

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
SELECT COMMITTEE TO INVESTIGATE THE ADMINISTRATION
OF JUSTICE IN PENNSYLVANIA

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Verbatim report of hearing
held in the Majority Caucus
Room, Harrisburg, Pennsyl-
vania, on Friday,

May 4, 1973
10:00 a.m.

LUCHANSKY

HON. H. JOSEPH HEPFORD, CHAIRMAN

MEMBERS OF THE COMMITTEE

HON. EUGENE R. GEESEY HON. JOSEPH RHODES, JR.
HON. RUSSELL J. LAMARCA HON. DAVID TURNER

DOWNEY RICE, ESQUIRE, Counsel to the Committee

APPEARANCES:

WALLACE C. WORTH, ESQUIRE
Allentown, Pennsylvania

For - Stephen J. Luchansky

Reported by:
Mary Ann Still

Prepared under the Direction of
the Chief Clerk's Office
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CHAIRMAN HEPFORD: The time is now 10:07 and rather than delay, in view of the fact that we have the Former Attorney General here, who was asked to appear this morning, and we have some testimony from Lieutenant Luchansky, and I have a preliminary statement here to make.

I presume Mr. LaMarca will be here soon, and Mr. Rhodes and Mr. Geesey is here and under the rules of this Committee, two members will constitute a quorum for the taking of testimony in a public hearing.

I would like to make this preliminary statement with respect to the failure of Sergeant Hunt to respond to the subpoena that was served upon him yesterday. I do not understand why he would not appear as subpoenaed before this Committee and then if he had any requests to make regarding his failure to respond to questions, would be another matter.

He was served, as has been indicated, and in view of the testimony that this Committee has received thus far, we would like to explore with Sergeant Hunt such facts as his participation in the King of Prussia case, his orders from his superiors and his directives to those who were under his command at the time of the incident, what actions he took when the tap was discovered to apprehend those individuals who were responsible.

I would like to explore further the details with respect to the individuals who were allegedly present and escaped, the Pratkano-Kardash Buick escape, why cameras were used without film, he being in charge of the 14-man detail.

Also, did he order Luchansky arrested and if so, why he did not execute the warrant and arrest him. Why was the search warrant issued for the Pratkano-Kardash Buick and, if so, why was it not executed.

We would expect and we will ask that the Committee will vote on the contempt of the failure to respond to the subpoena.

I know that the Governor has issued statements last night that have appeared in the public press regarding a witness' false statement. However, he does state that the statement may have been made and that is the only testimony that this Committee heard.

If the Governor has such information, it would be helpful to this Committee to receive it from him and to receive from him the truth as he knows it.

The Committee is pleased to note that we are receiving documents and information which we are looking into, weighing, and will treat with confidentiality, which are pertinent to the inquiry. We know that we do not know the

answers. We don't pretend to know the answers. We have no large investigatory force to obtain answers, but we wish to indicate that we have a separate post office box, 3900, in Harrisburg and our staff, James Malley, our Chief Investigator, a man whose lifetime has been in the field of law enforcement and investigations, can be reached here at the capitol telephone, Extension 7170.

We are pleased to welcome here in the committee room today Former Attorney General J. Shane Cramer, and we ask Mr. Cramer if he has any objection in view of the fact that we did indicate that he would appear before the Committee at 10:00 o'clock, if he has any objection if we finish the questions we have remaining. It may be another 30 minutes or so with Lieutenant Luchansky.

MR. CRAMER: No, I have no objection, Mr. Hepford.

CHAIRMAN HEFFORD: Thank you very much,
Mr. Cramer.

We are going to proceed in the absence of the other members of the Committee and at this time we welcome Mr. Worth, Counsel to Lieutenant Luchansky, and Lieutenant Luchansky is in the witness chair. He was sworn yesterday and we are resuming that interrogation at this time.

I will ask Mr. Rice to proceed.

STEPHEN J. LUCHANSKY, having been sworn,
testified as follows:

BY MR. RICE:

Q The witness, of course, remains under oath. You understand that?

A Yes.

Q Lieutenant Luchansky, to refresh our recollection a little bit as to what we may have lost overnight, when you went to the vicinity of the ash pile at Downingtown on the 28th, Tuesday the 28th, in the car with Colonel Urella and McCann, and were at the ash pile, you didn't have the keys to the Pratkan-Kardash Buick at that time, did you?

A No sir.

Q Where did you get the keys?

A From Lieutenant McCann.

Q Do you know where Lieutenant McCann got the keys?

A No sir.

Q Was Kardash there?

A Not to my knowledge, sir. As I say, when I came back from relieving myself, there were some men around and I walked over to Lieutenant McCann and we got into the Plymouth.

Q And McCann did not tell you where he obtained the

keys and you didn't know?

A He did not tell me and I didn't ask.

Q That is what they used to say in Kentucky. He didn't tell me and I didn't ask him. All right.

Moving from that to the statement that you said you prepared on the dining room table at Colonel Urella's home, you sat there with Kardash and prepared a statement. Was the statement -- it was in your handwriting, was it not?

A I believe -- not believe, I know I printed the first page and Kardash printed the second page.

Q All right. I show you a three-page document and ask you if you recognize it. The stenographer might mark it L-A for Luchansky A.

Three-page statement - produced and marked for identification as Exhibit No. L-A.

WITNESS LUCHANSKY: Mr. Rice, could I make a -- or say something that would clarify the situation?

MR. RICE: Wait until she is finished marking that.

WITNESS LUCHANSKY: Mr. Rice, may I --

MR. RICE: By all means.

WITNESS LUCHANSKY: One thing that wasn't brought out, when they saw news items, the Governor that evening, on

December 5, I had the impression that apparently during some of the meetings that he did have with the Crime Commission that he was convinced that I was there. I was identified as the man in the loft. Someone on that detail apparently pursued this investigation and came up with a witness who identified me as the man up in the loft and the Governor on that information thought that I was the man there.

BY MR. RICE:

Q How do you know, how do you know what the Governor knew?

A Colonel Urella told me.

Q Who did?

A Colonel Urella told me that evening, Mr. Rice.

Q What you are suggesting now is that the Governor thought you were the man in the crawl space?

A That is correct.

Q But you didn't tell him that?

A I didn't tell the Governor that.

Q And he didn't tell you that he thought that, someone else said that?

A That is right.

Q And you feel like you want us to know that?

A Well, in other words, what I am getting at is that maybe the Governor might have had information that he felt I was the man up in the loft and he was convinced of this. I know I wasn't the man up in the loft and this is where I questioned Colonel Urella and said, hey, did you tell him I wasn't there. And Colonel Urella said he did and he said, Rocco, he said, Luchansky was identified as being up in that loft.

Q The Governor said, Rocco --

A This is a conversation between Colonel Urella and Governor Shapp.

Q In your presence?

A No sir.

Q But repeated to you by Rocco immediately after the conversation was supposed to have taken place?

A That evening, or right after, you know. I believe it was that evening.

Q Same evening?

A That is correct, sir.

Q What else did he say? Kind of had you in the middle, didn't he?

A Yes, he did, and I told him that, hey, you know I wasn't. You know I had been in Harrisburg all day.

Q Yes. So this is false. So what explanation was given to you as to why a man should proceed on a false situation? What justification?

A Well, there was an alternative that, at that time, criminal proceedings were about to be instituted against the three of us.

Q Yes.

A And with that -- this other alternative of taking the dismissal and the no proceedings in Montgomery County that this would be the way that it would be handled.

Q That was to be an arrangement?

A Apparently it was, yes sir.

Q Some people would call it a fix, wouldn't they?

A It was an arrangement, a fix.

Q All right. We just want to make sure.

