mr. KENNEDY. Were they union members?

Mr. WALLA. I could not answer that; no, sir.

Mr. KENNEDY. These were just a lot of toughs and gangsters, Mr. Walla, sent over there. A great number of them had police records. They were sent over there, there is no question about it, to beat people up. Is that correct?

Mr. WALLA. They were only sent over there, sir, as I said, to help me preserve order.

Mr. KENNEDY. It is peculiar that they came over there; 10 or 12 of them came over, with criminal records, and the 1 person that was

injured and sent to the hospital was Mr. Ford. He didn't even get into the room. He was thrown out, with his face all broken up. How can you explain that?

MR. WALLA. I don't know who done it. As I said previously, I was hit with a blackjack, myself.

MR. KENNEDY. Did you go to the hospital?

MR. WALLA. No, sir, I did not.

MR. KENNEDY. Did you report that to the police when they came in?

MR. WALLA. No, sir, I did not.

MR. KENNEDY. If you were hit with a blackjack, why didn't you report it immediately?

MR. WALLA. Well, I just never did. That is all.

SENATOR CURTIS. When did this happen?

What month of what year?

MR. WALLA. This was in 1953, if I recall correctly, sir.

SENATOR CURTIS. It has been since then that you have had your differences with Mr. Gibbons?

MR. WALLA. Well, yes, sir, that is correct.

SENATOR CURTIS. At that time, you called on Mr. Gibbons to send you men to help you at this meeting?

MR. WALLA. That is correct, yes, sir.

MR. KENNEDY. Why would Mr. Gibbons have people such as this available that you would not have?

MR. WALLA. That I would not know, sir.

MR. KENNEDY. Why did you call Mr. Gibbons? Why was he called upon to send over these toughs?

MR. WALLA. Primarily I called Mr. Gibbons because Mr. Gibbons was the trustee over the local.

MR. KENNEDY. Over which local?

MR. WALLA. Over 682.

MR. KENNEDY. Did you tell him to send people that had criminal records?

MR. WALLA. No, I most certainly did not tell him to send anyone in particular. I asked him for help to act as door wardens.

MR. KENNEDY. I assume that he knew that you wanted people that could handle themselves, people that could beat people up, is that right?

MR. WALLA. Mr. Kennedy, you say I wanted someone to beat people up. I wanted no one to beat anyone up. I wanted someone there to prevent the same incident that happened the week prior from happening again.

MR. KENNEDY. Why would this incident be instigated, then, by them, if they were over there to prevent violence?

MR. WALLA. I could not say that it was instigated by them. If it was instigated by them and they come out to keep violence from being done, I don't know why one of them would hit me with a blackjack.

MR. KENNEDY. I doubt if the one that hit you with a blackjack was one of those that you requested to come over there, Mr. Walla.

MR. WALLA. Well, if they were there to start violence, then, I think they would have started it before I got hit with a blackjack.

MR. KENNEDY. Did you know when Barney Baker came into St. Louis?

Mr. WALLA. I think Barney Baker was in St. Louis before I came into office, while I was still a rank-and-file member.

Mr. KENNEDY. Did you have many dealings with him?

Mr. WALLA. I knew Barney Baker.

Mr. KENNEDY. Did you see him before he was married? Did you go up to Chicago to visit with him before he got married?

Mr. WALLA. Did I go up to Chicago to visit with him?

Mr. KENNEDY. Yes, just before he got married.

Mr. WALLA. No. I have seen Barney in Chicago, but I did not go up to visit with him before he got married. I did not even know he had gotten married until I read it in the newspapers. I have seen him, as I said, in Chicago several times, when we have had conventions and meetings there.

The CHAIRMAN. Mr. Walla, how long had Mr. Gibbons been president of this local 682 when he came up for reelection or when you had your election?

Mr. WALLA. Mr. Gibbons was never president.

The CHAIRMAN. He was just trustee?

Mr. WALLA. Yes, sir.

The CHAIRMAN. Who was your opposition for president at the time of this election?

Mr. WALLA. When I came up for election?

The CHAIRMAN. Yes. Who was the other candidate for president?

Mr. WALLA. There was no opposition to the entire slate.

The CHAIRMAN. I thought you just had an election this year where there was opposition.

Mr. WALLA. I am sorry, Senator; I seem to misunderstand you.

The CHAIRMAN. I will correct it. It is the joint council I am talking about. How long had Mr. Gibbons been president of the joint council before you had this election in January of this year?

Mr. WALLA. Since 1953.

The CHAIRMAN. Was he elected at that time?

Mr. WALLA. No, sir. Mr. Gibbons was the acting president and the international trustee of the joint council. He had never been elected the president of the joint council.

The CHAIRMAN. He had been acting since 1953?

Mr. WALLA. Yes, sir.

The CHAIRMAN. And when they had an election to elect a permanent president, you were one of the candidates?

Mr. WALLA. I was the only candidate, as far as his opposition, to president.

The CHAIRMAN. Was he seeking the presidency, too?

Mr. WALLA. Yes; he was.

The CHAIRMAN. That is what I am trying to determine.

Mr. WALLA. Yes, sir.

The CHAIRMAN. He was a candidate for president and you were a candidate for president, in the election of last January?

Mr. WALLA. Yes, sir.

The CHAIRMAN. And, as trustee, he made these rulings and cast these ballots on his own or on his responsibility as trustee?

Mr. WALLA. Yes, sir.

The CHAIRMAN. In other words, he had command and control as trustee of these ballots that are in dispute?

Mr. WALLA. That is correct.

The CHAIRMAN. That is, he arrogated to himself that power?

Mr. WALLA. That is correct.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. That is all.

The CHAIRMAN. Thank you. You may stand aside.

Call the next witness.

Mr. KENNEDY. I have just one short witness on a different matter. That is Mr. Lou Berra, Mr. Chairman.

The CHAIRMAN. Mr. Berra.

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. BERRA. I do.

**TESTIMONY OF LOUIS BERRA, ACCOMPANIED BY COUNSEL,
BERNARD J. MELLMAN**

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

Mr. BERRA. Louis Berra, 3120 Hampton, St. Louis, Mo. I am a stock clerk and a packer.

The CHAIRMAN. Thank you. You have counsel?

Mr. BERRA. Yes, sir.

Mr. MELLMAN. I am Bernard J. Mellman, an attorney, of 408 Olive Street, St. Louis, Mo.

Mr. KENNEDY. Are you a member of the Teamsters Union?

Mr. BERRA. I respectfully refuse to answer.

Mr. KENNEDY. On what ground?

