

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

SPECIAL COMMITTEE TO INVESTIGATE

THE ADMINISTRATION OF JUSTICE

OF PENNSYLVANIA

Verbatim report of hearing
held in Room 128, Main Capitol
Building, Thursday,

November 8, 1973
10:15 a.m.

HON. H. JOSEPH HEPFORD, CHAIRMAN

MEMBERS OF COMMITTEE

HON. EUGENE R. GEESEY
HON. RUSSELL J. LaMARCA

HON. DAVID M. TURNER
HON. JOSEPH RHODES, JR.

ALSO PRESENT:

DOWNEY RICE, ESQUIRE
Counsel for Committee

TRUMAN BURKE, Investigator

Reported by:
Janice L. Glenn

Prepared under the direction of
the Chief Clerk's Office,
Robert M. Scheipe, Chief Clerk

I N D E X

WITNESS:

DIRECT

Lieutenant Angelo J. Carcaci

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Louis Packler

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CHAIRMAN HEPFORD: This hearing is called pursuant to House Resolution 21 at 10:15 a.m. on November 8, 1973, in Room 128, the Offices of the Committee Chairman, H. Joseph Hepford. Present in the room are members of the Committee, Eugene R. Geesey, Russell J. LcMarca, Joseph Rhodes, Jr., Members of the House of Representatives. Another Committee member absent is David Turner, who has indicated that due to unforeseen circumstances he could not be here this morning and requested we proceed.

This hearing is held in Executive Closed Session and in accordance with the rules of the Committee.

The others present in addition to the official hearing reporter is Mr. Downey Rice, Attorney and Counsel for the Committee, and our Investigator, Truman Burke.

At this time we have in the witness chair Lieutenant Angelo J. Carcaci. Mr. Carcaci, we would ask that you stand and be sworn.

LT. ANGELO J. CARCACI, a witness called, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

CHAIRMAN HEPFORD: Now I understand, Lieutenant, you wish to make a statement to the Committee.

LT.CARCACI: Counsel has instructed me as late as

last evening in view of my appearance that I answer no questions at this time without Counsel being present. Due to a previous commitment as indicated by a letter which I have shown to you he could not be here today.

CHAIRMAN HEPFORD: Well, Lieutenant, you have handed to me a letter, a copy of a letter, which is addressed to me as Chairman of this Committee. The letter was never received by me. I was first made aware of the letter yesterday at 3:00 p.m. by Colonel Wellendorf of the Pennsylvania State Police who had received a copy of the letter. And thereafter I received a telephone call from an individual representing himself as Morris Gerber, Attorney of Norristown, Pennsylvania, who indicated that he had mailed this letter requesting that this hearing be postponed to the week of November 26th. I indicated to him that we had not received such a communication. That we had been assured by Colonel Wellendorf acting in response to a request that we delivered to Colonel Barger last week that he had been advised by Colonel Barger to advise us that you would be here today.

Pursuant to that we set up this hearing and notified all the Committee members and our rules provide you're entitled to have Counsel advise you. However, the absence of Counsel should not excuse any witness for failure to be

here or the failure of any witness to secure Counsel would not excuse such witness from attendance and response to a subpoena.

I might say that since you have arrived at this hearing room we have also now served you with a subpoena and at any adjourned hearing thereof this subpoena would remain in full force and effect and we would expect you to comply.

Now, in view of all that's transpired I feel that the Committee would very much appreciate it if you would answer preliminary questions, and we will refrain from any questions that might -- or you could at any time, you've been in the State Police for some time. How many years have you been in the State Police?

LT. CARCACI: Twenty-four years.

CHAIRMAN HEPFORD: You've appeared before other House Committee Hearings back in the 1960's, have you not?

LT. CARCACI: I have.

CHAIRMAN HEPFORD: And you've testified in courts various times.

LT. CARCACI: Yes.

CHAIRMAN HEPFORD: If we would get into any area that you feel you should not answer we would entertain that at that time. Do you feel that you can't answer any questions relating to your position of the State Police and the operation

of the State Police in verification of records of the State Police that we may have?

LT. CARCASI: In due respect, Mr. Hepford, it isn't a question of not cooperating by any point of imagination. However, under the circumstances Counsel has instructed me not to answer any questions at this time without his being present.

CHAIRMAN HEPFORD: Well he has seven or eight lawyers in his law firm and it seems to be to be somewhat unreasonable.

Mr. Rice, do you want to say something?

MR. RICE: I just thought, Mr. Chairman, maybe we'd go down another road and get to perhaps some specifics and clear the air. If I could ask three or four questions we could get to the point where we won't be speculating about what he will or won't do.

BY MR. RICE:

Q You live where, Lieutenant, your home?

A 44 Christopher Drive, Holland, Bucks County.

Q Do you own that home?

A Yes.

Q And you are now stationed where?

A Troop C, Punxsutawney.

Q And have been for how long?

A About ten months.

Q And you've been on active duty there for how long? You were on sick leave until what, July?

A First of August.

Q And you've been on active duty since the first of August?

A Yes.

Q Now, last Fall where were you stationed, a year ago this month?

A Troop C, Philadelphia.

Q Were you at any time assigned to Headquarters here in Harrisburg?

A During what period of time, sir?

Q At any time.

A Yes I was.

Q When?

A Somewhere in the '60's, 1962, 1961.

Q Last Fall were you not assigned to Commissioner Urella's special unit?

A No way, sir.

Q In no way?

A No way whatsoever.

Q You were all during last year, 1972, assigned to

Philadelphia?

A That's right, sir.

Q And you had no special assignments with Commissioner Urella's special unit?

A No way, sir.

Q Back in October or November you had some equipment signed out, did you not?

A (No response.)

Q Well, specifically I'll show you a record purportedly of the equipment signed out under Captain Regan, and looking down the line here there's Carcaci on October 2, 1972, what's this, special radio T-2 transmitter, is that right?
(Illustration and description attached as appendix.)

A Well, if the record indicates it I'm not going to challenge the record.

Q Well I understand but you know whether or not you had a T-2 out, don't you?

A I personally, no.

Q Well can you explain why the records indicate that a T-2 was signed out to you?

A If Mr. Regan explained the situation that was for a narcotics investigation given to undercover narcotics investigators in Philadelphia.

Q In which you were participating?

A I was the officer in charge.

Q What is a T-2?

A I couldn't answer your question. I don't know and I'm very honest with you.

Q Have you ever seen a T-2?

A I don't know the meaning of a T-2.

Q Well, what do you think that T-2 means there that's signed out to you? You say you know who it's signed out to, you must know what it was?

A I don't know the meaning of a T-2.

Q All right. Let me show you a xerox picture and see if that looks familiar to you? (Counsel showed picture to witness.)

A Not that particular unit.

Q Not that particular one?

A No.

Q Do you notice this T-2 up here? (Referring to picture.)

A Yes.

Q And are you saying then that you don't recognize this particular unit?

A If you're referring to a unit that is used by

undercover agents this is the particular piece that's indicated on this sheet here, if this is the specification for it.

Q Referring to the T-2 on the sheet this is the one that's used by undercover agents?

A I don't know the specific number for it but there is a particular one that's used.

Q Well, was that the type that's charged out to you in October?

A I couldn't answer your questions whether that was the particular one or not.

Q Well, tell us what happened. You've got a pocket-mate radio charged out on October 2, additionally a T-2 concealable transmitter and a T-12 transmitter, all on October 2nd charged out to you. (Illustration and description attached as appendix.)

A Again I say to you, sir, in due respect to your question, I don't know the specifics of T-2 or T-12. If I saw the piece I could tell you whether or not it was sent down to my office. That's as honest as I can be about it.

Q Well, back in 1963 or 1964 you went to San Francisco to attend the Fargo School, did you not?

A I did.

Q And I've had the pleasure of reading your testimony

back in '66 --

A It's a matter of public record.