Now, you are looking at a document. Do you recognize it?

A Yes, I do.

Q What is it?

A This is a statement that I copied from a copy --
this is a statement that I copied from Corporal Kardash's
statement.

Q All right. Now, is that in your hand printing?

A Yes, it is.

Q And it consists of three pages?

A Yes, it is, Mr. Rice.

Q And is it all in your hand printing?

A No sir.

Q All right. Now, read the statement and as you read it, read each sentence and describe to the Committee whether that sentence is true or false, where the information came from and if it is in your hand printing or if it is in the printing of another, as you know it.

Incidentally, is that a Xeroxed-type copy of the original statement that we are referring to that was prepared in Colonel Urella's home on the fifth?

A It is.

Q That is it?

A Yes.

Q All right. Now, I will follow you, or we will follow you, with perhaps a typewritten copy of that but you go ahead and read the statement and tell us what parts are in your hand printing and what parts are not, which parts are true and which are false, which ones Kardash made up and which ones you added. Explain the statement.

A "On Sunday, November 19, 1972, Guyette rented a

room, 182, under a false name."

I had no knowledge of this.

Q But that is in your hand printing?

A Yes sir, Mr. Rice.

Q You got the knowledge from where?

A From the statement that Corporal Kardash had prepared.

Q He had already prepared one, from which you copied, is that the idea?

A Yes, he did.

Q All right.

A "He called Kardash and said, I got a room when we can catch them better."

Q Where we can watch them better, isn't it?

A It says catch.

Q Catch. Where we can catch them better?

A Right. And I have no knowledge of this.

Q That is in your printing though?

A That is correct.

Q Same thing.

MR. WORTH: Does your typed form say watch or catch? This clearly says catch.

MR. RICE: Thank you for the correction, counselor.

MR. WORTH: It is a typographical error. I am looking at this as we go.

MR. RICE: And the witness is testifying under oath. We will certainly accept his transcription of his own printing.

MR. WORTH: I wanted to make sure of the transcription, that there is no error in there.

MR. RICE: Thank you.

WITNESS LUCHANSKY: "On November 20-21-22, Kardash and Tuyette were in Room 182 watching the Crime Commission personnel when they went to work and came back."

This I have no knowledge of.

Q All right.

A "Kardash and Guyette decided on a whim that it would be better if we had the phones wired."

This I know nothing of.

Q Let us stop there for a minute. Kardash and Guyette decided on a whim that it would be better if we had the phones wired. That is talking about a wiretap, isn't it?

A Yes, it is, sir.

Q That is a critical part.

A It pertains to a wiretap but from my knowledge, I have no knowledge of wiretapping. That is, I am not capable

or I wouldn't know how to go about -- my experience is picking up a phone and answering a phone.

Q But when you copied that down, you meant the reader to understand that it was a wiretap, didn't you?

A Yes sir.

Q All right, go ahead.

A "Kardash had the wire from a phone truck."

This I have no knowledge of.

"A few years ago and also a head set."

This I have no knowledge of.

"Kardash and Guyette tried to make the hookup on Thursday when the Crime Commission men were off duty."

This I have no knowledge of.

"The wire was pushed through the fire wall toward Room 175."

I have no knowledge of this.

"No messages were obtained because Rooms 213 and 214 were unoccupied at this time."

This I have no knowledge of.

"On Sunday 26, 1972, Guyette rented Room 175 under a false name."

This I have no knowledge of.

"On Monday, through prior arrangements, Luchansky

and Guyette went in to Room 175 at around 12 noon."

This is not true.

"At approximately 2:30 --

Q Wait a minute. Is this an aside? Are you saying that this is not true?

A That is correct, sir.

Q Because it says Luchansky went into Room 175, and you are Luchansky and you didn't go in there?

A That is correct.

Q Now, is that in your hand printing?

A Yes, it is, sir.

Q Why did you put that down if you knew it wasn't true? Did Urella instruct you to do that?

A I was told to make a statement.

Q By?

A Colonel Urella.

Q And to confess?

A I would say yes.

Q To a crime you didn't commit?

A Yes.

Q All right, go ahead.

A "At approximately 2:30 p.m. on Monday, Guyette finished the hookup and tried the head set, but it didn't

work again."

That I have no knowledge of.

"Luchansky stuck his head up through the access panel and saw the maintenance man and jumped down."

That is not true.

Q That word is jumped down then?

A Jumped down.

Q We have slumped, but it is jumped?

A This is, I believe, a j. It is my --

Q That is your hand printing?

A Yes. It is not very good.

"Luchansky and Guyette left around 6:00 p.m."

That is not true.

Q The reason it isn't true is that you were over in Harrisburg at the time?

A That is correct, Mr. Rice.

Q All right.

A "On Monday night, Guyette called Kardash and told him that we would meet in the Plaza Parking Lot at 7:00 a.m. near" -- I don't know.

MR. WORTH: That is your printing too.

WITNESS LUCHANSKY: That is my printing but yet I don't --

BY MR. RICE:

Q Gaudio's?

A It could be, Mr. Rice.

Q What is your best estimate of what it says?

A Gaudio's. It looks like G-a-u-d-i-o-'-s, I guess.

Q Gaudio's would be adjacent to the George Washington Motor Inn, would it not?

A I don't know that, sir.

Q Down at the bottom of the hill?

A I still don't know that.

Q I am not even from Pennsylvania and I know that.

A Well, I don't.

Q All right. Anyway, when you used the word "we", to whom are you referring? When you say Guyette called Kardash and told him that we would meet him?

A Guyette called.

Q You are talking about yourself then, are you?

A I just copied this statement and I would be talking about myself apparently, yes.

Q Well, all right.

A "We met on Tuesday at 7 a.m. and then Kardash"
This is all of my handwriting on this first page.

Q That's the end of the first page?

A Right. Now, this would be Kardash's handwriting.

BY CHAIRMAN HEPPFORD:

Q What is the last word on page one that is in your handwriting?

A Kardash.

Q The last word is Kardash?

A Right.

BY MR. RICE:

Q What is the first word on page two and whose handwriting on page two?

A Corporal Kardash.

BY CHAIRMAN HEPPFORD:

Q And what is the first word?

A "After trying the line with the head set, it was still dead."

Q There is something that doesn't tie in. Read the last sentence.

A I will tell you what, we will go back to the beginning of the sentence.

Q Yes.

A "We met on Tuesday at 7 a.m. and then Kardash"

now, I am on the next page. "After trying the line with the head set, it was still dead."

I don't know anything about this.

Q Whose handwriting is that in?

A This is Corporal Kardash.

Q All right, read on.

A "We figured to get out.

MR. RICE: It looks like something is skipped there. It doesn't hang together, does it, counselor?

MR. WORTH: Much of it doesn't make sense, sir.

CHAIRMAN HEPPFORD: All right, you read on from your statement there.

WITNESS LUCHANSKY: "We figured to get out."

This I have no knowledge of.

"This was around 12 noon. Just as we were about to leave, two calls came to the room saying to get out."

This I have no knowledge of.

"Kardash took the calls and didn't know where they came from."

This I have no knowledge of.

BY MR. RICE:

Q Is this all in Kardash's hand printing that you are reading now?

A Yes, Mr. Rice.

Q You saw him do the printing in your presence?

A Yes.

Q Go ahead.

A "After leaving the room, Guyette returned and got his glasses."

This I have no knowledge of.

"No one knew who had the car keys."

This I have no knowledge of.

"So we walked over to Guyette's car in the Plaza Parking Lot."

This I have no knowledge of.

"We figured something was wrong because the manager seemed to be following us."

This I have no knowledge of.

"We decided to return for the Buick and Luchansky tried to get the car without being noticed, but was spotted."