Mr. BERRA. I respectfully decline to answer—let me see now—
(The witness conferred with his counsel.)

The CHAIRMAN. What would you do if you happened to lose that thing?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment to the Constitution of the United States not to be a witness against myself.

Mr. KENNEDY. There are just a couple of matters that I want to discuss, Mr. Berra.

You have held an important position of authority in local 688, during a period of time in which there was a considerable amount of violence in the various strikes in the St. Louis area, and you also had a part, played an important role, in local 405 during a period of time in which there was violence.

I would like to ask you as a general question, first, whether you can tell us, tell the committee, who was responsible for any of these acts of violence in the early 1950's.

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the Constitution of the United States not to be a witness against myself.

Mr. KENNEDY. You were second in charge, under Mr. Harold Gibbons, were you not, Mr. Berra?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. We have had a number of bills that were paid and O. K.'d by you for some of these individuals with criminal records who, according to the testimony, were involved in some of the violence. Can you tell us anything about that?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You have been a close associate of Mr. Harold Gibbons, have you not, since the early 1940's?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. In October 1954, you were sentenced to 4 years in the Federal court for evading income tax?

(The witness conferred with his counsel.)

Mr. BERRA. Yes, sir.

Mr. KENNEDY. And that was in connection with receiving certain kickbacks?

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. You were involved in the labor health center building, isn't that right, the Labor Health Institute?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. And certain contractors that were working on that; you made arrangements for them to do work in your own home and charged the joint council 13 for that work?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. According to what we have had, and which, of course, is of considerable interest to us, when that information was developed, the fact that you were defrauding the joint council, defrauding the union, some \$36,323.09 was spent in your defense by the Teamsters Union under Mr. Harold Gibbons. Can you explain that to us?

Mr. BERRA. I respectfully decline to answer the question, and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. I would like to ask Mr. Eickmeyer if we can show any further relationship between Mr. Berra and the Teamsters Union.

TESTIMONY OF THOMAS EICKMEYER—Resumed

The CHAIRMAN. You may do so.

Mr. KENNEDY. First, would you put in detail into the record—I think we just had a summary of it—would you put in detail in the record the legal bills that were paid to Mr. Berra by the Teamsters Union?

Mr. EICKMEYER. Legal expenses, paid for Mr. Berra by local 688 in St. Louis, amounted to \$25,323.09. Payments by joint council

13 amounted to \$5,500. Payments by local 299 in Detroit amounted to \$2,000. It is a total of \$32,823.09.

Mr. KENNEDY. Was there another additional payment?

Mr. EICKMEYER. We cannot determine actually what part of that payment was in connection with Lou Berra, but Edward Bennett Williams received a \$5,000 retainer fee at this time. We can't determine which part of that bill pertains to Mr. Berra.

Mr. KENNEDY. Do we know if any of it went to Mr. Berra?

Mr. EICKMEYER. We can't tell that.

Mr. KENNEDY. The only thing that we can actually show is \$32,823; is that right?

Mr. EICKMEYER. That is correct.

TESTIMONY OF LOUIS BERRA ACCOMPANIED BY COUNSEL, BERNARD J. MELLMAN—Resumed

Mr. KENNEDY. Why would local 299, Mr. Hoffa's local, be helping to pay your defense bills?

Mr. BERRA. I respectfully decline to answer the question on the grounds it may tend to incriminate me.

Mr. KENNEDY. Why would Mr. Hoffa and Mr. Gibbons be interested in paying your defense bills when you were stealing and defrauding the union, Mr. Berra? Can you explain that to us?

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. Have we found that Mr. Berra in addition has had another relationship with the union since he got out of jail?

Mr. EICKMEYER. Yes, sir.

Mr. KENNEDY. First, he received a 4-year sentence, is that right?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. And he was sentenced to 5 years probation for obstructing justice in connection with his case?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. What was that? Do you know what the facts were?

What were the facts involved in that, the obstruction of justice?

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. How much time did he actually serve?

Mr. EICKMEYER. Mr. Berra served 2 years.

Mr. KENNEDY. His sentence was reduced from 4 years to 2 years, isn't that right?

Mr. EICKMEYER. That is correct?

Mr. KENNEDY. But he actually only served 7½ months, isn't that right?

After 7½ months he came out on bond and then he went back in and served the rest of the time?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. He returned to prison in June of 1956 to serve the remainder of his term?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. And finally was released on December 14, 1956?

Mr. EICKMEYER. That is correct.

Mr. KENNEDY. He is now on probation at the present time?

Mr. EICKMEYER. At the present time, yes.

Mr. KENNEDY. What do the records show about his financial arrangements with the union, if any?

Mr. EICKMEYER. In January of 1957, Mr. Berra received a \$3,000 loan from the joint council 13 credit union in St. Louis.

Also on July 2, 1957, he received an \$11,000 loan, a real estate loan, which he used to refinance the \$3,000 previously loaned, and at the present moment he owes the joint council 13 credit union \$10,715.77. That is as of June 18, 1958.

Mr. KENNEDY. Can anybody come into the joint council credit union and get a loan?

Mr. EICKMEYER. If they are members of the Teamsters Union in St. Louis.

Mr. KENNEDY. That is why I asked you if you were a member of the Teamsters Union, Mr. Berra.

(The witness conferred with his counsel.)

Mr. BERRA. I am, sir.

Mr. KENNEDY. And you have been a member for how long?

(The witness conferred with his counsel.)

Mr. BERRA. Approximately 20 years. Pardon me, the Teamsters since 1949.

Mr. KENNEDY. Is the trade that you are working in now covered by the Teamsters Union?

(The witness conferred with his counsel.)

Mr. BERRA. Yes, sir.

Mr. KENNEDY. It is covered. What union do you have a contract with?

(The witness conferred with his counsel.)

Mr. BERRA. I think the contract is with local 688.

Mr. KENNEDY. It is with local 688?

Mr. BERRA. The firm I work for has it; yes, sir.

Mr. KENNEDY. Are you covered by that?

Mr. BERRA. Yes, sir.

Mr. KENNEDY. What is your job, again?

Mr. BERRA. I pack shoes and fill shoes.

Mr. KENNEDY. What is the name of the company?

Mr. BERRA. Brown Shoe Co.

Mr. KENNEDY. You are all covered by local 688, you and your fellow employees are covered?

(The witness conferred with his counsel.)

Mr. BERRA. The warehousing end of it is covered by 688.

Mr. KENNEDY. Well, your fellow employees, the people that do the same kind of work as you, are Teamsters?