Q I believe you're familiar with that but for the benefit of the Committee you apparently were assigned back, I guess around '64 to go to San Francisco to attend a seminar or a school of some sort, were you not?

A I was.

Q And who were the two officers from the Pennsylvania State Police that went with you? There were three of you all together.

A I believe there were three.

Q Who were the other two?

A If i may, Mr. Hepford, again on advice of Counsel I would rather not answer any questions.

Q Let me ask you this. When you were notified to be here today did anybody tell you what the subject matter of the questions would be?

A Sir, not a word.

Q Not a word?

A Not a word.

Q Well, did you tell your lawyer what the subject of the questions would be?

A How can I possibly tell my Counsel when I didn't

know myself. Not a word.

Q Well just out of curiosity you want to help the Committee don't you? You're a law enforcement officer.

A Yes I am. I've been for twenty-four years.

Q And the Committee is interested in improvement of the administration of justice, so you'd like to help, is that right?

A I think you're asking a very broad question here. Help the Committee in what respect, sir?

Q Well, in an on top of the table above board way as a law enforcement officer. You understand that, don't you?

A I can understand the question but I don't quite understand the answer.

Q Well, let me put it another way. You walked in here more or less voluntarily.

A I did, sir.

Q And you have talked to a lawyer at some point. When did you talk to him?

A Yesterday afternoon. As late, as yesterday afternoon.

Q And as early as what?

A I don't recall.

Q Well, roughly was it last Friday?

A Somewhere around there. I don't know exactly.

Q But it's last week end you talked to him?

A Yes.

Q Now at that time you told him, I presume, that you'd been invited to appear before a committee, right?

A More or less.

Q And you didn't know the purpose of your appearance and he didn't know it.

A That's true, sir.

Q So how can he advise you not to answer any questions if he doesn't know what the questions are going to be?

A I couldn't answer your question.

Q That's a tough one isn't it?

A It sure is.

Q And that's what would have to bother us. We feel it's not really appropriate to anticipate in a blanket way to just say to refuse to answer anything. We recognize certainly that you have your privileges under the Constitution and you understand that. And you certainly can assert those any time you want. But just a blanket block saying I'm not going to talk to anything on advice of Counsel just isn't going to wash.

A Excuse me for interrupting, Mr. Rice. The record so indicates that in 1966 I appeared before a Committee, a House Committee. The circumstances surrounding that particular invitation and the finalization of it all is the very specific reason why I insist on Counsel being with me. I think you can understand my position.

Q What's the specific reason?

A That I will answer no questions unless I am properly represented by Counsel.

Q Well, are you taking the Fifth Amendment?

A I didn't say it sir, you did.

Q Well are you?

A On advice of Counsel I am instructed to give my name, my rank and my badge number. And I have exceeded the instructions of my Counsel already. I certainly have by answering your questions.

Q All right, we're getting there. You understand it's perfectly appropriate for you to be examined for the reasons why you are asserting declamation or refusal to answer and that's what we're doing. We're probing you right now to find out why you're not answering and you're saying that you're not asserting the Fifth Amendment but you are saying that it's on advice of Counsel.

A On the advice of Counsel I have been instructed to give my name, my rank and my badge number.

Q Did anybody else advise you to do that, anybody in the State Police advise you to do that?

A No, sir.

Q Only your Counsel?

A Yes, sir.

Q And he isn't here.

A That's correct, sir.

Q Well I think it might be appropriate to let you know for your benefit that in addition to the wholesome purpose of this Committee in trying to ascertain the certain situations that prevail in this State for the overall benefit of the State that the rules adopted by the Committee read that "Any witness may have counsel and they may accompany them, but the counsel does not answer for the witness. He doesn't put words in his mouth and the failure of any witness to secure counsel shall not excuse such witness from attendance." Now you're here and the failure of you to get counsel here with you is not an excuse. You're on your own now so we implore you to make some decisions that will possibly help the Committee, not hurt you and possibly save you from a contempt proceedings if you persist in the declamation --

A Am I being held in contempt now?

Q I might tell you as a lawyer, and I think Mr. LaMarca and the Chairman will agree, we're all lawyers, that it is not a recognizable privilege to refuse to answer purely on advice of counsel. Your privilege goes to if you feel you're going to incriminate yourself then you have a decision to make. But because a lawyer tells you not to answer is not good enough. Am I making myself clear?

A Very clear.

Q And I think the Chairman will so acknowledge and direct, Mr. LaMarca too, both nodding assent. So there we are. Further, we're not making a defendant out of you. This Committee isn't trying people. They're not sending anybody away anywhere. This Committee is set up to inform the Legislature, to learn something. We're not set up to just aggravate people.

A Mr. Rice, if I may, please. We're going back into the 1960's again. I am going to be represented if I may by my rights by counsel. I am not going to duck any issue. And I might say at this point you have asked me a question here and I'm going to answer your question. It's very true I'm going to answer your question. You started in one area and went inot another area. I can answer the question why this particular

thing shows up here in my name. It's very simple.

Q But you're going to pick your areas.

A No I'm not going to pick any area.

Q Well, we've delivered a message to you. At least I've tried to communicate to you what your position is. Let's go back to specifics again and I'll ask them and you take them as they come.

Now, back in 1966 you testified, did you not, that you went to a school?

A I did.

Q At page 69 of the old record of February 22nd, George Washington's birthday when they kept you up all night. You remember that.

A I sure do.

Q They asked you, "Did you receive special instructions?" Answer: "Yes I have." "Where did you receive this instruction?" "University of San Francisco." "When was it?" "1964." Question: "Does the University of San Francisco sponsor such a course of instruction?" Answer: "No they don't. It's done by the Fargo Company." Question: "The Fargo Company. The Fargo Company only employs facilities of the University of San Francisco for this purpose?" Answer: "I believe for this purpose." Question: "Who or what is the Fargo Company?"

Answer: "It's an electronics company located in San Francisco."

Question: "Do they sell this equipment?" Referring to this audio detection, audio something, at least the interception of sound.

Then you went on down to say at page 71 that they call this the American School of Technical Intelligence. Did you get a certificate for attending that?

A Some place along the line.

Q You got a certificate?

A I believe, yes.

Q Probably still have it?

A I don't think so.

Q Well anyway you got a certificate at one time.

Now, I believe you indicated that there were three people that went there from the Pennsylvania State Police. So the question again is who were the other two?

A I'm sorry, Mr. Rice, I'm not about to expound any names at this time. I will acknowledge the fact that I went to the school.

Q What reason are you asserting to decline to supply the names of the people who attended the school with you in 1964?

A On the advice of my Attorney. Again, he has

instructed me to give my name, my rank and my badge number.

Q But it's clear that your Attorney didn't know that you were going to be asked to supply the names of the two men who went with you to San Francisco in 1964. He didn't know that did he?

A Neither did I, sir.

Q So he was giving you a blanket admonition or direction to decline to answer, is that right?

Q Whatever interpretation you may receive of it, this is his instructions to me.

Q Now, is that also your personal determination in addition to his direction? You don't have to take his direction you know. You're an individual and an experienced law enforcement man. Do you want us to understand that you have completely adopted his direction?

A I might just answer and maybe ask a question. Your ulterior motive I don't know. There is a reason for my presence here which I don't know. And I think again I might say that going back to the '60's, there is nothing that can overcome that. Nothing in this wide world will overcome the situation that happened then. And I am hopeful that it will never happen again, at least in my lifetime. Specifically to me, to no other member of the State Police but to me, Lieutenant

Angelo J. Carcaci. I have lived this through since 1966 and I will take it to my death. Not only myself but with my family.

MR. RICE: Mr. Chairman, I ask you to direct the witness to answer the question as to the identity of the other attendees at the course at the University of San Francisco with Lieutenant Carcaci at or around 1964.

CHAIRMAN HEPFORD: Mr. LaMarca, do you see any objection to his answering this question?