This I have knowledge of, that is going for the car.

Q Yes, and you told us about that?

A Yes sir.

Q So that was true that Luchansky tried to get the car without being noticed?

A I got the car. I didn't go there with the thought of not being spotted. I went there to get the car.

Q All right.

A "At no time during the days that we were at the motel, no messages were overheard because the line didn't work."

That I had no knowledge of.

"No one ordered us to tap any wires" period, I guess.

"Absolutely, the Commissioner had no knowledge of this."

I don't know of anyone ordering anyone to tap any wires.

Q Nor do you know whether the Commissioner had any knowledge?

A No sir.

Q Or do you?

A No sir.

Q Go ahead.

A "He knew we were working in this area because he had assigned us to conduct investigations on the activities of Timmy Mastrangelo, a gambler in Chester County - to check on the activities of Captain MacFadden on abuse of sick leave

and also a report that Crime Commission men were getting drunk in the Springfield Inn in Delaware County and the Hotel Hilton in King of Prussia."

This I heard conversations of at departmental headquarters and on Captain MacFadden, I am familiar with that investigation, Mr. Rice.

Q Well, did you add this material then in?

A No sir.

Q Did you add this to the statement? What was the source of the statement that we were there because we were investigating activities of Timmy Mastrangelo? Were you the source of that information?

A Was I the source of that information?

Q Yes.

A No sir.

Q For the purposes of the statement?

A No sir.

Q Was that Kardash's idea to put that in?

A Apparently that is what -- Kardash put that in, yes sir.

Q Are you sure about that? You knew about this investigation, didn't you?

A Did I know?

Q Beforehand.

A I knew that these men were down there on organized crime and the conduct of the Crime Commission. I didn't know where the Crime Commission had been staying at, other than the group -- the inspector's group was staying at the Mariotte.

Q Yes, but you also knew about checking on the activities of Captain MacFadden, didn't you?

A Yes sir.

Q Well then, wasn't it your suggestion that this go into the statement in truth. This wasn't Kardash's idea?

A It wasn't my suggestion. Apparently the thing is this, that what Kardash would do on this investigation that I had, if he received any information in regard to the abuse of sick leave by Captain MacFadden --

Q I understand, this is implementation of investigation but the question is as to whose suggestion or idea it was to put it in this hand printed statement. I wasn't your idea?

A I would say Corporal Kardash completed the statement, right, and I copied it. He knew of this assignment in regard to contacting departmental headquarters on anything relating to the abuse of sick leave.

Q Let me put it to you another way. Suppose

Corporal Kardash was sitting in that chair there and the question came up about whose idea it was to put this in about Captain MacFadden and Mastrangelo. What do you think he would answer?

A He would answer that that was one of the reasons why he was down there and it would be knowledge --

Q But that wasn't the question. The question is whose idea it was to put it in this statement and he would say it was yours, wouldn't he?

A If he did -- in other words, I might have told him, I don't remember. I might have told him. I don't remember but this is one of the things he was to work on or check on down there.

Q But it might have been your idea to put it in here and he might say it was your idea and if he might say that, he might be telling the truth? Is that right?

A I don't think so. He was familiar with this one assignment.

Q Well, if he said that you -- it was your idea to put it in, would he be lying?

A I wouldn't say he would be lying. Either he didn't remember or I am not remembering correctly.

Q All right. I think I understand.

BY CHAIRMAN HEPFORD:

Q Whose handwriting is this in? Who printed the physical words on the original, of which that is a copy?

A Corporal Kardash.

Q It is not your printing?

A This is not my printing.

Q Page two of the statement in front of you is not in your handwriting or printing at all, is that right, Lieutenant?

A No sir, Mr. Hepford.

Q You did not print this?

A That is correct.

Q Page one you did print?

A My statement, yes, Mr. Hepford.

Q And you are telling me that you printed page one from what Kardash had already written out or printed out?

A That is correct, sir.

Q Did you print page one in Colonel Urella's home?

A I did.

Q On the night of December 5?

A I did.

Q Is that a photocopy of what you copied from Kardash's statement?

A It is.

Q And that is in your printing?

A That is correct.

Q And you did that printing in Colonel Urella's home?

A That is right.

Q And yesterday you told us that you traveled to the Governor's home at 1:30 in the morning?

A That is correct.

Q And that statement in your hand printing was taken in and shown to the Governor, according to Colonel Urella?

A That is correct.

Q There is a third sheet in front of you, Lieutenant. Whose printing is that? Your printing?

A Mine, Mr. Hepford.

Q That is yours?

A Yes sir.

Q On page two, the information that you just gave, you did not print it, you never printed that language or wrote it?

A No sir.

Q On page three then, did you finish all of page two?

A In reading it?

Q Yes. Have you given us all the content of page two?

A Yes sir.

BY MR. RICE:

Q What is the last sentence on page two?

A "That Crime Commission men were getting drunk in the Springfield Inn in Delaware County and the Hotel Hilton in King of Prussia."

BY CHAIRMAN HEPFORD:

Q Period. That is page two?

A That is correct.

Q None of that was printed by you or written by you?

A No sir.

Q Did you work with Kardash in making up that statement in Colonel Urella's home that night?

A No sir. I was there and Corporal Kardash made the statement.

Q Okay. Now, on page three, read page three? Is that in your handwriting or hand printing?

A I will tell you what happened. It is in my printing and it is part of the first page.

MR. WORTH: That must be -- maybe that is where something is missing, gentlemen, because it doesn't make sense. It says Hotel Hilton in King of Prussia and it says, over to the hotel. That wouldn't make sense.

BY CHAIRMAN HEPFORD:

Q Well, page three, that is in front of you?

A Yes.

Q Of the statement that has been marked. Is that in your handwriting?

A Yes sir.

Q It is printed or written?

A It is printed.

Q Now, will you read the words that you printed on that sheet of paper?

MR. RICE: What you have is reversed, two and three.

MR. WORTH: Well, it doesn't look like three is three. As a matter of fact, it doesn't look as though it fits in, as a matter of fact. I thought maybe it fitted with one.

MR. RICE: Read the one that is marked three. Let's see what it says.

MR. WORTH: It looks like it starts, over to the hotel.

CHAIRMAN HEPFORD: Gentlemen, just a minute. The Chairman will preside at this hearing. The witness has been asked -- page three.

WITNESS LUCHANSKY: Right.

BY CHAIRMAN HEPFORD:

Q Is that your handwriting?

A Yes, Mr. Hepford.

Q Did you print that page, the words on that page that that is an original photocopy of in the home of Colonel Urella on the night of December 5, 1972, in Ardmore, Pennsylvania?

A It is.

Q What language did you print on the original of which that is a copy? Read that exhibit into the record.

A "Over to the motel. Kardash parked the Buick on the far side of the motel and we went into Room 175."

This I have no knowledge of.

"We figured something was wrong because the match cover was missing from the door of Room 175 that Guyette put in on Monday night when they left."

This I have no knowledge of.

Q Is that all the printing on that page?

A Yes sir.

Q And is that in your handwriting?

A Yes sir.

Q Do you recall giving that original physical page to Colonel Urella?

A I thought it was two pages and apparently there is three pages and it is a continuation of one of these pages here, either one or three, I guess.

Q Well, it would appear to me, Lieutenant, that what we have shown to you is a three-page photocopy of what appears to be worksheets, so to speak, of getting together some kind of a statement in the home of Colonel Urella.

Do you know how that partial page with the loose statement hanging in mid air got into it?

A I will tell you how it got there, Mr. Hepford.

I was copying the first page and apparently -- of Kardash's first page, right. And in printing I probably extended myself to a second page.

Q And it wasn't needed?