Mr. BERRA. Yes, sir.

Mr. KENNEDY. And you pack shoes and you are Teamsters?

(The witness conferred with his counsel.)

Mr. BERRA. Yes.

Mr. KENNEDY. What interest did you pay on these loans?

(The witness conferred with his counsel.)

Mr. BERRA. Well, the normal amount of any credit union. I don't recall whether it is 4, 5—I think it is 4 or 5 percent.

Mr. KENNEDY. Who did you discuss the loans with?

(The witness conferred with his counsel.)

Mr. BERRA. The officers of the credit union.

Mr. KENNEDY. Who was that? Who did you discuss it with?

(The witness conferred with his counsel.)

Mr. BERRA. Well, I think Mr. Spengeman was one of them; the girl who worked there, Leah Stein. I don't think she was an officer, though.

Mr. KENNEDY. Is Leah Stein related to you?

(The witness conferred with his counsel.)

Mr. BERRA. Yes, sir. It is my sister. Max Voras, and, I think, with Bill Curtis.

Mr. KENNEDY. Did you discuss it with Mr. Gibbons?

(The witness conferred with his counsel.)

Mr. BERRA. No, sir.

Mr. KENNEDY. You never discussed this loan with Mr. Gibbons?

Mr. BERRA. No, sir.

Mr. KENNEDY. He did not know you were receiving the loan?

Mr. BERRA. To the best of my knowledge, no, sir.

Mr. KENNEDY. When was the last time you saw Mr. Gibbons, other than here?

(The witness conferred with his counsel.)

Mr. BERRA. I guess it was about 5 or 6 month ago. Maybe 3, 4, 5, or 6 months ago.

Mr. KENNEDY. Has he been to visit you at your home?

(The witness conferred with his counsel.)

Mr. BERRA. No, sir.

Mr. KENNEDY. He has not?

Mr. BERRA. No, sir.

Mr. KENNEDY. Have you had any financial dealings at all with the Teamsters Union, other than the loans that you received?

(The witness conferred with his counsel.)

Mr. MELLMAN. Mr. Kennedy, your question is related to the period of time since he was released from prison?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. BERRA. No, sir.

Mr. KENNEDY. Just these loans?

Mr. BERRA. Yes, sir.

Mr. KENNEDY. Have you had any financial dealings at all with Mr. Gibbons?

Mr. MELLMAN. The question is, again, related to this last period?

Mr. KENNEDY. Yes.

(The witness conferred with his counsel.)

Mr. BERRA. No, sir.

Mr. KENNEDY. Could you answer the question at all, about why Mr. Gibbons would pay your legal bills in connection with this matter?

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. It would appear to me, from, first, the legal bills, and then even receiving a loan from the joint council, that the joint council and the Teamsters not only would not be paying your legal

bills, but certainly would not be interested in making a loan to you after you had, from the evidence, betrayed the membership.

Can you tell the committee about that?

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment to the United States Constitution not to be a witness against myself.

Mr. KENNEDY. It would seem to be in clear violation of section 13 (a) of the international constitution, which reads:

When a member is convicted of the commission of a crime of serious wrongdoing or pleads guilty to the commission of a crime of serious wrongdoing against the local union or against the community, and which crime or act of serious wrongdoing tends to bring dishonor upon the local union or the international union, it shall be the duty of the local union to proceed to revoke the membership of such a member.

Your membership was never revoked after you were convicted and appealed to the Supreme Court? Your membership was never revoked, Mr. Berra?

(The witness conferred with his counsel.)

Mr. BERRA. It has never been revoked, sir.

Mr. KENNEDY. And no disciplinary action of any kind has been taken by Mr. Harold Gibbons against you?

(The witness conferred with his counsel.)

Mr. BERRA. There has not been.

Mr. KENNEDY. And there has been no disciplinary action taken by either the local union or the international union against you?

(The witness conferred with his counsel.)

Mr. BERRA. There has not been.

The CHAIRMAN. In other words, you were rewarded instead of disciplined; is that correct?

(The witness conferred with his counsel.)

Mr. BERRA. I don't know, sir.

The CHAIRMAN. You don't know?

Mr. BERRA. No, sir.

The CHAIRMAN. Having \$30,000 paid out for you in defense of your crime, you do not consider that a reward?

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Mr. Chairman?

The CHAIRMAN. Senator Curtis.

Senator CURTIS. I would like to ask Mr. Berra a question.

This question is confined to the transactions upon which he was indicted and tried and sentenced, so it has all been previously determined in court and can no longer be brought against him.

In reference to those transactions, did any other person get any portion of the moneys that you were charged with unlawfully receiving?

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Senator CURTIS. Mr. Chairman, he could not be incriminated by his answer. He has already been tried and served his sentence. If anybody else got any of it, that would not incriminate him. I think he should answer the question.

The CHAIRMAN. The Chair orders and directs the witness to answer the question, with the approval of the committee.

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

The CHAIRMAN. I understood your question, Senator Curtis, to apply only to the moneys that were involved in the criminal action for which he was prosecuted?

Senator CURTIS. Yes; for which he has already been tried and served sentence.

The CHAIRMAN. The order of the Chair stands.

Mr. MELLMAN. I might say for the information of the committee that Mr. Berra has, even up to the present time, been under investigation with regard to his income taxes.

The CHAIRMAN. Is there anything further?

Mr. KENNEDY. What does your sister do with the credit union?

(The witness conferred with his counsel.)

Mr. BERRA. She doesn't work there any more.

Mr. KENNEDY. Well, she left how long ago? A couple of weeks ago?

Mr. BERRA. I think a couple of weeks ago.

Mr. KENNEDY. What did she do up until then?

(The witness conferred with his counsel.)

Mr. BERRA. As far as I know, she handled all the transactions, kept the books and all.

Mr. KENNEDY. She kept the books on all the transactions?

Mr. BERRA. I think so.

Mr. KENNEDY. Was she one of those you had to go to, to determine whether you would get a loan?

(The witness conferred with his counsel.)

Mr. BERRA. As far as I know, all she gave me was the applications.

Mr. KENNEDY. Who passed on the loan? Who specifically passed on the loan?

Mr. BERRA. I wouldn't know, but I would assume it would be the regular committee set up by the members of the credit union.

Mr. KENNEDY. Who did you talk to?

Mr. BERRA. The people that I mentioned.

Mr. KENNEDY. Are they on the committee?

Mr. BERRA. I assume they were.

Mr. KENNEDY. They are the ones that passed on it?

Mr. BERRA. I assume they did.