REPRESENTATIVE LaMARCA: No, I don't see that there's any qualms here. Frankly I think the Lieutenant has been misled in some of the advice that was given to him. Actually he's indicated to me that he wants to testify but he wants to do so only with a lawyer. And I don't know that that's the truth or not, I'm not going to put words into his mouth.

I also gather that you were ordered here to appear, is that correct?

WITNESS CARCACI: That's correct.

REPRESENTATIVE LaMARCA: You were ordered to appear here by your superior officer?

WITNESS CARCACI: Our Deputy Commissioner's Office, yes.

REPRESENTATIVE LaMARCA: In other words you didn't come here in honor of the subpoena?

WITNESS CARCACI: I had no subpoena until I arrived at this room here which was served in your presence here.

REPRESENTATIVE LaMARCA: You came here --

WITNESS CARCACI: Voluntarily.

REPRESENTATIVE LaMARCA: Well there's a difference. Did you come here voluntarily or did you come here by order of a superior officer in your capacity as an officer of the State Police?

WITNESS CARCACI: I came here in response to an order from my superior officer.

REPRESENTATIVE LaMARCA: And you were obeying said order.

WITNESS CARCACI: I certainly was. Hopefully so.

REPRESENTATIVE LaMARCA: And you're assuming then that when he told you to come here it would be as a Police Officer with the intention of cooperating with this Committee, is that correct? I mean at some point you've deviated from that fact, that's what I want to go on the record. You no longer feel that you're testifying as a Police Officer, you feel you're testifying as a defendant, is that what's concerning you?

WITNESS CARCACI: No, sir. And again I say I am

positively not attempting to duck any issue whatsoever. I came here because I was instructed to and as I arrived here, as you know, I was served with a subpoena.

REPRESENTATIVE LaMARCA: May we go off the record for a minute.

CHAIRMAN HEPFORD: We will take a five minute recess.

(Whereupon a brief recess was taken while the Committee had a sidebar discussion.)

MR. RICE: We're resuming with the same people present and the witness is continued under oath.

BY MR. RICE:

Q Lieutenant, I am reading from a communication talking about then Sergeant Angelo Carcaci of the State Police. I take no position as to the authenticity of this writing that I'm reading from. I'll just tell you what it says.

A Very well.

Q It says, "Angelo Carcaci, State Police, is skilled in tapping telephone lines and did at least the following tappings. One, tap lines with Commissioner Barger in 1966 in Butler County of a group of Black leaders and during the job the telephone broke." Did that happen?

A On the advice of my Attorney I have been instructed

to give my name, my rank and my badge number.

MR. RICE: Mr. Chairman, I would suggest that the asserting of Counsel's instructions in the light of the witness's previous statements to us that the Counsel was not made aware of the subject matter of this inquiry and apparently has issued a blanket instruction to decline to answer any and all questions, that this witness be directed to answer that question as to did it happen.

CHAIRMAN HEPFORD: Lieutenant, as Chairman of the Committee we direct you to answer the question that has been asked of you. Did that incident that's been read to you by Counsel occur?

WITNESS CARCACI: Mr. Chairman, on the advice of Counsel's instructions I have been instructed to answer my name, my rank and my badge number.

BY MR. RICE:

Q All right. Now, continuing with the same communication and again with no suggestion that it's right, you can correct if it's right or wrong or you don't know anything about it, you can help to clear the air. It continues, point number two, referring to Sergeant Angelo Carcaci, "Tapped lines with Sergeant Hunt in 1966 in Altoona of gamblers." Did you tap any lines with Sergeant Hunt in 1966 in Altoona of gamblers

or for that matter at any time or place with Sergeant Hunt?

A In respect to Counsel I've been instructed to give my name, my rank and my badge number.

CHAIRMAN HEPFORD: We direct you to answer the question, Lieutenant, do you assert the same right?

WITNESS CARCACI: Mr. Chairman, I feel by your direction you are directing me to answer a question and I have no legal counsel here at this time. I feel as though I have the right to counsel as a citizen or as a policeman.

REPRESENTATIVE LaMARCA: Would you answer that question, Lieutenant, if Counsel were present with you?

WITNESS CARCACI: I couldn't give you an answer here without conferring with Counsel.

REPRESENTATIVE LaMARCA: In other words you won't say whether you would answer that or not unless you had an attorney with you?

WITNESS CARCACI: This has been my cry all morning here. I've said that I've violated the rules of my Attorney by answering the questions that Mr. Rice has purported to me here. And I have been instructed specifically to give my name, Angelo J. Carcaci, my rank, Lieutenant, my badge number, 34. Those have been the instructions of my Attorney and you well know that I've exceeded that boundary.

BY MR. RICE:

Q Now, going back to the 1966 hearings, you had a lawyer there then didn't you?

A At what time, Mr. Rice?

Q At the time you testified on February 22, 1966.

A No way.

Q Well there was a lawyer represented, whether he represented you or the State Police, he directed you not to answer didn't he? Didn't the lawyer tell you not to answer?

A My attorney instructed me not to answer?

Q Did not an attorney tell you not to answer?

A To answer what, sir?

Q The questions. Was there a lawyer there by the name of Hamilton?

A Mr. Perry Hamilton was there, yes.

Q Who did he represent?

A Mr. Purdy, Colonel Purdy.

Q Did he direct you to decline to answer the questions of the Committee?

A Now let me say something to you, Mr. Rice, if I may, and I don't mean to be sarcastic when I say it. You don't know the particulars of what happened that particular morning or any morning thereafter or any day thereafter.

Q That's exactly why you're here, to inform us.
No I don't and I don't suspect the other Committee members do.

A If you knew the particulars of it I couldn't provide you with an answer.

Q Well, that's the whole thrust of this. We'd like to know the particulars. You were there, you can help us.

A It's a matter of record what was said right there, that pamphlet you have.

Q Well I'm merely pointing out to you and perhaps to a court that may be considering your contempt citation --

A Fine.

Qthat in the 1966 hearings a lawyer, who purportedly represented the State Police or which you remember, directed you to refuse to answer these questions and in spite of that you answered anyway.

A And in spite of what you're saying, Mr. Rice, I was ordered, which you don't know at the time, to give the answers aside of what Mr. Perry Hamilton said.

Q By whom? Who ordered you to give the answers?

A Now I don't think I should get into it at this time. It's a dead issue.

Q It was Urella, wasn't it?

A Who?

Q It was Urella, wasn't it?

A No.

Q Well who was it?

A I think you're on a fishing expedition.

Q Why can't you say who it was?

A I am not going to expound on something that happened back in 1966. You don't know the particulars of it and I'll be very glad to give them to you on the advice of Counsel.

Q And that's the only grounds?

A I don't know what you mean by the only grounds.

Q Your decision is going to be made by your Counsel is what you're saying. You're not going to give it of your own accord.

A I'm here in response to an order by my Commanding Officer to appear here. And I have violated the rules of my Attorney by answering the questions that you're purporting to me.

Q Now then, continuing with the same communication as to Sergeant Carcaci, "Fixed a tapping transmitter in the Harrisburg home of Captain Titler in 1966." Did you fix a tapping transmitter in the Harrisburg home of Captain Titler in 1966?

A I think, Mr. Chairman, that I will have to answer the question as instructed by my Counsel, my name, my rank and my badge number.

MR. RICE: Will you direct the witness to answer, Mr. Chairman, a specific direction to answer the preceding question as to whether he fixed a tapping transmitter in the Harrisburg home of Captain Titler in 1966.

CHAIRMAN HEPFORD: I redirect the witness to answer the question or to enter a plea if he thinks there is any basis of personal privilege that he wishes to assert. But the statement of your Counsel's blanket not to answer any questions of this Committee does not suffice. If you wish to assert some other privilege. This is a closed hearing and it is not a public hearing.