A In other words, this here page wasn't needed.

Q Needed?

Well, the point I am trying to get at is, you are in the home of the highest police officer in this

Commonwealth, right?

A Right.

Q And you are getting together a statement that is going to be taken to the highest elected executive official in this Commonwealth. It is getting near midnight.

A Right.

Q You have been called on the telephone, there has been calls coming through, and you have heard -- you testified yesterday voluntarily to this Committee, without subpoena, that calls came in from Attorney General Shane Cramer.

A That is correct, sir.

Q At Rocco Urella's home?

A That is correct.

Q That the Governor called him?

A That is correct.

Q And the Commissioner of State Police said to you to get this statement together and we got to get to Harrisburg, right?

A Right.

Q Now, it appears to me that what is now in front of you is worksheets of some kind of a confession. That certainly doesn't bear the work I trust --

A Of a confession.

La Marca

Q Of the highest law enforcement officer extracting from two of his junior men a confession. And you are telling me that this is what was given to the Colonel -- this kind of material. This kind of material you are under oath saying was given to Colonel Urella and at 1:30 in the morning, December 6, he took it to the home of the Governor?

A It is.

Q And he took sheets of paper like that?

A It is. I took sheets of paper like that, yes.

Q And you said yesterday that when the Commissioner came out, he said the Governor said this thing is full of holes. Is that a direct quote?

A That was the Commissioner's statement when he came out.

CHAIRMAN HEPFORD: All right. Do you have anything further on that?

May we see the three sheets of paper please?

(Handed to Chairman Hepford)

BY CHAIRMAN HEPFORD:

Q Lieutenant Luchansky, for the purpose of identification on this, we will place a one on page one, which is marked Exhibit No. L-A. On the next page I am going to place

a two, which you have indicated is your printing, right?

A That is correct.

Q And then the page on which we place a three is the printing of Kardash?

A It is.

Q Did you see him print the original of which this is a photocopy?

A I saw him printing the original.

Q And he printed that in Colonel Urella's home in Ardmore?

A Yes.

Q As I gather then, the photocopies that you have been shown here, which have now been marked Exhibit No. L-A1, 2 and 3, is a combination of the printing in the hand printing of Kardash on page three and you on page one and two?

A That is correct.

BY REPRESENTATIVE LaMARCA:

Q In other words, you were both working on a confession? The idea was to get them produced and after he had made it up and it was satisfactory, it was necessary to have a copy for you and a copy for him. Is that correct?

A And he made it up, Mr. LaMarca, and I copied it.

Q Well, apparently they were helping to copy it because you have only used a portion of page two. If we were to follow page one and three, which appears to be a two-page confession, it wouldn't follow in sequence because you say "We left the Plaza Parking Lot at 7:00 a.m. near Gaudio's. We met on Tuesday at 7 a.m. and then Kardash". And this would read "After trying the line" but this is the one that follows "and then Kardash over to the motel." You even eliminated the word "went" in printing, so this was a rather hastily prepared job by two people, not just you, right?

A By two people, yes.

BY CHAIRMAN HEPFORD:

Q Did the Colonel have you sign any of these papers at the home before you got in the car and proceeded to the Governor's home?

A I never signed any statement, Mr. Hepford.

Q Did Kardash sign any of the papers he had printed?

A Not to my knowledge.

CHAIRMAN HEPFORD: Let the record show that Representative Rhodes arrived and that Mr. LaMarca arrived after the opening statement and has been in attendance during the entire testimony of the witness.

BY MR. RICE:

Q While Mr. LaMarca is examining the statement, you two officers were in the home of Colonel Urella and you were under pressure in terms of speed, getting late. You were told to do this in a hurry, were you not?

A I knew that it had to be hurried due to the calls that were made, Mr. Rice.

Q All right. Now, was it not true that Kardash prepared the basic document and handed part to you to copy?

A Yes sir.

Q And you started copying, but before you finished the whole copy job, you got to this portion and Colonel Urella came out and said, let's go, and because you hadn't had time to copy the other part that Kardash had given you, you just consolidated the two and left. Isn't that right?

A It could be that. I would take that as I was copying the first page of Corporal Kardash's statement, and I said before, in my printing I took a little more room and I needed a second sheet to complete that first page.

Q So what you were copying from Kardash he had on one page, but it took you a page and a half to copy it?

A That is correct, sir.

Q That accounts for why it is short, but then you

didn't have time to copy the last page. So instead of copying it, you and Colonel Urella and Kardash just put these three together and said this is a completed statement and left. Is that right?

A Well, like I say, I was a little disgusted and I just said, hey, Corporal, I said, hey, print the second sheet for me will you and that is what he did.

Q So the Corporal printed the second sheet while you were doing the first and you put the two together with the idea that this would appear to be your work product?

A Yes sir, that would be my statement.

Q Well, there wasn't any other reason for two people hand printing a statement or parts of it, was there? It is just that you were in a hurry?

A We were in a hurry, yes sir.

Q And Colonel Urella was in a hurry?

A He was being pressed.

Q Wasn't he the one who decided that you would not finish the balance of it, but use Kardash to complete the statement. Wasn't it his decision?

A If it was that, I don't remember but he might have said, hey, we have to get going, or something like that. That I don't know. I don't remember.

Q So you took the three pages as if they were all yours and you went on to do what you previously told us you did?

A Yes.

MR. RICE: All right.

CHAIRMAN HEPFORD: Mr. LaMarca.

BY REPRESENTATIVE LaMARCA:

Q Lieutenant, you have taken many confessions and I presume in your 22 years you have had experience with confessions?

A Yes, I have.

Q You have been in law enforcement for 22 years and in the course of that time you have taken confessions and statements from prisoners, is that correct?

A I have.

Q Is there a standard form and opening sentence that you start with?

A There is, Mr. LaMarca.

Q Can you recall it offhand? I mean, I can too with having read so many of them. I hate clients that come in to see me with confessions, but I have had that experience on more than one occasion. What does it sound like?

A Well, from the standard form in obtaining a statement -- now, I would say there is one, two, there is a waiver form that -- there is one form that indicates the Miranda warnings and the second is a waiver that would be signed and third page would be the stating of a statement and then the heading.

Q That is the part I am interested in.

A Right.

Q Now, let's assume that as officers you would know about the Miranda and you would understand your waiver of rights to counsel. How would you start normally in the statement? Would it be that I, Lieutenant Stephen Luchansky, a Pennsylvania State Policeman, on such and such a date, did -- and recount what you did? Wouldn't that be the normal procedure?

A That would be, Mr. LaMarca.

Q Now, you say Kardash printed this. Didn't it strike you a little odd that it starts out "On Sunday, November 19, 1972, Guyette rented a room"? Now, this is supposed to be a statement of Kardash and it is supposed to be the statement of Lieutenant Luchansky and yet it doesn't start out with either party's name. It starts out with reference to a date, not saying where, not detailing the first

name of the individual involved. In your experience does this sound like a confession?

A No sir.

Q Doesn't it actually sound, without belaboring this point, more like a report of a police officer to a superior?

A I would say yes, it favors that.

Q Now, you didn't do this, you just disclaimed knowledge to most of this. You say Kardash did this. Is that correct?

A Yes.

Q Now, in prior testimony Colonel Urella told us that none of the men under him submitted reports to him with reference to this incident and consequently, disclaimed any knowledge.

Now, my question to you is, do you have any reason to believe that --

CHAIRMAN HEPFORD: Just a moment. I don't think the witness would understand that your testimony relates to the other wiretap incident of Kapleau. We have never had Colonel Urella appear before this Committee and be examined concerning the King of Prussia. So that he understands that Colonel Urella testified in the Kapleau wiretap that his

special investigator -- special detail -- that he had may or may not file written reports, but he has not testified before this Committee. We have him under subpoena but his lawyer had a case pending in New Jersey and he couldn't be here today.