Mr. KENNEDY. And you were the director of the labor health institute, is that right?

(The witness conferred with his counsel.)

Mr. BERRA. I respectfully decline to answer the question and assert my privilege under the fifth amendment of the United States Constitution not to be a witness against myself.

Mr. KENNEDY. I might just summarize, Mr. Chairman, that, for instance, there were a number of witnesses but one of them testified

that through connivance with Berra he added various amounts to his statements, and after these statements were paid by Berra, Schmidt kicked back the excess to Berra.

The work performed on Berra's home by Schmidt and another man by the name of Schullman was charged to the labor health institute by padding labor charges pertaining to work performed on labor health institute.

So he was receiving kickbacks and also having work done on his home and having it charged to the union. When he got into this difficulty, he was charged with these crimes, including the income tax evasion.

The union paid all his legal bills and took an appeal to the Supreme Court, for which they paid \$5,000, and argued before the Supreme Court that illicitly received funds do not constitute income. The union paid the legal bills for that amounting to \$5,000.

The CHAIRMAN. In other words, that puts the union on record, its present leadership, at least, or the leadership at that time, as spending money of the treasury of the union not only to defend the act of illegally taking the money, but to defend the effort on the part of the Government to collect income tax on that money, on the ground that it was not legitimate income to begin with.

Are there any other questions?

You may stand aside.

Mr. Fitzgerald, would you come forward?

Mr. Fitzgerald, we have had a problem with respect to some files in your possession. I believe they have been subpoenaed.

Mr. FITZGERALD. That is right.

The CHAIRMAN. And you have urged that the committee submit to you specific files that we wanted?

Mr. FITZGERALD. That is right.

The CHAIRMAN. The Chair now presents to you in open session a list of the files that the committee would like to have you deliver promptly. A copy of the list will be inserted in the record at this point.

(The document was handed to the witness.)

(The document referred to follows:)

1. All files that relate in any way to charges which he made to the union for "investigations."
2. All files relating to the activities of William Langenbahn or in which he may have participated in any way.
3. All files relating to Albert DeLameilleure or in which he may have participated in any way.
4. All files relating to the Union Square Insurance Agency.
5. All files relating to the acquisition of Maybury Grand property by locals 337 and 299.
6. All files relating to Internal Revenue problem involving expenses of business agents and the carrying of the union cars in the name of the business agent.
7. All files relating to Brewery Enterprises.
8. All files relating to Valley Brewing Co.
9. All files relating to Sun Valley, Inc.
10. All files which relate in any way to James R. Hoffa and his family.
11. All files which relate to William Hoffa.
12. All files which relate to Bert Brennan.
13. All files which relate to the Hoffman Committee Investigation.
14. All files which relate to Hyman Fischbach and his activities.
15. All files which relate to Peter P. Ellis.
16. All files which relate to Union Labor Life Insurance Co.

17. All files which relate to Union Casualty & Life Insurance Co.
18. All files which relate to Allen and Paul Dorfman.
19. All files which relate to the John W. Thomas Department Store loan.
20. All files which relate in any way to the Winchester Village loan by the Michigan Conference of Teamsters welfare fund.
21. All files which relate to loans to Benjamin Grosberg and Herbert Grosberg.
22. All files which relate to the loans of John Carlo from the Michigan Conference of Teamsters welfare fund.
23. All files which relate to the Continental Assurance Co.
24. All files which relate to Ralph C. Wilson and his companies.
25. All files which relate to Carney Matheson and Albert Matheson.
26. All files which relate to Bernard Spindel.
27. All files which relate in any way to Robert Danto.
28. All files which relate to Joe Louisell in which any Teamster funds were used either directly or indirectly.
29. All files which relate to Detroit Parking Association.
30. All files which relate to Benjamin Dranow.
31. All files which relate to Henry Lower.
32. All files which relate to Rolland McMaster and his companies.
33. All files which relate to Harold L. Mark.
34. All files which relate to John P. McElroy.
35. All files which relate to North American Development Co.
36. All files which relate to Zigmont Snyder.
37. All files which relate to Judge Joseph Gillis.
38. All files which relate to James Haman.
39. All files which relate to Leann Harrelson.
40. All files which relate to John Bridge.
41. All files which relate to Gerald P. Connelly.
42. All files which relate to William Presser.
43. All files which relate to Norwalk Truck Lines.
44. All files which relate to Joseph Prebenda.
45. All files which relate to Gene San Soucie.
46. All paid bills supporting his expenditures from 1950 through 1957.

The CHAIRMAN. I am sure, Mr. Fitzgerald, you can have many of those files here by next Tuesday, if not all of them. At that time, the Chair will ask you for a report on your ability to deliver those files.

Mr. FITZGERALD. That is correct. I think the Chair should bear in mind that on many of these files the delivery will have to be considered in connection with the waiver, as far as the clients are concerned.

The CHAIRMAN. We will take that up when the files are delivered.

Mr. KENNEDY. All of the clients in that case are the Teamsters Union. That is all the files we want. We asked for the files you have in regard to the Teamsters Union.

Mr. FITZGERALD. There is no argument on that. It is just the question I mentioned.

The CHAIRMAN. Well, we will take that up.

Mr. KENNEDY. These are not personal files. These are Teamster Union files. But we have also had the dispute regarding Mr. Fitzgerald's personal files.

Mr. FITZGERALD. Any Teamster Union files are in an entirely different category. Let me examine the list and we will check them.

Mr. KENNEDY. When will we get your personal files?

Mr. FITZGERALD. You have my personal files, with respect to 1957, which you will have when you return. I have explained that to this gentleman over here, Mr. Bellino, about 9 times. I can't do it while I am down here.

Mr. KENNEDY. Mr. Chairman, as you remember, we had the prior conference of 2 weeks or 10 days ago.

You were going to deliver your 1957 files at the beginning of this week. We still haven't gotten them.

Mr. FITZGERALD. I told you I am not going to deliver to Mr. Bellino something until I make a Verifax. I have to file an income-tax return. We are having difficulty.

While we discuss this, I would like to take something up with the Chair. From the time this committee started, we have produced all union files, everything that was there. We have been, in a sense—and I say this with respect to the committee—somewhat in the position of errand boy to the staff.

We are in the position with several of these files where we need an inspection of them. I took it up with Mr. Bellino yesterday, and I said with respect to 2 of them, 1 local and 1 joint council, that we would have to inspect them, and we wanted to make photostatic copies of them. They were turned over and he refused it.

Mr. KENNEDY. I talked to you about that.