WITNESS CARCADI: Mr. Chairman, I came here with intentions of obeying the orders of my Commanding Officer or my Senior Officer in response to being here. And I believe I've overstepped my boundaries. In regards to what I've been instructed by Counsel -- and I don't mean to be repetitious of it -- to give my name, my rank and my badge number.

CHAIRMAN HEPFORD: We're instructing you to answer the question or else assert a plea if you feel that's appropriate. But the answer of your Counsel not to answer any

questions of this Committee is not a reason not to answer.

WITNESS CARCACI: Well, I think I'm entitled to at least converse with my Counsel before I go any further.

CHAIRMAN HEPFORD: We've directed you to answer the question and that's your response. We'll let the record stand and we'll have a further statement when we conclude.

Mr. Rice.

BY MR. RICE:

Q This goes on to say again alluding to a document, "Sergeant Carcaci has a photostat of the mileage report of a special truck used for tapping operations in 1966 and has shown this paper to other people."

Do you have a photostat of the mileage report of a special truck used for tapping operations in 1966?

A I don't understand, the photostat of a special truck.

Q Frankly in my understanding, Lieutenant, this is in connection with your official activities you had some expenses, that's right isn't it? You testified in the '66 hearings that you had expenses and submitted a request for money to the confidential fund that was kept by the lady -- what's her name, Grace Kenner. Anyway you got reimbursed for expenses, is that right.

A Yes, sir.

Q And the way I read this -- and you can look at this if you're interested -- that in keeping track of your expenses you still retained a copy of your expenses for the use of some travel or truck in 1966. Did you in 1966 have a truck? Did you ever use a truck in connection with your official duties? I did when I was an FBI agent. We used to have one with a mirror in the back and we'd sit in there and look out the back and you couldn't look back at us. We took pictures out of there. So we had a truck. Now, did you have a truck?

A Again, I'll have to say that on the instructions of my Attorney I give my name, my rank and my badge number.

Q All right. We'll take another direction if it's agreeable with you.

A Excuse me, Mr. Rice, I don't mean to interject when you're talking but I think I should have an opportunity to confer with Counsel in view of these questions being presented to me.

Q That is your decision and then we have a direction to answer the prior question, you understand that, and you're declining to answer.

A Yes, same answer.

Q Now then, did you discuss as late as 1973 in a motel room in which were present two or three members of the Pennsylvania State Police, perhaps a newspaper man, perhaps Colonel Urella, the above incident that I've just talked about in discussing Commissioner Barger that you had participated in tapping lines with Commissioner Barger in '66 with Sergeant Hunt and fixing the thing in Captain Titler's home. Did you talk with anybody in a motel room in early 1973, right after the appointment of Commissioner Barger?

A (Shaking head in negative movement.)

Q Are you shaking your head you didn't do it?

A I am saying on the advice of my Attorney, and I feel as though he has instructed me to give my rank, my name and my badge number, and I feel as though I should confer with Counsel before answering any further questions before this Committee.

Q Well, you understand the question?

A Yes I do.

Q Being more specific, were you in a motel room with several men including State Police Officers Flanagan and McCann and Representative Gekas when you discussed these incidents referred to in this communication?

A Mr. Chairman, in view of my instructions from

Counsel I give my name, my rank and my badge number. And I have asked again that I confer with Counsel.

CHAIRMAN HEPFORD: I redirect you to answer and you give the same answer you have in the prior questions of direction, is that correct Lieutenant?

WITNESS CARCAGI: Yes. I feel as though I would prefer to confer with Counsel before I give any answers.

BY MR. RICE:

Q One more question. You were on sick leave roughly from January to July of 1973, were you not?

A Yes.

Q And you were then to report to the station at Punxsutawney upon the termination of your sick leave.

A Yes.

Q At the time you were directed to report to Punxsutawney was Lieutenant-Colonel Dussia in charge there?

A I don't recall whether he was in charge at that time or not.

Q Well, more specifically, toward the end of your sick leave did you have a telephone conversation with Colonel Dussia relating to when you were going to report to duty, that sort of thing?

A Somewhere along the line there.

Q You talked with him?

A I may well have talked to him. I don't know. I don't remember.

Q Well maybe you can refresh your recollection this way. I have a typewritten report here that purports to be authenticated by Lieutenant-Colonel Dussia and he discusses talking on the telephone -- I assume on the telephone -- and it says Lieutenant Carcaci called Dussia and it states that he was on vacation, his sick leave was over and he was due back to work on July 31st. Then quote, "I asked Lieutenant Carcaci to meet with me and Mr. Hepford to discuss the wire tapping he had done with Barger and Titler. He refused and stated that he had been a prisoner in his own home since sometime in January for the purpose of evading this House Committee on advice of his Attorney. He said he'd been told they were only going to be meeting until the end of July and he'd not have to testify." Did you tell that to Colonel Dussia?

A I'm not going to comment on what you said at all in due respect. And at this time again I say I invoke the privilege of having Counsel here present. I'm not going to respond to his question in any manner at all and I'm directing my statement to you, Mr. Hepford. And I am privileged, at least I feel I am privileged to have Counsel present in regards

to any of the questions that are being presented here.

CHAIRMAN HEPFORD: Do you refuse to answer the question whether or not you had any conversation or the contents on the fact that your Counsel told you not to answer any questions?

WITNESS CARCACI: That's correct, sir.

CHAIRMAN HEPFORD: Well we direct you to answer the question or are we correct that your answer will be the same as you recited heretofore, that you will not answer unless you have Counsel present?

WITNESS CARCACI: Yes.

MR. RICE: Mr. Chairman, I really see no point in further belaboring the issue. The witness is declining to answer questions either to 1966 or 1973 on advice of Counsel and I suggest the possibility that his declamation may be contemptuous and our Committee may very well want to consider the initiation of contempt proceedings immediately. But I would urge the witness to cooperate and I think it might be worthwhile suggesting that in the interest of determining the information, and after all that's what we're interested in, we're not interested in having Lieutenant Carcaci taken to the Dauphin County Jail for refusing to answer questions of a Legislative Committee. We're not interested in that. We're

interested in informing the Legislature as to the status of matters in the Commonwealth of Pennsylvania. So that perhaps the Chair might want to suggest to the witness that he could be in effect purging himself of his declamation and may want to reconsider and return within a specific period and help the Committee by answering questions.

Do you understand what I'm saying, Lieutenant?

WITNESS CARCAGI: Yes.

MR. RICE: We'll give you an opportunity to talk to your Counsel and whether you're in contempt or not would be for a court to decide. We're not setting ourselves up as a court here. We're an investigating legislative committee. It's on balance, reasonable to assume you may very well be in contempt at this point and you may be facing as a result of that whatever punishment the court would administer or the Legislature for that matter.

All right. Now, if we can get to the bottom of this thing and satisfy you with letting you talk with your Counsel in light of these statements that Counsel has been talking about, delaying and things like that. If we can get a specific time that you can come back here and we can level with one another that's what we're interested in doing.

So, Mr. Chairman, you may have a suggestion as to

a time and place.

CHAIRMAN HEPFORD: Lieutenant, I have no doubt in my mind that this Committee feels that we cannot permit a witness to come in here and take a blanket statement that a lawyer told him not to answer the question. This Committee is familiar with the length of time that has transpired and the steps that have been taken to develop the testimony that we have sought today. In fact at one point I believe Counsel of this Committee was contacted months ago by the same gentleman who said he is directing a letter that we have not received yet, asking for a postponement of this hearing to the week of the 26th of November. And we're not going to postpone the hearing to the 26th of November. And we believe that you have not asserted a valid legal reason to refuse to answer questions of the Committee and we believe that you could be cited for contempt.

We are going to give you an opportunity to appear before the Committee with Counsel, but we're not having the Counsel tell the Legislature when to hold the hearing. And we're not going to accept what some may if we had all the facts considered to have been avoidance of the appearance, but we have some indication occurred in the past.