I want the witness to understand in his statement he said -- he said that hearing. Sometimes they gave reports, sometimes they didn't.

REPRESENTATIVE LaMARCA: And that was in reference to the Kapleau tap.

CHAIRMAN HEPFORD: The Kapleau affair, not to this affair.

BY REPRESENTATIVE LaMARCA:

Q Now, since Kardash made this up and since apparently it was on a hazy order, in your opinion, if you had to reread this and study it again, wouldn't you conclude that this was a remake of a report that he had submitted? The facts that are detailed in here and the times sound as though it is a routine report being added to prior reports being filed, don't they?

In other words, he says --

A In other words, what you are saying, Mr. LaMarca, reports were made?

Q Yes. I am intimating that reports were made on this Washington incident consequently to somebody and this alleged confession was made from these reports?

A That, I don't know, sir.

Q But you say, and this is all I am really interested in, that as far as sounding like a confession is concerned, it certainly is not a law enforcement officer's work as a confession?

A That is not -- it doesn't favor what you call being a confession.

Q Right. Because it doesn't say whose confession it is, number one. Is that true?

A It doesn't say a lot of things pertaining to a confession, Mr. LaMarca.

Q But it doesn't say you specifically did certain things?

A Right.

Q I mean, that you are confessing to?

A In other words --

Q Luchansky stuck his head up. Wouldn't you have said, if this was your statement --

A I.

Q I stuck my head up?

A Yes sir.

Q Wouldn't you say that?

A Yes.

Q And isn't it possible when he refers to himself he doesn't say Kardash and Guyette decided on a whim. Wouldn't he possibly have said that I and Guyette decided on a whim?

A Yes sir.

Q And, again, emphasizing, wouldn't you in the beginning say that I so and so are making a statement relative to an incident at so and so? Isn't that the normal way you would do it?

A It would be, yes sir.

REPRESENTATIVE LaMARCA: I have no further questions.

BY CHAIRMAN HEPFORD:

Q The last you saw the original copy of that statement on that day or continuing that was when Colonel Urella left the car to go into the Attorney General's office after being with the Governor. Is that correct?

A The last I saw of it?

Q Until you got it back, leaving the Attorney General's office?

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A I picked it up off of the table on my way out.

Q On your way out of the Attorney General's office at 2:30 in the morning?

A Yes.

Q When was the last time prior to that that you had the physical original of that photocopy?

A When I tore it up.

Q No, no, I know you got it as you left the Attorney General's office. You took the original of that photocopy and destroyed it.

A Right.

Q Now, I am asking you just before you got it as you went out of the Attorney General's office and you repossessed it, where had you last surrendered the original and to whom?

A Over at the parking lot over in Wormleysburg.

Q In front of the Governor's home?

A That is correct.

Q And to whom did you give it?

A To Colonel Urella.

Q So that you gave it to Colonel Urella, the original and only copy at that point?

A Of mine?

Q Yes.

A Yes.

Q And the next time you saw it was in the office of the Attorney General 30 minutes later, or whatever time elapsed between the Governor's home and the Attorney General's office at 2:00 a.m. here in the capitol?

A That was the last time that I saw it, or the first time I saw it again.

Q You then destroyed the original?

A Then after I left, I destroyed the original.

Q And from that time until this morning when that was shown to you as a copy, is the first you have seen a copy of that?

A That is correct, Mr. Hepford.

CHAIRMAN HEPFORD: All right.

REPRESENTATIVE LaMARCA: Just one more question, Lieutenant.

BY REPRESENTATIVE LaMARCA:

Q This allegedly is a confession that was requested of you by the state's highest ranking police officer. Is that correct?

A It is.

Q And yet when he read it, he didn't question the manner or form in which it was submitted to him?

A I don't know if he ever read it, Mr. LaMarca. You are talking about Colonel Urella?

Q Yes.

A I don't know really if he read it.

Q Well, it would strike me rather odd that if he requested one, that he wouldn't read it.

A It would be odd but I can't say if he read it.

Q But if he took it in to the building and allegedly took it to the Governor, they both must have looked at it and read it, wouldn't you think?

A They could have, yes.

Q But yet no questions were posed to you as to the form that this was submitted?

A No sir.

Q You say you were in the Attorney General's office?

A That is correct.

Q And a copy of this was before him, or he had knowledge --

A A copy of this statement -- my statement -- was taken up to his office, or this room, by Colonel Urella.

Q The original?

A Right.

Q And did the Attorney General discuss that confession with you in any way?

A Not the confession. I guess I was there to give a verbal statement.

Q He made no reference whatsoever to it then?

A That, I don't remember. As I say, they were prepared to take a statement.

Q Then you wouldn't remember whether or not he questioned the form. He certainly would question this as a form of a confession, wouldn't he?

A I don't remember whether he did or not, Mr. LaMarca.

BY CHAIRMAN HEPPFORD:

Q At that point you indicated the Attorney General or someone in the Attorney General's office said they wanted to take a statement from you, right?

A That is correct.

Q And you testified yesterday they gave you the warning and then there was a discussion about federal possible charges, right?

A I mentioned that I -- and I felt that was a way

-- that was an out for me not to go through with this.

Q And you repossessed your original copy and left and you destroyed that?

A That is correct.

CHAIRMAN HEPFORD: All right. Now, Mr. Rice.

BY MR. RICE:

Q Well, along that line, can we agree that it is a fair statement that that is a false and fraudulent document?

A Yes sir.

Q And you participated in the preparation of it?

A I did.

Q And the purpose of the preparation of that was to make that available to superior officers?

A That is correct.

Q And that was made available by you to superior officers?

A It was.

Q And it was your understanding that that false statement would be delivered for review to the Governor?

A That was my understanding.

Q And you also participated in the delivery of it to the Attorney General?

A I did.

Q Did it occur to you as a police officer of many years that you had just completed committing a crime of uttering and making a false statement in an official act?

A No sir.

Q Do you know that now?

MR. WORTH: On that, you are going into a legal issue. Number one, sir, I respectfully state, you are wrong under the law. I do not agree with you and it is my --

MR. RICE: Counsel, let's just go back to our rules. You may advise and confer with the witness and advise him as to his legal rights but --

MR. WORTH: Well, I wouldn't want a misstatement of the law, sir.

MR. RICE: I simply asked the witness if he understands he had committed a crime.

WITNESS LUCHANSKY: And I said no sir.

MR. RICE: And he answered that. All right.

Mr. Chairman, I might suggest that you review and possibly would read into the record at this point Section 4328 of the Penal Code, Falsification of matters within the jurisdiction of state agencies.

Whoever, in any matter, within the jurisdiction

of any department, board, commission or agency -- agency -- of the Commonwealth of Pennsylvania knowingly and wilfully falsifies, conceals or covers up by any trick, scheme or device a material fact -- material fact -- or makes any false -- or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain false, fictitious or fraudulent statements or entries shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding \$300 and imprisonment not exceeding one year.

WITNESS LUCHANSKY: First of all, I didn't make it wilfully.

CHAIRMAN HEFFORD: Let me point out, this is not a trial. All we want to have are the facts. The facts that have come out here, it is clear what was attempted to be done, at least to the Chairman it is clear, and it is also clear that when advised by the Attorney General that this man attempted to and did physically withdraw the statement and physically destroyed it and that the only reason that it is here today is because copies of it were made while it was in the possession of the Commissioner of the Pennsylvania State Police.

This witness has already said that the Commissioner

of the State Police knew, by his own personal knowledge, that the facts set forth as they relate to this witness were, in fact, false. He could not have been deceived therefrom.