Mr. FITZGERALD. Mr. Kennedy said we could work it out. I talked to Mr. Bellino after that and he said no. These files were not turned over under duress, pressure, or coercion.

Nothing was necessary, except that Mr. Carmine Bellino merely had to call me and the machinery was set in motion to turn these things over. I think, with all due respect to the committee, sometime or other—and I did not want to take this up in open session—but I think there are limits upon the staff's authority, and particularly Mr. Bellino's, to call upon me at any time of the day or night, or my office, and have me go out and put machinery in operation to deliver to that gentleman what he wants. When I make a simple request to him for stuff that I turned over, he refuses to turn it over to me or to my clients, or at least give us the opportunity to inspect it.

Mr. Chairman, I don't think it is fair. I think it is a flagrant abuse of his authority and his power.

Now, with respect to my personal files, I gave him my personal files, everything up to 1957, and I told him in Detroit that I had not, as yet, completed a return. I wanted the opportunity for him to look at those in Detroit. He never came near me and never called. Then when I got to Washington and got involved in all this representation, taking care of my clients' business instead of my own, he starts to make repeated requests upon me. The only time I have had is about 36 to 48 hours at home in the past month. He has attempted to needle me about these files every day, knowing I am sitting here.

But he isn't bothering me very much, because I have dealt with gentlemen like him before. I told him I would get these 1957 files over to him, but I am going to have a Verifax copy. This man has taken files from people, one man in particular. Mr. Haggerty represented him before this committee, and he turned over his 1957 records on Bellino's statement that he would return them to him when he looked at them.

The man is now paying a penalty to the Government on his 1957 taxes because Mr. Bellino refused to turn them back to him.

The CHAIRMAN. You present to the committee and to the Chair any situation where you feel that you must have them returned, and photostatic copies will be made of them and either the photostatic copies returned or the originals.

How long has this request been outstanding?

Mr. KENNEDY. Your records, for how long have we requested them?

Mr. FITZGERALD. I don't know, but they got them.

Mr. KENNEDY. Three months, do you think?

Mr. FITZGERALD. Three months, yes. I was in a trial in New York. They got everything I got as far as my personal files are concerned, except 1957. He had an opportunity in Detroit to come over and look over them.

This gentleman at the last minute decides he wants something and all we have to do is go and get it, Mr. Chairman.

Mr. KENNEDY. Three months is not the last minute.

Mr. FITZGERALD. I am not talking about that. The only thing I object to is that he could have looked at my 1957 files and left them in my possession in Detroit and he did not bother to do it. Now I am put to the expense and inconvenience of attempting to have Verifax copies, because I wouldn't give them to him without it, or I will be stuck paying penalties to the Government. He told our auditor yesterday, when asked about the Bushkin matter, "How will this fellow make his tax return," and this fellow said to him "You put down 'guess what,' or 'guess what is on it' ". I don't think that is the attitude that should be taken.

The CHAIRMAN. Just a moment. I don't know that he said that—

Mr. FITZGERALD. I have no complaint about the committee or the general counsel.

The CHAIRMAN. That is not the attitude of the committee, but when we request files or subpoena files, we will get them if we have the legal power to do it.

Mr. FITZGERALD. I am the last person to object to it, and I think the chairman knows that. I think what you are entitled to have, you are entitled to have. If I find fault with what you find, I cannot find fault with what you are trying to do. But this is a personal proposition now. I am a very easy man to get along with.

Mr. KENNEDY. When will you have them in?

Mr. FITZGERALD. I will have them here for you Tuesday, and you can applaud as much as you want. I wish, though, by the same token, that by Tuesday you tell me that these very minor requests that I have been making on you, you will grant me.

The CHAIRMAN. The committee will determine the requests when properly made.

You will have the files here Tuesday.

The committee will stand in recess until Tuesday afternoon at 2 o'clock.

(Whereupon at 12:38, the hearing was recessed, to reconvene Tuesday, September 2, 1958 at 2 p. m.)

(At the conclusion of the hearing, the following members were present: Senators McClellan and Curtis.)

APPENDIX

EXHIBIT No. 66

STATEMENT

SHORELAND HOTEL

5454 SOUTH SHORE DRIVE
CHICAGO 15, ILLINOIS

PLAZA 2-1000

JUN 25, 1957 C136

PAYMENT HAS BEEN
MADE PER
J. H.

CENTRAL CONFERENCE TEACHERS
V. K. MOORE, JR.
1611 S. KINGSTON HIGHWAY
ST. LOUIS 10, MO.

RE: SUITE 901-903

Date	Day	Description	Amount	Total
NOV	6	CASH ADVANCE	1200	00
	30	ROOM SERVICE	3	10
DEC	1	CASH ADVANCE	50	00
	13	EXPRESS CHARGES	15	20
	17	ROOM SERVICE	5	77
	18	TIP	1	00
	17	DRUGS	1	82
1957	20	EXPRESS CHARGES	41	89
JAN	7	ROOM SERVICE	5	20
	7	RESTAURANT	5	97
	11	BAR	1	75
	11	ROOM SERVICE	1	00
	12	TIP	1	00
	13	ROOM SERVICE	5	30
	17	ROOM SERVICE	3	00
	18	TRAVEL EXPENSE	2	00
	18	ROOM SERVICE	10	77
	19	ROOM SERVICE	10	00
	21	ROOM SERVICE	7	00
	24	ROOM SERVICE	3	39
	29	VALET	2	00
FEB	1	CASH ADVANCE	100	00
	3	CASH ADVANCE	50	00
	3	CASH ADVANCE	100	00
	27	CASH ADVANCE	50	00
	27	PAID OUT	20	17
MARCH	10	CASH ADVANCE	50	00
	15	CASH ADVANCE	100	00
	20	CASH ADVANCE	100	00
APRIL	17	CASH ADVANCE	50	00
	3	ROOM CHARGE - THOMPSON	10	00
		TOTAL PAID	2415	18

EXHIBIT No. 69

CENTRAL STATES CONFERENCE OF TEAMSTERS

December 14, 1955

1127 PINE STREET
ST. LOUIS 1 MO.ST. LOUIS
Central 1-6722DETROIT
WObway 1-8424*Executive Board*J. R. HOFFA,
ChairmanJOHN T. O'BRIEN,
Vice-ChairmanH. J. GIBBONS,
Secretary-TreasurerGENE SAN SOUCIE,
Recording Secretary

DANIEL J. MURPHY

SIDNEY L. BRENNAN

WILLIAM A. LEE

Mr. Tom Durkin
Eal Harbor Hotel
Miami Beach, Florida

Dear Tom:

Enclosed is a check for \$471.00, which represents a \$200.00 advance on your expenses and \$271.00 for the repair of your automobile.