We're going to schedule a closed hearing. It's

not our purpose to embarrass you nor any other person. That's why without any publicity we want a closed hearing and everything that is transpired in this room today will remain closed. There will be no publication of it and I'm cautioning the members of the Committee, and they know that, and you, sir, and your attorney also. He indicated to me on the phone the press had contacted him about this hearing. I don't know anything about that.

We're going to reschedule this hearing for 9:30 a.m., on Wednesday morning, the 14th. That's Wednesday morning the 14th of November at 9:30 a.m., in this room, where you are under subpoena now to appear and are so advised.

We will call your attorney on the phone. We received a copy of this letter today and we will call him and tell him. And in the event for any reason, sir, now we are familiar with what we have heard and we are familiar with actions that have been taken in the past, and this Committee if for any reason that hearing was held and you did not appear with your counsel -- and we'll have your counsel right here and you'll have an opportunity to confer with him -- but I would interpret such action regardless of what your reason is to be further contempt of the Committee and that would influence me very much in recommending to the members of this Committee that

the action that you have taken today, and in view of action that we have heard of, that we recommend to the House that you be cited for contempt. We're going to defer that and we're going to give you an opportunity, we'll call your Counsel's office today and leave word there, and you can tell him.

And as far as you are concerned, we're excusing you from appearance. You're under subpoena to appear here at 9:30 a.m. on Wednesday the 14th of November, with your Counsel.

MR. RICE: Or without.

CHAIRMAN HEPFORD: Well you're to be here period. And you're to have Counsel here if you want Counsel.

Now we went through this with Sergeant Hunt who said the Attorney General directed him. We adjourned that meeting until he could confer with the Attorney General and he came back and he reversed his stand and he proceeded to testify.

Now do you understand what the Chairman of the Committee has just said?

WITNESS CARCACI: I do.

CHAIRMAN HEPFORD: Now I don't want to have a lawyer appear here next week or the doctor and hear a lot of testimony, do you understand that?

WITNESS CARCACI: I do.

CHAIRMAN HEPFORD: So we would expect you, sir, to

be here at 9:30 a.m., November the 14th, with your Counsel. And let me say this, and you may advise your Counsel, advice of Counsel is no reason to fail to answer questions. The only reason that you may assert to fail to answer questions would be that you on the advice of Counsel believe it would incriminate you, and you understand that too.

WITNESS CARCACI: Yes.

CHAIRMAN HEPFORD: And that is the only excuse that you may have not to answer questions proposed to you and propounded to you by any member of this Committee.

Now again, you have had questions purported to you in certain areas, the questions which you've declined to answer. We believe you're in contempt and you can avoid that citation of contempt by being here on the 14th with Counsel and we'll proceed then.

REPRESENTATIVE GEESEY: Well if I may I'd like to also interject my own personal feelings at this point in time and that is that when you appear on the 14th if you fail to have Counsel with you that will under no circumstances give you the excuse of using the same reasons today in your failure to answer questions. As far as I'm concerned on the 14th, unless the Fifth Amendment is taken by you, questions ought to be answered, Counsel or no. And if Mr. Gerber can't make it and

you want Counsel then you ought to speak to other Counsel. But Counsel or no the questions have to be answered as far as I'm concerned.

MR. RICE: That's the rule.

REPRESENTATIVE GEESEY: That is the rule but I think it should be spelled out.

CHAIRMAN HEPFORD: We have no purpose other than finding out what the facts are, sir. We have no desire to have any charges performed because that's not our purpose.

Do you have any questions, Lieutenant?

WITNESS CARCACI: Just two if I may, sir. In all respect to the Chairman, Mr. Hepford, I would like to confer with Counsel in all these matters. And in order to speak with him intelligently if it's possible in some way have the questions that were asked of me this morning so I can present them to my Attorney and have them with me so I can discuss it with him.

CHAIRMAN HEPFORD: Well, this record won't be transcribed and when it is, it's available to your Counsel.

WITNESS CARCACI: Well, unless I have something to

CHAIRMAN HEPFORD: We covered three areas and I'm sure that you can recall those areas.

REPRESENTATIVE GEESEY: Lieutenant, I think you've

been in police enforcement for twenty-four years and during that period of time your acumen should be sufficiently sharp enough to have a pretty accurate recollection of just exactly what was said.

CHAIRMAN HEPFORD: Well, we won't be limited to those questions, you understand that.

WITNESS CARCACI: I understand that.

CHAIRMAN HEPFORD: We delineated certain areas so you would have some idea.

REPRESENTATIVE LAMARCA: Of course you understand, Lieutenant, what will happen almost invariable is you're going to get in areas that you may not be familiar with and you would need immediate consultation. Quite frankly I don't recommend if you're going to take any of the positions that you indicate today that you come without a lawyer. Because areas will be opened up and we'll have a battle and I'm sure the Committee may not be inclined to wait another week or two weeks until there's a consultation. I think your best bet is to bring your attorney.

WITNESS CARCACI: I have every reason to be here with Counsel. And I think if there's doubt in someone's mind about this thing here happening this morning, surely Mr. Gerber has explained his position here for this morning. I have no

intention of coming here with an alibi or an excuse, whichever way you want to phrase it. I intend to be here.

CHAIRMAN HEPFORD: You understand the position and we will see you on the 14th at 9:30 with your Counsel and we'll proceed.

Now, do you have another question?

WITNESS CARCACI: Just if I may ask again can I receive some of the questions that were asked here this morning so I can discuss it with my Counsel?

CHAIRMAN HEPFORD: Well, we have no means of transcribing this record and it won't be transcribed in the period of time you want. You know the three areas you were in back in '66. You know the '73 areas. And if you want paper we'll supply you with a sheet of paper and you can write them down outside before you leave while they're fresh in your mind.

We have another witness that we want to hear from later on so we're going to adjourn now for five minutes.

Do you have any other questions?

WITNESS CARCACI: Not at the moment.

CHAIRMAN HEPFORD: All right. We're going to recess the hearing for five minutes.

(Witness Carcaci was excused.)

(Whereupon a brief recess was taken.)

CHAIRMAN HEPFORD: Mr. Packler, would you stand and raise your right hand, please.

LOUIS PACKLER, a witness called, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. RICE:

Q Mr. Packler, you live at 217 Grant Street in Greensburg?

A That's correct.

Q And you're appearing in response to a subpoena served on you?

A I am.

Q And you were with the Pennsylvania State Police for how long?

A Thirty-six years and nine months.

Q And you retired when?

A July 3, 1973.

Q For the last four, five, six years prior to your retirement where were you stationed?

A Greensburg.

Q You were there almost all of your career, were you not?

A With the exception of in 1967 I went to Kiski

Valley and stayed there for a year and a half and then I went back to Greensburg.

Q Kiski Valley is adjacent anyway, isn't it?

A That's right. It's Westmoreland County.

Q Now, we're getting up around lunch time and we're trying to cut this as short as possible but what the Committee is interested in, Mr. Packler, is generally the story of Plopi, Pfadt, Maher, Packler, and anybody else involved. These gentlemen are members of the Committee and they're interested in the administration of justice here and they want to be informed. They don't even know who Plopi is. So if you can just tell them what happened in the Plopi thing.

A Do you want me to start from where I got involved?

Q Well, generally who Plopi was and where you got involved and Pfadt.

A Plopi was a racketeer and he was getting to be the biggest one outside of Tony Grosso in Allegheny County. He had a partner by the name of Steamboat -- I don't know what his correct name is -- but he pushed him out and took over the reigns. Anyway, where I first got in with Plopi is I used to work around McKeesport and Pittsburgh and the McKeesport Police would ask me what's the State Police doing. They were knocking the

opposition off and we'd been making him the biggest man in the county. So with this in mind I took over the Criminal Division eventually and this was in the summer of '66, and Barger, the present Colonel, came there shortly thereafter. Our relations was most cordial.

REPRESENTATIVE RHODES: Excuse me, came as what?