Now, as to what the Commissioner did later on -- but that is not before us. The question before us is what did this witness do and why did he supply this to the Commissioner and we will hear from the Commissioner as to that.

I, at this point -- we are not trying anyone. We are only trying to ascertain the facts and whether or not this man has committed any offense, his counsel is here and we are not going to state that issue. The Committee is aware of the law relating to false documents. We will determine later on how this copy came into existence without the knowledge of Lieutenant Luchansky. He states that he when advised, withdrew the statement and destroyed it.

However, the facts that he has related to appear here. There are some facts in here, Lieutenant, you say in this statement that you copied off, Luchansky stuck his head up through the access panel. Now, with respect to that interrogation, counsel.

MR. RICE: All right.

BY MR. RICE:

Q Lieutenant, in reviewing your testimony slightly to bring it in this situation, it is your stance and contention that you were not in the George Washington Motel on Monday, the 27th of November, is that right?

A That is correct.

Q You were nowhere around?

A No sir.

Q But there was testimony that someone appeared in the crawl space above room 175 and there have been some apparent identifications of you as being that individual?

A That is correct.

Q And you have taken considerable heat for that, have you not?

A Well, yes, I have.

Q But you weren't there?

A No sir.

Q You weren't up in that crawl space?

A No sir.

Q All right. Now, as a police officer of many years and an outstanding investigator, I am sure, did you not make it your business to find out who was up there?

A No sir, I did not.

Q Are you sure about that? Wouldn't that be the

best thing you could do, to find out who was up there to be sure it wasn't Luchansky?

A Lieutenant Graci, I understand, was assigned to make that investigation.

Q I am talking about Luchansky. Luchansky is the one who was accused of being up there. Now, didn't Luchansky get busy and find out who really was up there?

A I didn't get busy because for me to go near that place, or anywhere else, I would have more problems.

Q You were falsely accused?

A I was fasely accused.

Q Didn't you get busy so that you could exonerate yourself?

A I attempted to and I did in this court-martial of my own --

MR. WORTH: Just a minute. Mr. Rice, I think your question is well taken. As Mr. Luchansky pointed out, and I think I might assist the Committee on this because this just -- what Mr. Rice said is correct. That is the very thing that we wanted to do.

MR. RICE: Counsel, we will welcome your statement.

MR. WORTH: Right. And I would say that we did

take steps to do that, sir. What happened was there were three men accused. Lieutenant Luchansky has stated his position here and it is also a matter of record in the court-martial. Witnesses testified in that court-martial as to his whereabouts, personnel from headquarters and other places.

Now, under the court-martial regulations, and I don't know, sir, if you have ever had a copy of them, the accused, because he does not have the police agency at his disposal to conduct an investigation, and I advised Luchansky not to go near anybody involved in this because I didn't want him accused of tampering with witnesses or anything else, under the provisions of the regulation an accused officer has the right to request an investigation be conducted by the state police.

So with the three defendants I, in turn, was in touch with Mr. Pipa, who represented Guyette, and accordingly a request was made because we agree with Mr. Rice's position 100 percent. The investigation was commenced and this has been testified to. This is a matter of record and I will furnish this Committee -- and I had mentioned this to Mr. Malley -- with a complete set of notes of testimony on this. They are voluminous, let me state.

We were told -- I don't know the truth of this --

but we were told that that investigation was terminated within an hour after it commenced upon a direct order of the Governor. Now, whether or not that was really what happened, I do not know but the investigation never got off the ground, although it started, and within that hour, in line with what you are asking, Mr. Rice, another man was identified. Not Luchansky, another man was identified as the man in the crawl space during that very short investigation and then it terminated.

MR. RICE: Now we are getting somewhere.

MR. WORTH: Right. Thank you, sir.

MR. RICE: All right. Now, let's take that as the next step. Can you tell, Lieutenant or counsel, more about the identification of another man?

MR. WORTH: Yes, if I may.

MR. RICE: Yes.

MR. WORTH: I may even have that report with me, sir. There was a report -- there was a report filed by a Lieutenant Colonel Graci, a man who at that time was unknown to me, as a matter of fact. He is still basically unknown to me. I had the opportunity -- I met him at the court-martial, spoke to him for a few minutes. He was identified and Lieutenant Herman Faiola was identified as being one of the men at the motor inn on the 27th.

With some of the statements that have been made here today, I would want the board and Mr. Rice to know that I furnished copies of as much of the notes of testimony as I could offhand to Mr. Malley and, as I say, we have absolutely nothing to hide.

I believe I may have a copy of that report of Colonel Graci's here wherein he stated that, in fact, he was identified. That same man identified another man named Joseph Heidelberg, who I am told -- I have no personal knowledge of this -- I am told he is employed by the Crime Commission. Another man named Mr. --

MR. RICE: Before you go there, you indicated that Joseph Heidelberg was identified by a witness. Would you want to say the name of the witness?

MR. WORTH: Yes sir. That was a Mr. Sherr.

MR. RICE: Jay Sherr?

MR. WORTH: Yes sir.

MR. RICE: And he identified Heidelberg as the what?

MR. WORTH: The man in the crawl space. He later changed his -- he is the same man, I might add, who identified Lieutenant Graci, pointed at him the instant he saw him and said, I am not talking to you, you are the man who was in the

crawl space. And he then --

MR. RICE: Who was Heidelberg?

MR. WORTH: I don't know him, sir. I never had the opportunity to meet many of these people.

I will furnish you with Colonel Graci's report. I am rather confident I have it. If not, I will get it for you.

CHAIRMAN HEPFORD: Counsel, who of the Pennsylvania State Police instituted the investigation that was terminated within one hour, if you know?

MR. WORTH: I do know. The request was made, sir, to the Commissioner pursuant to the regulation. At that time --

CHAIRMAN HEPFORD: Counsel, just a minute.

MR. WORTH: Go ahead.

CHAIRMAN HEPFORD: My question, sir, requires the name of an individual.

MR. WORTH: Well, the Police Commissioner.

CHAIRMAN HEPFORD: Just a minute. Who began the investigation to determine the man in the crawl space? Who was designated to make that investigation, do you know?

MR. WORTH: The man designated to make the investigation was Lieutenant Colonel Graci.

CHAIRMAN HEPFORD: All right, sir. And you are saying that he was designated to determine the identification of the man in the crawl space and after a very short period of time, he was ordered not to proceed. Is that what you are telling this Committee?

MR. WORTH: You limited it. He was ordered to investigate the entire incident, not determine who was in the crawl space.

CHAIRMAN HEPFORD: Our interrogation right now, our inquiry into it is, was there an investigation to identify the man in the crawl space since Lieutenant Luchansky said he was not there? This statement is false.

MR. WORTH: Yes sir, that was part of the investigation.

CHAIRMAN HEPFORD: And you are saying that that was then terminated?

MR. WORTH: That is correct.

CHAIRMAN HEPFORD: Within one hour?

MR. WORTH: Yes sir.

CHAIRMAN HEPFORD: Now, we don't want to go in on this point to all the conflicts in the court-martial proceedings, which apparently, from what you have recited here, which goes to credibility of the witness as to the identifi-

cation.

MR. WORTH: I didn't mean it for that.

Mr. Hepford, I want to be finished as quickly as you do, sir. I have an important and busy office to get to but I did want Mr. Rice -- and I agree with Mr. Rice's position that the first thing one would want to do is have an investigation conducted and we did take the necessary steps pursuant to the regulations and the avenues available.

CHAIRMAN HEPFORD: Did they determine the identity of anyone that you know of of the individual who was in the crawl space?

MR. WORTH: As I just stated, a man was picked out, sir.