Under separate cover I have already forwarded a check for \$4,358.46 direct to the hotel to cover your hotel bill.

As per our telephone conversation, you are to make arrangements to leave Miami immediately and report for assignment at the office of Vice-President Hoffa, Detroit, Michigan.

Fraternally yours,

H. J. Gibbons,
Secretary-Treasurerwchr 688
cc: J. R. Hoffa

AIR MAIL SPECIAL DELIVERY

EXHIBIT No. 69A

488
810

CENTRAL CONFERENCE OF TEAMSTERS · 1127 PINE STREET · ST. LOUIS 1, MO.

Date December 14, 1955 No. 3100

PAY TO THE ORDER OF Tom Burke
The Standard P. S.

\$ 471.00

SECURITY NATIONAL BANK
SAVINGS AND TRUST COMPANY
FIRST AVENUE, ST. LOUIS, MO.
ST. LOUIS, MO.

James A. Hill
AUTHORIZED SIGNATURE

James A. Hill
AUTHORIZED SIGNATURE

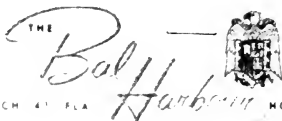
Comm. 1/1/56

PAY TO THE ORDER OF
COMMUNITY NATIONAL BANK
Bal Harbor, Miami Beach, Fla.
FOR DEPOSIT ONLY
BAL HARBOUR HOTEL

ST. LOUIS, MO. 63101

COMMUNITY NATIONAL BANK
BAL HARBOUR HOTEL
MIAMI BEACH, FLA.

EXHIBIT No. 70



OCEANFRONT AT 101ST STREET MIAMI BEACH FLA

June 23, 1937

Harold J. Gibbons
Central States Driver's Council
1127 Pine Street
St. Louis, Missouri

Dear Friend;

Enclosed please find Hotel Bills which will cover the \$500.00 I received at Boynton Beach for organizing expenses.

As you will note they are from Miami Beach rather than Boynton Beach. This is due to the serious surburrr I had prior to leaving that area. Upon my recovery, I neglected to collect my paid receipts. I assume that this is satisfactory.

Thank you very much for everything. When I get my hands on a bundle I'll pay you back.


My kindest personal regards to yourself and your family.

Your friend and brother,

Tom Purke

P.S. You and Hoffa are two good kids.

EXHIBIT No. 71


JOINT COUNCIL NO. 43
 2741 TRUMBULL
 DETROIT, MICH.

No. 5009
 1079
 1947
 9-31
 1947
 720
 44
 5 11315 A.A.

PAY TO THE ORDER OF *Thos. E. Burke*
 DETROIT, MICH.

The sum of **\$1875 and 1/4 CTS**
 JOINT COUNCIL NO. 43 DOLLARS

BANK of the COMMONWEALTH
 DETROIT, MICH. C 4-691
Burman Gilbert

*Thos E Burke
Morris Coleman*

MYRTLE
OCT 20 1954
1

13-9
 Bank of the Commonwealth
 Detroit, Mich.
 9-31
 OCT 20 1954
 15 DEPOSIT TO THE
 ANY BANK OR BANK
 STATEMENTS GUARANTEED

GIBBONS - # 2

THE PLAZA BANK OF ST. LOUIS

4113

PAID JAN 26 1949 19 No. 169137

00

PAY TO THE ORDER OF *Commerce Bank & Trust Co.*

36360

PLAZA BANK OF ST. LOUIS **36360**

DOLLARS

TO FEDERAL RESERVE BANK OF ST. LOUIS

cashier
R. V. Z.

SHOW YOUR ENDORSE - REQUIRE IDENTIFICATION

Trust Department

OTY CHECK
ST. LOUIS
COMMERCIAL BANK

JAN 28 49 0427

EXHIBIT No. 80A



ESCO
EXHIBITORS SERVICE CO.
McKEES ROCKS, PA.

A 2087

90-362
433

PAY **ESCO \$1000 AND OBJECTS**

DEPENDABLE RESPONSIBLE TRANSPORTATION TO ANYONE ANYTIME ANYWHERE

TO THE ORDER OF **F. H. Lacey**

DATE **8-14-57** CHECK NO. **A-2087** AMOUNT **1,000.00**

EXHIBITORS SERVICE CO.



To Commonwealth Trust Company of Pittsburgh
Charlars Branch
McKees Rocks, Pa.

F. H. Lacey
AUTHORIZED SIGNATURE

TRUST TO TRUCKS TO DELIVER THE GOODS • SAFELY AND QUICKLY

F. H. Lacey

AUG 14-57 ⁵⁹/₃₆₂ *2 151 CC**1,000.00



ESCO
EXHIBITORS SERVICE CO.
McKEES ROCKS, PA.

2520

60-362
433

PAY **ESCO'S LOGS AND PRODUCTS**

DEPENDABLE. RESPONSIBLE. TRANSPORTATION TO ANYONE. ANYTIME. ANYWHERE.

TO THE ORDER OF **F. M. Lacey**

DATE **10-16-57** CHECK NO. **A-2520** AMOUNT **1,000.00**

EXHIBITORS SERVICE CO.



To Commonwealth Trust Company of Pittsburgh
Charlert Branch
McKees Rocks, Pa.

F. M. Lacey
AUTHORIZED SIGNATURE
F. M. Lacey
AUTHORIZED SIGNATURE

★ ★ ★ TRUST TO TRUCKS TO DELIVER THE GOODS • SAFELY AND QUICKLY ★ ★ ★

F. M. Lacey

OCT 16 57 60/362 #2 214 CC**1,000.00

EXHIBIT No. 80C



ESCO

EXHIBITORS SERVICE CO.
McKEES ROCKS, PA.

A 2320

60-362
433

PAY **ESCO \$1000 AND OBJECTS**

DEPENDABLE RESPONSIBLE TRANSPORTATION TO ANYONE, ANYTIME, ANYWHERE

TO THE ORDER OF **F. M. Lacey**

DATE **9-16-57** CHECK NO. **A-2320** AMOUNT **1,000.00**

EXHIBITORS SERVICE CO.



To Commonwealth Trust Company of Pittsburgh
Charlottesville Branch
McKees Rocks, Pa.