WITNESS PACKLER: He came there as Lieutenant in Charge of the Criminal Division.

BY MR. RICE:

Q So you reported to him?

A I reported all activities to him. Now he also had a Vice Squad which consisted of approximately nine men. This was a raiding detail and Pfadt was in charge of that, this was Albert Pfadt.

Q That's Pfadt, P-f-a-d-t. He's now security man up at St. Francis, he's left the Force too.

A That's correct. Anyway, like I said, our relations were most cordial until I received an anonymous letter giving me the address to the bank of Walter Plopi. What I think this man that he let out that was his partner, it was an anonymous letter but he's the one that sent the letter.

Q Steamboat did?

A Steamboat did.

Q So he blew the whistle on Plopi?

A Yes.

Q He gave away the information of where the action was.

A That's right. So I in turn brought the letter in to Barger and when Barger read it he says, "Let your men's detail hit it." Well, he's got a raiding squad down there and wants my detail to hit it. Well it just happened Pfadt was absent that day, he was on a day off. So I called the man in to the station and I told him to go down to this address and the first number man that he saw go into the place give me a call. So that's what he did. He took his own personal car, a fellow by the name of Pabalone.

He took his own personal car and drove down and waited until the number man went in there and then he gave me a call. So as the men started coming in from their day's work I told them to meet me on Route 22. I didn't tell anybody where we were going and when I got a detail of approximately six men I went down and filed the charges against this bank.

Q Well, you had a successful raid and you had it that day.

A That's right.

Q And up to that time there had been no police activity against Plopi.

A That's the only time that bank was ever hit.

Q You mentioned that Pfadt was not there that day. Why do you say that? What did that have to do with it?

A Well because of the answer that Barger gave me. He says, "Let your detail hit." And we never did any raiding other than when Pfadt had requested assistance.

Q What did he mean by that, did that mean that someone else was tipping people off?

A Apparently.

Q Well, we're not confining you to personal knowledge. You're entitled here to tell us what the word was or what the suspicions were and we have no rules of evidence, but what was the understanding of who was protecting Plopi?

A Well, Pfadt, as far as everyone in the barracks knew Pfadt was giving Plopi protection.

Q Now as a matter of fact did not one Trooper have a photograph?

A Well, you see my trouble started after I hit that bank. That's when my trouble started. I started getting harrassed and finally Barger threw me off of in charge of the Criminal Detail.

REPRESENTATIVE RHODES: Who harrassed you?

WITNESS PACKLER: Well men from the vice detail would come into my office when nobody was around and accuse me of taking moneys from the District Attorney, from the County Detectives and from the Chief of Police of North Huntingdon Township. And they made sure that nobody was in the office and then would run out and of course I'd take after them. And of course I didn't want to put them into a hospital at that time so I dragged them into Dussia's office and they would deny making the statements.

REPRESENTATIVE RHODES: These were State Police?

WITNESS PACKLER: Yes. These were all State Policemen. But I would assume it was Barger that was sending them in there but to make sure that nobody was around the barracks or in my office at that particular time.

BY MR. RICE:

Q We were talking about you made a successful raid and there was a photograph.

A Well you see, shortly after I got transferred to Kiski Valley this Johnny Maher in the presence of several others --

Q I think that's M-a-h-r, isn't it?

A M-a-h-e-r, I believe. See Johnny Maher's father

is the president of the Leechburg Coal Company and he's a very wealthy boy.

Q Maher is a State Policeman?

A Yes. He's stationed at Kiski Valley and he has camera equipment that's just out of this world and he's supposed to have taken one of his father's trucks down into McKeesport. See he was on the Vice Squad. He took his father's truck into McKeesport, made a makeshift affair in the back, laid there with his camera and this is when he's supposed to have taken the picture of Plopi handing Pfadt the money.

Q Protection money?

A That's correct. Well, as soon as he told me that I went in and --

Q Did Maher tell you that?

A Yes.

Q He said he had the picture?

A He had the picture. So I went into the barracks -- and we got a new Major at that time by the name of Young. And I told him that Maher had these pictures of Pfadt and we'll set up a showing. So I went back and I told Maher that I told the Major and that we were going to have a showing. Well in the meantime a fellow by the name of Wells come up there and what he told Maher I don't know but Maher lost those films. This is

what he said, he mislaid them. And I never did get to see the film.

Q But Maher himself told you he had them?

A Oh, yes.

Q He knew Plopi and Pfadt both?

A Yes.

REPRESENTATIVE RHODES: Who is Wells?

WITNESS PACKLER: Wells is one of the members of the Vice Squad at that time. This was under Pfadt.

BY MR. RICE:

Q Who does Pfadt report to?

A Barger.

Q Anything else about that photograph?

A That was the end of it.

REPRESENTATIVE RHODES: Could I clear something up for myself?

MR. RICE: Sure.

BY REPRESENTATIVE RHODES:

Q You're suggesting that Pfadt was working for Barger, right?

A Yes.

Q And Barger and Pfadt's people harrassed you after you hit this bank?

A Yes.

Q But you also told us that you found out about the bank.

A I brought the letter in and showed it to him.

Q The letter from Steamboat?

A It was an anonymous letter but I knew it was from Steamboat.

Q You found out about the bank and you brought a letter to then Lieutenant Barger and he told you to hit the bank instead of Pfadt?

A That's right.

Q Would that lead you to suspect that he was suspicious of Pfadt?

A Well I don't know that -- no. Well, it could work both ways.

Q That's the part that doesn't fit into what you've told us so far.

A He says to me, hit the bank. But we weren't on the raiding detail.

Q Would that lead you to think that Lieutenant Barger was suspicious of Pfadt?

A Well if Pfadt's working for him.

Q Why wouldn't have Pfadt who is a regular there --

A He was off that day.

Q That's the only reason he told you to do it, because Pfadt was off that day?

A Well, I started getting harrassed after I hit the bank.

Q But it was by Pfadt's men?

A By Pfadt's men, yes.

Q I don't see how that reflects back on Barger though.

BY MR. RICE:

Q I don't get any particular impression just in talking here about that myself, other than was there anything about the timing. Did Barger understand that you were going to hit this immediately?

A Well you see I never told Barger that I was going to hit it that day.

Q So you are perhaps suggesting the possibility that if Barger was going to initiate a tip off he thought he might have time but you moved faster than he anticipated.

A That's correct.

Q But that's only supposition. I think that sort of puts it in focus. There's no indication that Barger initiated a tip off or anything like that.

A It's only conjecture.

Q Now, as a matter of record did you make any written reports as to the Plopi incident, the suspicion about Pfadt taking a payoff, the photographs?

A Oh, yes. At that particular time I started putting the word out about this thing until it got back to Harrisburg. Well at that time they flew Riddleman and Shellenberger in. Now Riddleman was a Major at that time and Shellenberger was a Captain in the State Police. They flew in to Greensburg and I came in from Kiski Valley and I gave them the names and the dates and the places and everything that I had on Pfadt. I don't remember them now.

Q Did you give a written report?

A They had a stenographer there in Greensburg and he took it in shorthand. The thing was tape recorded and then he typed the shorthand thing up and it all went in to Harrisburg.

Q And what became of the investigation?

A Nothing happened.

Q Life went on just the same?

A That's correct.

Q Did Pfadt stay there?

A Correct.

Q Now, connected or not with that was your automobile bugged with a beeper or were you put under surveillance?

A I was put under surveillance right after that raid, yes.

Q By whom?

A By Pfadt's detail.

Q Did you discover a beeper?

A Just the one time I discovered a beeper under the fender.

REPRESENTATIVE RHODES: What do you mean by beeper?

WITNESS PACKLER: You see Pfadt had all the equipment at that particular time, this was under Purdy and they made purchases and every sub-station had all the eavesdropping and wire tapping equipment, and he went to school for it for a week up in San Francisco with State time. So he was well versed on all this eavesdropping and wire tapping equipment.

