

Exhibit "R"

Faiola testimony at court martial .

Prosecution memorandum/King of Prussia says ( Page 12 ) that Lt. Herman J. Faiola, Sr. Lieutenant of the Internal Security Unit, that he and Lieutenant Steven Luchansky had joint responsibility for the Internal Security Unit. \* \* \*  
The unit operates on the basis of instructions from the Commissioner \* \*

March 29, 1973



Testimony of Lieutenant Herman J. Faiola  
Court Martial - Hershey, Pennsylvania

Reported by Mr. Edward Hussie

Faiola said he had been a State Policeman for 25-1/2 years. Faiola said he has known Kardash since May of 1972.

Faiola said he saw Kardash about 9:00/9:30 am on November 27 at the 21st and Herr St. Garage. Faiola said he last saw Kardash about 3:00 pm on that day. Faiola said Kardash was wearing a mustache on November 27. Faiola said Kardash had a mustache from April 1972 to November 1972. Faiola said he next saw Kardash at the Villanova School on November 29. Kardash still had a mustache. On November 30, 1972 at the Regimental Headquarters, Harrisburg, Faiola said Kardash was clean shaven.

( continued )

March 29, 1973

Testimony of Lieutenant Herman J. Faiola  
Court Martial - Hershey, Pennsylvania

Reported by Mr. Edward Hussie

Faiola said he has known Lt. Steven Luchansky for more than 20 years.

Faiola said he saw Luchansky on November 27 at Regional Headquarters in Harrisburg on the Sixth Floor. Faiola first saw Luchansky in the office between 9:30/10:00 am on November 27. Faiola said he saw Luchansky off and on throughout the day. Faiola said he saw Luchansky at intervals of about 10-15 minutes throughout the day. Faiola said Luchansky would be in and out throughout the entire day.

Faiola said he had lunch with Luchansky, Kardash, Urella, Major Ziminhowsky, McCann and Urella's sister.

Faiola said he returned from Lombardo's about 1:15 pm. Faiola said he talked with Luchansky that afternoon concerning a banquet that evening.

Faiola said there was a discussion about a Buick Kardash was to drive. A call was received from Rogers Buick, located at Chamber Hill Road in Swatara. The car was 'finished' about 2:30/3:00 pm on November 27. Kardash arrived to get the car. There was a discussion as to who would take Kardash to Rogers Buick. Since Luchansky was busy, Faiola took Kardash over to get the car. Faiola gave Kardash instructions to the Turnpike.

Faiola said he went back to Headquarters where he saw Luchansky again. Faiola said he left with Luchansky for the banquet between 5:45/6:00 pm with McCann Z(G)iminhowsky, and Urella.

Faiola said he was assigned to investigate with Graci the King of Prussia incident on December 1. Faiola said he met Greth. Graci related the purpose of the visit in the dining hall. Faiola said Graci attempted to talk with Sherr. Faiola said Sherr told Graci 'I'm not talking to you - you're the man I saw in the crawlspace.' Faiola said Sherr looked at him and said, 'I saw you too.' Faiola said Greth said, 'You look familiar.' Greth said, according to Faiola, that he wasn't going to show them anything further. They return to the lobby. A phone call came to Graci, who returned saying 'we're done!'

Faiola said he couldn't say whether the investigation was initiated at the request of Guyette. Faiola said it was his impression Sherr did not make his accusation in jest.

Faiola said Sherr told Graci Sherr recognized his voice and that Sherr saw Graci wearing "beedee's" with buttons down the front.

Faiola said Sherr did not appear mad, just accusing. Faiola couldn't remember whether Sherr had a beard. After considerable hesitation, Faiola thought Sherr was not well shaven and that Sherr had sideburns.

Faiola described Kardash's car as a light grey Buick with a vinyl top, which he saw at the 21st and Herr Streets garage on the morning of the 27th. When asked whether it was a State car, Faiola replied, 'It had to be since it was approved for repair.'

There was considerable discussion as to statements Faiola made to a Walter Metcalf during the first week of December.

Faiola said he was at 21st & Herr on November 27 to have auto repairs. As of November 27, 1972, Faiola said he was assigned to the Auto Theft Unit. Faiola said Kardash was in Faiola's unit, though Faiola said Kardash was not responsible to him. An objection was sustained to a question on whether Kardash reported to Faiola.

Faiola said he met the three suspects on November 29 in a parking lot in Villanova. They drove to the Crime Commission headquarters in a group.

At this point, Richutti, Kardash's attorney, demanded that Rice ask Faiola leading questions. Defense objected to a question of who instructed Faiola to go with the suspects.

Faiola said he saw Kardash again on November 30 at Regimental Headquarters in Harrisburg dressed in a suit. They walked to the Attorney General's Office - about 8 to 10 men. They were greeted by Creamer. They were shown in, one at a time. They walked back.

Faiola testified Kardash had a mustache on November 29, but that he was clean-shaven on November 30. Faiola testified Kardash had a mustache on November 27.

The prosecution referred to a statement by Faiola indicating he 'had not seen Luchansky in Harrisburg on that day.' Faiola said something to the effect that Metcalf came flying in and out. Faiola said he told Metcalf he saw Luchansky on the 27th, though this is not in the report. As to the above statement, Faiola said either he didn't make it or it was misunderstood.

At this point, Van Grossi, Kardash's attorney, demands the record show that Leonard Packel was actually participating in the prosecution's case contrary to court martial rules.

Testimony of Lt. Colonel Charles S. Graci  
Court Martial - Hershey, Pennsylvania

Reported by Mr. Edward Hussie

Graci said on December 1, 1972, he, Faiola, and an ECI operator from Philadelphia named John Gvodas went to the George Washington Motor Lodge.

They met with Greth about 3:00 pm in the dining room for about 20 minutes over coffee. Sherr was sent for. Before Graci had a chance to speak, Sherr said, 'You were the man in the walkway.' Graci asked Sherr if he were positive. Sherr responded 'yes,' - 'I picked you out of mugshots.' Graci said he told Sherr he was not observant. Graci said Sherr told him he was positive and that he also recognized Graci's voice. Graci said Sherr told him he was wearing BVD underwear. Graci said Sherr then pointed to Faiola, stating Faiola was also there.

Graci said he made an effort to see Room 175 again. Graci said Greth told him 'This is a political football. I don't want myself or my secretary involved. I believe you're the man in the loft.' Graci said he was not permitted up in the crawlspace.

Graci said at this point Urella telephoned. As a result of the conversation, they left the motel and returned to Harrisburg.

Graci said the investigation got underway when Urella called him into Conti's office. Cox was present. Urella told Graci to take McGroarty down with him. Conti said McGroarty was unavailable. As a result Faiola went down.

Graci said the telephone call from Urella ordered a halt to the investigation which lasted for one day.

The prosecution was going to cross-examine Graci concerning his account of the investigation on the basis of a memo Graci sent to Wellendorf on January 8, 1973. Graci responded by pulling out a copy of a memo he said he sent to Urella on December 1, 1972. The prosecution asked to see the memo to Urella. No further questions ensued.