F. M. Lacey
H. G. Williams
AUTHORIZED SIGNATURE
AUTHORIZED SIGNATURE

★ ★ ★ TRUST TO TRUCKS TO DELIVER THE GOODS • SAFELY AND QUICKLY ★ ★ ★

F. M. Lacey

SEP 16-57 ⁶⁰/₃₆₂ * 131 CC * * 1,000.00

EXHIBIT No. 81A

February 19, 1958

46 - 1 - 2223

Middle Atlantic Transportation Co., Inc.
6575 W. Vernor Highway
Detroit 9, Michigan

Att: Mr. Paul F. Kluding, Operations Mgr.

Dear Mr. Kluding:

The interest that both you and Barney Baker have evidenced on our behalf is sincerely appreciated.

Your Mr. Jack Myers is no doubt quite busy, although; we are looking forward to a meeting with him tomorrow that we hope will prove productive for both of us.

Again thanking you for your personal intervention, we are,

Yours very truly,

EXHIBITORS' SERVICE COMPANY

G. F. Callahan, Jr.
President

GFC;dep

13/10

EXHIBIT No. 81B

February 6, 1958

MIDDLE ATLANTIC TRANSPORTATION CO., INC.
Detroit, Michigan

Attention: Mr. Paul Klouding

Dear Mr. Klouding:

Our mutual friend, Mr. Barney Baker of the Teamsters told us he was talking to you regarding the possibility of interlining with your company for our reciprocal benefit.

At the present time we concur in the Middle Atlantic Conference and the Eastern Central Motor Carriers Association for thru rates. We publish our own I. C. C. tariffs for distribution over a territory of approximately one hundred and thirty miles north, east and south of Pittsburgh and approximately seventy-five miles west of Pittsburgh. We are enclosing a map of our territory which further illustrates the above.

Barney further mentioned that he told you our name was CALLAHAN TRUCKING COMPANY. However, he realized after he spoke to you, that our name is EXHIBITORS' SERVICE COMPANY, and suggested we mention this so that there would be no misunderstanding of names. We would certainly appreciate any business you can swing our way and we will endeavor to handle your accounts with economical and safe operation as we know you will with us.

Yours very truly,

EXHIBITORS' SERVICE COMPANY

G. F. Callahan, Jr.
President

GFC:b
ccc GFC 111

EXHIBIT No. 87

K-12

Tuesday

LAW OFFICES
JACOBS AND KAMIN

JOSEPH M. JACOBS
ALFRED KAMIN
ARCHIE I. BERMAN
S. L. KAMIN
MILTON BERZOCK

CHICAGO 8
TELEPHONE

April 22, 1952

Mr. Hyman Powell, President,
International Jewelry Workers Union,
551 Fifth Avenue,
New York 17, N. Y. In re: Carnival, Amusement, and Novelty
Device Workers Union #450, IJWU

Dear Hyman:

Under separate cover I am returning the Charter which you previously issued to Local 450. As a result of our conferences here in Chicago it was recognized that a revision in the title was necessary. Accordingly, pursuant to our discussion with you, will you please reissue the charter to CARNIVAL, AMUSEMENT, AND NOVELTY DEVICE WORKERS LOCAL UNION 450. The names of the charter members are as follows:

- Ross Miller,
- Harry Kersh,
- Jack Gould,
- Albert Siglin,
- Melvin Weldorf,
- Joseph Haas,
- Kenneth Pragg.

You will remember that the new charter to be issued was to be embossed for display purposes.

Will you also please send the seal and the customary set of books.

I am enclosing herewith a copy of the agreement which was arrived at in Atlanta and which will now be mimeographed and signed by the three employers who were in attendance at the conference at the earliest possible moment. We will also move to complete all filing requirements of the Local Union under the provisions of the Taft-Hartley law.

I will keep in touch with you concerning further developments. With kindest personal regards and fraternal greetings, I am

Faithfully yours,

Joe Jacobs
Joseph M. Jacobs

JMJ:db

Enclosures

ST 1000 41 550607

2000 / 111-2-7575

EXHIBIT No. 90

K-16

June 24, 1952

Joseph Jacobs, Requir
231 North Wells Street
Chicago, Illinois

Dear Joe:

Enclosed is a copy of a letter from George Henry. Would suggest that you get in touch with me the moment you get back to Chicago to discuss this.

Spoke to Paul while he was in New York. He is familiar with it.

Sincerely yours,

Emma J. Powell
General Secretary-Treasurer
International Jewelry Workers' Union

HFP:ak
ccia/153

K-17

July 11, 1957

Joseph Jacobs, Esquire
201 North Wells Street
Chicago, Illinois

Dear Joe:

This will introduce Harold Mark, the accountant who will set up the books for the two locals we spoke about.

I expect to see you on Tuesday.

Most sincerely,

Hyman J. Powell
General Secretary-Treasurer

HJP:ak
ceiu/159

(Franklin 2-1646)

K-19

August 14, 1952

Carnival, Amusement, and Novelty Device

Workers, Local 450, I.F.W.U.
c/o Joseph M. Jacobs, Manager
201 North Wells Street
Chicago 6, Illinois



Dear Sirs and Brothers:

We have just returned from a meeting of the Executive Council of the American Federation of Labor at Atlantic City at which we were advised that the charter issued by our International Union to your Local under the jurisdiction of the International Jewelry Workers' Union under its charter from the American Federation of Labor. Accordingly, we are compelled to revoke the charter of Local 450.

Will you, therefore, please return the charter and seal of Local 450 to this office immediately.

Fraternally yours,



Joseph Morris
General President

Hyman J. Powell
General Secretary-Treasurer

HP:mk
encl/159
REGISTERED MAIL-RETURN RECEIPT
Copies:
George Henry
David Dubinsky
Wm. L. McFetridge
David Ashe

EXHIBIT No. 94A

VERIFICATION NUMBER 111 2-700-2-7



INTERNATIONAL JEWELRY WORKERS' UNION

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

531 FIFTH AVENUE

NEW YORK 17, N. Y.

K-14-C

JOSEPH MORRIS
GENERAL PRESIDENT
HYMAN J. POWELL
GENERAL SECRET-TREAS.

August 20, 1952

Mr. Harry Karsch, Pres.
Carnival, Amusement, and Novelty Device
Workers, Local 450, I.J.W.U.
8130 Roxburgh Drive
St. Louis, Mo.

Dear Sir and Brother:

We have just returned from a meeting of the Executive Council of the American Federation of Labor at Atlantic City at which we were advised that the charter issued by our International Union to your Local exceeds the jurisdiction of the International Jewelry Workers' Union under its charter from the American Federation of Labor. Accordingly, we are compelled to revoke the charter of Local 450.