BY MR. RICE:

Q Well, to get to the answer of Representative Rhode's question --

REPRESENTATIVE RHODES: Is it a transceiver?

WITNESS PACKLER: Yes.

CHAIRMAN HEPFORD: Does it keep track of the car?

WITNESS PACKLER: The car, that's right.

REPRESENTATIVE RHODES: Well, just it's location.

CHAIRMAN HEPFORD: A location beeper that they follow where the car goes.

WITNESS PACKLER: That's right.

MR. RICE: A surveillance device.

CHAIRMAN HEPFORD: Did you get any feedback in your radio in your car?

WITNESS PACKLER: No.

BY MR. RICE:

Q When you discovered the surveillance beeper what did you do?

A Just let it on there. That's the time that I started to work out on Barger. And I put the word out that I had a bug in his office, that his office was being bugged. He searched his office a couple of times.

Q But the fact of the matter was you did not have?

A No. And then I would call up, on Sundays to find out whether he was there. He used to stay at a cottage alongside of the barracks and I'd drive up and drive around the back as though I were doing something, and then drive back around to make sure he saw me. He'd come running out and search my

car, just look into the thing.

REPRESENTATIVE RHODES: Why would you go to the Colonel if you thought Pfadt was the one who was bugging you?

WITNESS PACKLER: Because they were close.

REPRESENTATIVE RHODES: Was Pfadt at the University when Barger came?

WITNESS PACKLER: Yes.

REPRESENTATIVE LaMARCA: What year was this?

WITNESS PACKLER: It was 1956.

REPRESENTATIVE LaMARCA: Is that the year you made your raid?

WITNESS PACKLER: Yes.

REPRESENTATIVE LaMarca: How big was that bank? How much money was in it that day?

WITNESS PACKLER: Around \$2,600 in cash, but there was \$28,000 worth of business for the day.

REPRESENTATIVE LaMARCA: Did you get any convictions?

WITNESS PACKLER: No. They suppressed the evidence. Every Judge in Allegheny County wouldn't take the case and they brought this Judge Sherry in from Jefferson County.

REPRESENTATIVE LaMARCA: You say the evidence was

suppressed?

WITNESS PACKLER: Yes. Well they knew Plopi and they didn't want any business with him so they wouldn't take the case. They just referred me from one Judge to another until they finally got this Judge Sherry. I think he was from Jefferson County and he suppressed the evidence in the case and it was thrown out.

REPRESENTATIVE LaMARCA: On what grounds?
Illegal search and seizure?

WITNESS PACKLER: No. I think I forgot to mention, or at least he says that I didn't mention that no number men were observed going in and out of the place. This is what he suppressed the evidence on.

REPRESENTATIVE LaMARCA: When you obtained the warrant?

WITNESS PACKLER: Yes.

REPRESENTATIVE LaMARCA: Did you report this harrassment by Pfadt to Lieutenant Barger?

WITNESS PACKLER: No. I brought these individuals right into Dussia's office. He was the Captain then. I accused them of what they were saying. As a matter of fact I even went out and got the District Attorney, the Chief of Police and the Chief County Detective and walked them all in

and the only one that showed up at that time was the Chief County Detective and that's where I told Barger off. And that's when the deal came that he threw me off the criminal detail.

BY MR. RICE:

Q What did you say to him when you told him off?

A I called him every SOB under the sun.

Q For what?

A For this harrassment. He knew it was going on.

Q And you think he generated it?

A That's right.

Q Did he deny it?

A Oh, yes. He denied it too. This was all in front of Dussia.

REPRESENTATIVE RHODES: Pfadt wasn't there when you made this charge?

WITNESS PACKLER: No. The Chief County Detective of Westmoreland County was there, myself, Barger and Dussia. That's when I really tore into that man.

REPRESENTATIVE LAMARCA: This raid actually took place in Allegheny County?

WITNESS PACKLER: Yes. It took place in McKeesport.

BY MR. RICE:

Q Did you ever receive or have or prepare any

written reports, memoranda, notes?

A Yes. I made up a complete report on this particular raid.

Q And you wrote this report yourself?

A Yes.

Q What did you do with that?

A I submitted it and it went through channels and I guess there's a copy in Harrisburg. There should be one in Greensburg.

Q Did you keep a copy?

A No.

Q Other than submitting it through channels did you make this available to the Internal Revenue Service or the FBI?

A I called the Internal Revenue Service right after the raid but they weren't interested. At least at that time they weren't. The only time they became interested is when the case was thrown out of court. This is when they came and by that time I had to give all the evidence back. But I had called them right after the raid.

Q How about the FBI?

A The FBI, there was an investigation made by a fellow by the name of Stuart.

Q And what did Agent Stuart do, what was his interest?

A You see at that time they were wire tapping the opposition and they had a man from the telephone company -- I forget his name.

Q Was it Meredith?

A No. This was an employe of the Bell Telephone and he was well versed on wire tapping and he and Pfadt were in conjunction with one another and he finally got caught. So Bell Telephone rather than fire him and go through all this notoriety transferred him to Monroeville. Now this is the agent from the FBI telling me.

Q So the FBI knows who the telephone company agent was that was transferred to Monroeville?

A Oh, yes. I named him at that time.

CHAIRMAN HEPFORD: When you said they were tapping the opposition do you mean Plopi's group was tapping the telephone of the other numbers man?

WITNESS PACKLER: That's right. Plopi would give them the names of the opposition.

REPRESENTATIVE RHODES: Give who the names?

WITNESS PACKLER: Pfadt and this other wire

tapper. They would get the evidence and then knock the place over.

REPRESENTATIVE RHODES: But you said the FBI was also involved.

WITNESS PACKLER: The FBI was making an investigation and found this all out.

REPRESENTATIVE RHODES: Found out that they were knocking off the opposition or they themselves were involved in knocking off the opposition?

WITNESS PACKLER: Yes.

REPRESENTATIVE RHODES: Which is it?

WITNESS PACKLER: That they were involved -- that Plopi's detail consisting of Pfadt and this man from the telephone company were responsible for securing evidence by wire tapping and then knocking the place off.

REPRESENTATIVE RHODES: I thought for a second the FBI themselves were involved.

WITNESS PACKLER: No.

CHAIRMAN HEPFORD: The two banks were competing for the numbers business.

REPRESENTATIVE RHODES: I understand.

BY MR. RICE:

Q Well, I think there's another interesting thing.

You heard or learned or knew of Plopi getting a hold of some equipment from out-of-state?

A Yes.

Q What was that all about?

A Plopi went to New York and bought this eavesdropping equipment. And Steamboat, even though he was a bitter enemy of Polpi would play cards with him. And when Steamboat went to New York to get this eavesdropping equipment --

Q On behalf of Polpi?

A No. Plopi went to New York to get the eavesdropping equipment and brought it back. And according to my source turned it over to Titler over at the Connley Motel on Route 22.

Q Turned it over to Roy Titler?

A Yes.

REPRESENTATIVE RHODES: What is Roy Titler now?

WITNESS PACKLER: He's a Major with the State Police.

BY MR. RICE:

Q Where was Titler in this picture?

A Well, he was a close friend of both Pfadt and Barger. He's still very good because Barger just made him a Major.

REPRESENTATIVE RHODES: He wasn't a Major then?

WITNESS PACKLER: No.

BY MR. RICE:

Q He was stationed there with Barger at the time.

A No, he was in Harrisburg at the time.

Q What was he doing in Connely's getting the equipment?

A Well, this was the unholy trio I guess, Pfadt and Barger and Titler.

Q And the equipment was designed for use as wire tapping equipment and recording, is that right?

A That's right.

REPRESENTATIVE RHODES: Was it wire tapping or eavesdropping equipment?

WITNESS PACKLER: Eavesdropping equipment is what I thought. I never saw the equipment. It cost them over a thousand dollars, whatever it was.

BY MR. RICE:

Q Steamboat told you?