CHAIRMAN HEPFORD: I understand that.

MR. WORTH: You are asking me if there is proof beyond a reasonable doubt. I don't know.

CHAIRMAN HEPFORD: You have no information then other than the three you have referred to and this Mr. Heidelberg. Do you know what he does?

MR. WORTH: No sir, I don't know him, never heard of him before. I heard of him in the court-martial.

MR. RICE: Was there another man who came to your attention in your investigation who was alleged to be the

possible wiretapper?

MR. WORTH: Yes sir.

MR. RICE: Who was that?

MR. WORTH: Albert Risdorfer.

MR. RICE: All right, tell us about Albert Risdorfer.

MR. WORTH: I do not know him, sir. Everything terminated quickly.

MR. RICE: Well, what was the allegation about Risdorfer, as you understand it?

MR. WORTH: That he was seen in room 175 by a Mr. -- I believe the name is Rickards, a young man who says he is an assistant manager of the motel, if that identifies him.

MR. RICE: Thaddeus Rickards?

MR. WORTH: I don't know sir, but Rickards rings a bell.

MR. RICE: And it is your understanding that Rickards identified Risdorfer?

MR. WORTH: Yes sir, he picked him out on a photograph. Let me state, he described him physically and then when he saw Luchansky, he said Luchansky changed. That is in the record -- the notes of testimony.

MR. RICE: All right. Do you know who Risdorfer is, or was?

MR. WORTH: I did learn further and, again, I could not attest to the truth of this. I have learned that he is a former Philadelphia police officer.

MR. RICE: And have you learned if he has any stills in electronic surveillance, shall we say?

MR. WORTH: I have heard that by hearsay, sir.

MR. RICE: All right. You have been very, very helpful.

MR. WORTH: Thank you, sir.

MR. RICE: Did you further learn that Risdorfer has a pock marked face?

MR. WORTH: Sir, this is my understanding from the photograph. I did see the photograph from which he was identified. I did see that. That was made available to us at the court-martial and if it is not pock marked, the man's face has some unique features.

MR. RICE: And I further gather that Rickards indicated that man he identified in the room had a pock marked face?

MR. WORTH: Yes sir, and that he was five foot six, I believe is the height he gave.

MR. RICE: This was the man who later was identified as Luchansky?

MR. WORTH: Yes sir, he said Luchansky changed.

MR. RICE: I think we will let the record indicate that Lieutenant Luchansky is a handsome figure of a man and has no pock marks.

All right, is there anything further along the line that you believe would be helpful in connection with ascertaining the truth of who tapped this wire and who was in that crawl space?

MR. WORTH: Let me say this, Mr. Rice. As I said a moment ago, I will make my complete file available to this committee. I will make a complete set of the notes of testimony, I understand you have not found them available.

MR. RICE: All right. You are telling us this in your status as an officer of the court and we accept that and we appreciate it and we will work with you. We are seeking the truth.

MR. WORTH: We have some other information, Mr. Rice, but I would not want to damage anyone if it were in error. I would not want to have done anything like that, but we will make everything available to this entire Committee.

MR. RICE: We will work with you.

MR. WORTH: Thank you.

REPRESENTATIVE LaMARCA: May I ask a question along that line?

CHAIRMAN HEPFORD: Go ahead.

REPRESENTATIVE LaMARCA: Speaking of damaging anybody, we wouldn't want to do that, Mr. Worth. You said that the Governor ordered this investigation immediately terminated?

MR. WORTH: This is what I was told.

REPRESENTATIVE LaMARCA: This is hearsay on your part?

MR. WORTH: It was stated, I believe, under oath in the court-martial proceedings by a high ranking state police officer. I believe that was Lieutenant Colonel Graci who stated that, sir.

REPRESENTATIVE LaMARCA: My point is, you had no personal knowledge --

MR. WORTH: I didn't hear the Governor cancel the order.

REPRESENTATIVE LaMARCA: I wanted the record to show that, for your protection and mine.

MR. WORTH: Surely.

CHAIRMAN HEPFORD: Mr. Geesey.

BY REPRESENTATIVE GEESEY:

Q Lieutenant Luchansky, earlier you indicated that Corporal Kardash had written the statement and that your statement was copied from his statement. Where did the Corporal's statement originate from? Did he do it himself?

A He did it himself.

Q Did he compose the whole statement in Colonel Urella's home? Did he have any prompting from the Colonel or was this --

A Not to my knowledge.

Q There was no question in your mind then that he and he alone composed that statement?

A I would say yes and maybe, you know, as Mr. Rice mentioned, you know, he might have asked me a question or something, but I don't remember, you know.

Q The statement wasn't composed before you got there?

A No sir.

Q Okay. Now, there is another thing that I think fascinates me quite a bit and that is the statement that you were told that if you agreed to this statement, there will be no prosecution by the D.A. in Montgomery County. Did anybody tell you why there would not be any prosecution?

A No sir.

Q Did anybody tell you how they knew there would be no prosecution?

A No sir.

Q It was just a flat statement without any kind of backup reasoning or response at all?

A That is correct.

Q That is interesting.

When the Colonel came out of the Governor's home, he said, as you indicated, that the Colonel said to you that the Governor said that the statement is full of holes. Did he say why the Governor said that?

A No sir.

Q No further explanation on that point at all, just the statement that the Governor said it is full of holes?

A No further statement other than that, to my knowledge.

Q When you went to pick up the car at the motel, the Colonel told you to go pick up a Buick. Did he explain to you at any point in time that there was a problem with the car or a problem at the motel and be careful when you pick it up?

A None other than I blew the cover.

Q And he didn't explain that statement to you?

A No sir.

Q When you came back to Hershey from the cinder pile at Downingtown, which car did you come back to Hershey in?

A I believe a Plymouth.

Q All right. Now, you indicated that you came back with Guyette?

A Yes.

Q What happened to Kardash?

A I don't remember that. We gave him the Buick.

Q But he left in the Buick, he didn't come back with you two?

A He left with the Buick.

Q Okay. You don't know where he went or --

A No, not to my --

Q Okay. There is one other question. On the night of -- I guess the night of the 25th, when you were at the Creekside Inn --

A That is the 27th. I think it was on a Monday.

Q You were at the Creekside Inn at Italian Night, right?

A Yes.

Q You went there with several of your fellow officers. When you were there, did anyone else come over to your table

and say hello?

A This was a long table and there a number of people there. There were a number of people there.

Q Who else was there?

A Colonel Graci was one of them.

Q Anybody else that you know? Who did you sit alongside of?

A Lieutenant Governor Kline, I believe it was.

Q Was he there also?

A Yes.

Q How long was Lieutenant Governor Kline there?

A That I don't remember.

REPRESENTATIVE GEESEY: Okay. I have no further questions now.

BY CHAIRMAN HEPFORD:

Q You were describing a meeting where?

A No, this was the Italian Night affair on the 27th of November.

Q You say you were with Lieutenant Governor Kline, Lieutenant Graci?

A I wasn't with Lieutenant Governor Kline.

Q No, but at the table with you were seated -- did

you just say Lieutenant Governor Kline?

A He was to my left.

Q He was next to you?

A Yes.

Q And Lieutenant Colonel Graci?

A He was across from me.

Q And this was the Italian Night you referred to yesterday?

A Yes.

REPRESENTATIVE RHODES: Just a couple questions, Mr. Chairman.

BY REPRESENTATIVE RHODES:

Q On your trip down to King of Prussia with Colonel Urella on Tuesday, it was on that trip that the Colonel told you what you were going to do when you got to King of Prussia, to pick up the Buick, right?

A That is correct.

Q That was the first time you knew about the need for someone to pick up the Buick at King of Prussia?