Will you, therefore, please return the charter and seal of Local 450 to this office immediately.

Faternally yours,

Joseph Morris
Joseph Morris
General President

Hyman J. Powell
Hyman J. Powell
General Secretary-Treasurer

to file in EN-1-2 Jan. 11/15-4

ref. Ed. 1. RA. 3/18/54

PLEASE RETURN BY REGISTERED MAIL-RETURN RECEIPT

DAVID DUBINSKY DEPOSITION
PLAINTIFF'S EXHIBIT 1.

EXHIBIT No. 96



CENTRAL CONFERENCE OF TEAMSTERS

1127 PINE STREET

ST. LOUIS 1, MO.

MAY 7 1956

ST. LOUIS
Central 1-8728

DETROIT
WDown 1-8484

Mr. Nicholas Morrissey
General Organizer IRT
650 Beacon Street
Boston, Massachusetts

Dear Sir and Brothers:

Executive Board

J. E. HOFFA,
Chairman

JOHN T. O'BRIEN,
Vice-Chairman

H. J. GIBBONS,
Secretary-Treasurer

GENE SAN SOUCIE,
Recording Secretary

DANIEL J. MURPHY

SIDNEY L. BERNMAN

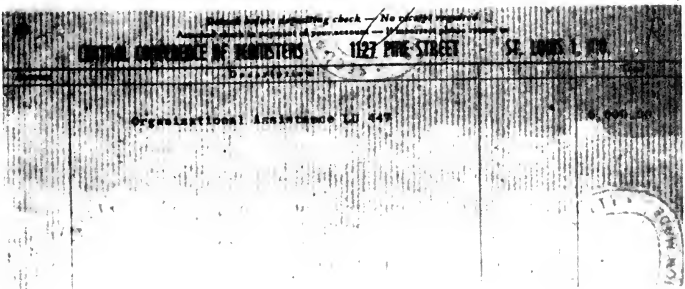
WILLIAM A. LEE

Enclosed is our check for \$5,000.00 which is to be placed along with a like amount from the C.M.V. in a joint account to finance the strike ACMA is putting on in competition with Ringling Brothers.

They have asked us to request you to be one of the co-signers on this account with Bill Schneider as your alternate. In this fashion we will have assurance that the money will not be wasted. Jackie Bright is opening the account and will have the signature cards for you in the next few days.

Respectfully,

[Handwritten Signature]
R. J. [unclear]
Secretary-Treasurer



CENTRAL STATES CONFERENCE OF TEAMSTERS - 1127 PINE STREET - ST. LOUIS 1, MO.

Date August 31, 1955 No 2751

\$ 2,000.00

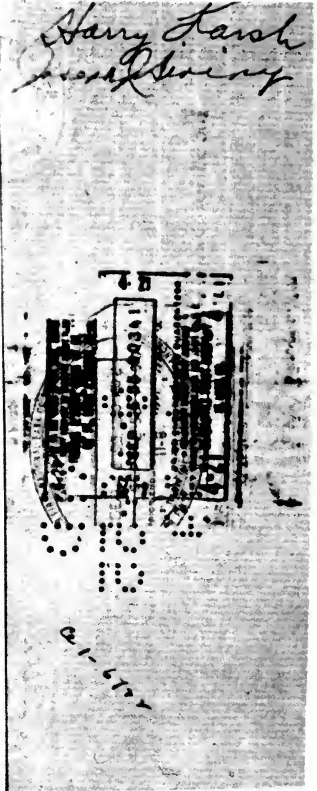
PAY TO THE ORDER OF Harry Karsh

The sum of \$2,000 and 00/100ths

SECURITY NATIONAL BANK
SAVINGS AND TRUST COMPANY
NORTH FRISBIE AVENUE, CITY AND LOCUST
ST. LOUIS, MO.

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE



Harry Karsh
President

11-1-57

EXHIBIT No. 100B

CENTRAL STATES CONFERENCE OF TEAMSTERS, 1127 PINE STREET - ST. LOUIS 1, MO.

SEP 13 1955
A

Date September 9, 1955

No. 2759

PAY TO THE ORDER OF

HARRY KARSH

\$ 1,000.00

The sum of \$1,000 and 00/100

SECURITY NATIONAL BANK
SAVINGS AND TRUST COMPANY
NORTH STREET BETWEEN OLIVE AND LOCUST
ST. LOUIS, MO.

Harry Karsh
AUTHORIZED SIGNATURE
W. J. Harrison
AUTHORIZED SIGNATURE

Harry Karsh

ST. LOUIS CLEARING HOUSE - 4
ALL CHECKS MUST BE DEPOSITED WITHIN 24 HOURS OF COLLECTION
SEP 15 3 35 PM '55
ST. LOUIS CLEARING HOUSE - 4

402
810

CENTRAL STATES CONFERENCE OF TEAMSTERS - 1127 PINE STREET - ST. LOUIS 1, MO.

13
SEP 22 1955
DATE September 16, 1955

PAY TO ORDER OF Harry Karsh

The sum of \$1,000.00

Nº 2771 \$ 1,000.00

P.S.

Security National Bank
SAVINGS AND TRUST COMPANY
EIGHTH STREET BETWEEN
ST. LOUIS, MO.

Harry Karsh
AUTHORIZED SIGNATURE

F. A. Williams
AUTHORIZED SIGNATURE

Harry Karsh
F. A. Williams
Secy. Trans. Local #310

SEP 22 1955 10 55 AM '55

ST. LOUIS, MO. 63102

SEP 22 1955 10 55 AM '55

SOUTH BROADWAY AT PARK B1
ST. LOUIS, MO. 63102

SEP 22 1955 10 55 AM '55

ST. LOUIS, MO. 63102

EXHIBIT No. 100D

CENTRAL STATES CONFERENCE OF TEAMSTERS - 1127 PINE STREET - ST. LOUIS 1, MO.

No. 2867

Date October 10

\$ 1.00.00

(P.S.)

The Central States Conference of Teamsters

SECURITY NATIONAL BANK
SAVINGS AND TRUST COMPANY
ST. LOUIS, MO.

Henry Kard
P. C. Ziefer
AUTHORIZED SIGNATURE

Henry Kard
P. C. Ziefer
General Business &
Helping Personal Services
667

PAID THROUGH
ST. LOUIS CLEARING HOUSE
FOR THE ORDER OF
OCT 12 1955
FRUS MATH 12 61M 13
30-9 SAN AN, D.P. 30-9

BOSTON PUBLIC LIBRARY



3 9999 06352 027 2