A Yes. In other words, you are saying that is the first I knew to pick up the Buick?

Q Right.

A Yes.

Q Who else heard the Colonel tell you that? Since you were in the car with other people -- let's refresh my memory.

A Well, Lieutenant McCann, he was driving.

Q He would have been in earshot of the Colonel's directions to you?

A He would have been but I don't know if he heard it or not.

Q Who else?

A I, Lieutenant McCann and Colonel Urella.

Q The three of you?

A Yes sir.

Q When Colonel Urella came out of the Governor's mansion this hectic night, you were going back and forth. You testified yesterday that Colonel Urella informed you that the Governor was displeased with the form of this confession-statement for some reason. Would you go back over that? What exactly did the Colonel say?

A Colonel Urella made the remark that the Governor said it was full of holes.

Q Did he elaborate on that? What did you take that to mean when he said the Governor thought the statement was full of holes?

A I don't know what he took it to mean. Apparently -- I just don't know what or how he took it when he mentioned the fact it was full of holes.

Q All he said was the Governor felt the statement was full of holes?

A Right.

Q No more than that. And finally, when you met with the Attorney General, what did the Attorney General tell you would be the consequences of your giving over this statement to him prosecutionwise?

A That I would be dismissed and get my pension and there would be no prosecution in Montgomery County.

Q This is what the Attorney General told you?

A Yes.

Q Did he tell you what would happen to you if you didn't give over the statement, the confession?

A From what I gather -- and I believe you were out Mr. Rhodes, earlier this morning I stated that criminal proceedings were being contemplated and I guess if this wasn't done, they were going to follow through with the criminal proceedings.

Q How did you gather that, something the Attorney General told you directly?

A No sir. Colonel Urella said, hey, they are going to start with criminal proceedings.

Q At what point did he tell that to you?

A This was all part of the conversation with regard to getting the statement together.

Q This is at the Colonel's house or the Attorney General's office?

A He was in his home.

Q So this was not said to you in the Attorney General's office when you were told of not signing the statement?

A There was no mention that criminal proceedings were being contemplated, no sir.

Q You were only told what would happen if you did sign the statement?

A In other words, that would be right.

REPRESENTATIVE RHODES: Thank you.

REPRESENTATIVE GEESEY: One quick one, if I may.

BY REPRESENTATIVE GEESEY:

Q What point in time did you tear up your statement?

A Did we clear up the statement?

Q Tear it up?

A Late that morning.

Q The same day?

A The same morning.

REPRESENTATIVE GEESEY: Thank you.

CHAIRMAN HEPFORD: Do you have anything further?

REPRESENTATIVE GEESEY: No.

BY CHAIRMAN HEPFORD:

Q Lieutenant Luchansky, again, for the record, your appearance yesterday and today was at your own request and you were not under subpoena and you came in voluntarily and volunteered this information to this Committee. Is that correct?

A I did.

Q We want to thank you and your counsel. You made some statement with regard to your pension, sir?

A That I would get my pension. Upon being dismissed, I would get my pension.

Q And who had stated this to you?

A The Attorney General.

BY MR. RICE:

Q Well, did this encompass the idea that you would be fired?

A I took it that I was being fired.

Q You would be fired but you would still get the benefit of your retirement or pension benefits?

A Yes sir.

Q And that is customary with the state police, irrespective of how you lose your job or leave the service. Fired or otherwise, you still don't lose your benefits that way?

A That is correct.

MR. RICE: I might add that in some other organizations that is not the fact. The benefits are separated if the separation from the service is for cause but that is not so with the Pennsylvania State Police.

MR. WORTH: After a number of years -- you have a required number of years you must serve, Mr. Rice.

Let me state, he does not now receive his pension. He would if he would not appeal the proceedings. I mention this because this is a legislative committee hearing and I think this is an area the legislature should look into.

What has happend is the court-martials, I am very frank to say, they are used as an organ -- it is almost -- well, it is a stacked deck. Let's call it what it is.

The Commissioner can fire whoever he wants to fire

or whoever arouses the displeasure of any of his close associates. If a man appeals and he is a man without great economic means, he suffers and he is virtually starved out. This man is now working as an assistant janitor in a building to try to make ends meet. He is entitled to his pension oddly enough if he does not contest the proceedings. We are contesting, therefore, he is suffering and this is an area, gentlemen, that I think the legislature should take a long clear look at.

MR. RICE: He is receiving white collar pressure in your opinion right now?

MR. WORTH: He definitely is. He is receiving no income, although he does receive it under the law if he will not appeal an ejectus.

MR. RICE: If he drops his appeal --

MR. WORTH: Then he starts receiving approximately what -- what is it, five hundred and some dollars a month you would be entitled to?

WITNESS LUCHANSKY: I really have no idea.

MR. WORTH: He didn't compute it, but it would assist him even with the menial job he has.

There were other things, as I stated, that I will show to this board. I will show you the complete forms. I

was asked by Mr. Rice, who obviously is an astute investigator. I believe him when he says he wore a badge. You asked if there was anyone in that area with wiretapping expertise. We will show you who was there, sir. We will show you court transcripts where that same man testified in another county and revealed his ability.

MR. RICE: Thank you, counselor. Don't overreach and I appreciate the flattering remark.

MR. WORTH: We will see that this is all sent to you, sir.

REPRESENTATIVE GEESEY: May I make one request at this point in time, Mr. Chairman?

CHAIRMAN HEPFORD: Yes.

REPRESENTATIVE GEESEY: The counselor has submitted what is, in effect, testimony and I would like him, without having been sworn in, and I would like him to say at this point in time that the information he has given us is to the best of his knowledge and belief true and accurate.

CHAIRMAN HEPFORD: Now, the point here is he appears here as the man's counsel and statements made in an investigative hearing are statements similar to the court and as an officer of the court and a member of the Supreme Court of the Commonwealth, he is subject to disciplinary action

should he present false statements in behalf of his client or to this Committee. So we are not in the formality of requiring members who are admitted to practice before the Supreme Court and subject to their discipline to be sworn when they appear as counsel for members. It would be improper.

REPRESENTATIVE GEESEY: Since that kind of standard apparently is in effect in the Commonwealth, we will obviously have to accept it.

MR. WORTH: Let me say that any comments that I have made, I would make under oath.

CHAIRMAN HEPFORD: The members of the Committee -- Mr. Geesey is not an attorney. The two attorneys that are members of this Committee are Mr. Russell LaMarca and myself. The other gentlemen are not attorneys admitted to practice in the Commonwealth.

We do not in any way mean to cast any aspersions upon any statement that counsel made and, again, we want to thank counsel and we want to thank Lieutenant Luchansky for appearing before the Committee today. As to the other information that counsel has indicated, we will have our investigators review the matter with you and ascertain how much of it we wish to have brought to the attention of the Committee.

MR. WORTH: I think it may help you when you question some other reluctant people, sir. We are not reluctant.

Thank you for the opportunity to be here.

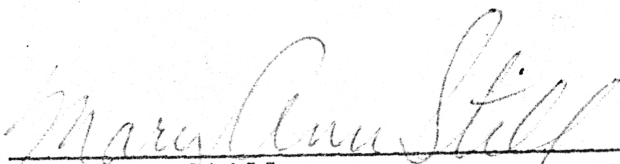
CHAIRMAN HEPFORD: Thank you very much, Mr. Worth.

(Witness excused)

CHAIRMAN HEPFORD: I think we better take a five minute break and immediately after that we will hear from Former Attorney General J. Shane Cramer.

* * *

I hereby certify that the proceedings
and evidence taken by me in the within matter are
fully and accurately indicated in my notes and that
this is a true and correct transcript of same.


Mary Ann Still
Reporter