A Yes.

Q Was his name Mellman?

A No. Mellman was another one that was knocked out by Plopi.

Q Is Steamboat still living?

A Yes. I haven't seen him in years though.

Q Did any information come to your attention where this equipment was used?

A No.

Q It was obtained but you're not aware of how it was used?

A I don't know where or how it was used.

Q Do you know Carcaci?

A Yes. I just saw him out here but I don't know the man. He doesn't know me and I don't know him either. I was just telling Truman a little incident that took place with Carcaci after they caught him wire tapping and he blew the whistle on Purdy, so they had him doing fatigue work, his Captain. And they had a photographer up there and there he was dressed like a bum and he said if they want to make me look like a bum I'll be one. So he puts his belt buckle down and they took a photograph of him out there with a rake in his hand.

Q Well, did he have any part to play in your area with tapping?

A I never heard anything. If he did I don't know anything about it.

Q But he did have the reputation and he had the

capability?

A Oh, yes.

Q How about the Alderman and former Representative John Rigby.

A His place was supposed to be tapped. I remember the articles in the newspapers.

Q But you have no personal knowledge whether it happened or didn't happen?

A No.

Q Is there anything else that you think that we should know in relation to the working function of the State Police, irregularities?

A Well, I do know Barger went up and saw Pfadt right after he was made Commissioner.

Q What for?

BY REPRESENTATIVE LaMARCA:

Q Were the numbers still running up until the time that you retired in 1973?

A Yes.

Q Obvious to you as a Police Officer or just a citizen, did anybody know about it?

A Anybody knows about it, yes.

Q But nothing's done about it?

A No.

Q Who's the boss up there now? Westmoreland and Allegheny I'm talking about.

A Since Plopi died I guess they broke it up into small segments. There's actually no one the boss outside of Grossi, he had the big business.

Q But it still flourishes?

A Oh, yes.

BY MR. RICE:

Q Has Titler come to see you since you're retired?

A No. I don't have no business with that man.

Q You mentioned that a Commissioner who was appointed, Acting Commissioner, I guess, around January 1973 has been to see Pfadt since then.

A Oh, yes. Right after he was made Commissioner he went right up and saw Pfadt.

BY REPRESENTATIVE RHODES:

Q Where's Pfadt now?

A Pfadt is up at Evansburg.

BY MR. RICE:

Q St. Francis, he's a securities man there.

A Yes.

Q What's your understanding of the reason for Barger's

going to see Pfadt?

A Well, I know it didn't have anything to do with one congratulating the other one. I would assume it's probably something that happened in their past.

Q Is it your thought that perhaps Barger went to see Pfadt to tell him to keep his mouth shut?

A Could be. It's only supposition on my part.

Q Well along that line -- well you've already related what you think they were doing at the time. Along that line was Barger supposed to have done anything with Carcaci, like climbing a pole?

A This I never heard.

Q You never heard that?

A I never heard that.

Q Barger hasn't been to see you, you've had no communications?

A No. I'd chase that man out.

Q You'd chase him out?

A I don't want no business with the man.

MR. RICE: I think that's about it, Mr. Chairman.

REPRESENTATIVE GEESEY: I've got a question or two.

BY REPRESENTATIVE GEESEY:

Q You indicated something when you first started to

talk Sergeant, about Pfadt attending a school in San Francisco. What kind of a school was that?

A It was to learn the use of all the wire tapping and eavesdropping equipment.

Q Did the school have a name of any kind that you're aware of?

A I don't know. I know he was gone for a week.

Q Do you know of anyone else that attended that school?

A There were others in the State but the only one I knew was Pfadt from our end of the State.

Q Do you know how many others might have attended that school?

A I couldn't tell you. But I know under Purdy there was quite a few.

Q Quite a few, still in active duty?

A I don't know who they are but I understand there was quite a few that went with Pfadt.

Q Just a minute ago you said something about Titler, that you want nothing to do with that man, or words to that effect.

REPRESENTATIVE RHODES: Weren't you talking about Barger?

WITNESS PACKLER: No. I'm talking about Barger.

BY REPRESENTATIVE GEESEY:

Q Well you also said that about Titler.

A And also about Titler.

Q Why?

A Because the proximity between Barger and Titler, they're two peas in a pod.

Q You're indicating all might not be quite the way it ought to be?

A That's right. There's a lot of things that happened around our area and I can't put my finger on it, but I know that they're behind it.

REPRESENTATIVE GEESEY: Thank you.

CHAIRMAN HEPFORD: Mr. LaMarca, do you have any questions?

REPRESENTATIVE LaMARCA: No questions.

CHAIRMAN HEPFORD: Mr. Rhodes.

REPRESENTATIVE RHODES: Yes.

BY REPRESENTATIVE RHODES:

Q Just to follow up on what I think is the main thing coming out of your testimony. First of all, how do you know that Barger visited Pfadt?

A Because as soon as he went up there he made an

inquiry at the sub-station where Pfadt was. There were several men at the sub-station and the word just went around the station.

Q You mean it is common knowledge among the State Policemen that he visited Pfadt?

A Yes.

CHAIRMAN HEPFORD: In other words when the Commanding Officer of the Troops is in the area, the words out the head man's in the area, get your car washed.

WITNESS PACKLER: Yes.

BY REPRESENTATIVE RHODES:

Q Was it common knowledge why he was in the area?

A No. He was just looking for Pfadt.

Q He was asking for Pfadt?

A Yes. He stopped at the sub-station and asked so the word got out all over the Troop A area that he was there looking for Pfadt. This is common knowledge all over the Troop.

Q Do you have any direct witness or evidence that Lieutenant Barger was in cahoots with Pfadt or is this all supposition?

A Well, this is just conjecture, that's all. It's supposition on my part. But from the way I was harrassed --

Q Is it possible that you could have been harrassed

by Pfadt on his own?

A No.

Q Pfadt would not have harrassed you on his own?

A No.

Q Why would he have not?

A Because I'd have put him in the hospital. I never had no use for that man and he kept his distance from me.

Q Not him personally, but is it possible that Pfadt could have arranged your harrassment himself?

A No because one man wasn't on Pfadt's detail. He was a public relations man and he went through the training school with Barger.

Q Was he under Barger's command?

A Yes. And he also harrassed me.

Q And he was not a firend of Pfadt's?

A He was not a friend of Pfadt's.

BY MR. RICE:

Q Well, how about your transfer to Kiski Valley. Who directed that?

A Dussia. I requested it.

Q You requested it?

A Yes. He threw me off the detail and I requested a transfer.

BY REPRESENTATIVE RHODES:

Q Have you received any harrassment in terms of your career since 1966?

A No. My relations with everyone was most cordial. As a matter of fact I run the Kiski Valley Station. I run the Evansburg Station. I run the Somerset Station. These boys all had parties for me and bought me presents when I left. I got along fine with everybody but that group.

Q Since '66 you haven't encountered any career hampering obstacles because of what happened in '66?

A No.

BY MR. RICE:

Q Well Maher never denied that he took the photograph of Pfadt being paid off by Plopi did he?

A No, that's right.

Q What happened to Pfadt as a result of the investigation, was he consored, was he transferred, was he promoted?

A Nothing.

Q Nothing?

A That's right.

Q Well who engineered that move?

A Well see when Riddleman and Shellenberger came

here I had all the dope because I got it from the FBI and everything that I got I gave them, including these photographs. I told them just exactly what transpired and he was never censored. There was absolutely no action taken.

Q Was he promoted?

A Yes. They made him a C-3.

BY REPRESENTATIVE RHODES:

Q Is Maher still on the Force?

A Maher is still up there at Evansburg, yes.

And he not only told it to me, he told it to several in my Company. And the present sergeant up there, a fellow by the name of Leo Honesic, he's still there and he remembers the incident.

Q Did Maher show these photographs to anyone else?

A No, not that I know of.

BY MR. RICE:

Q Did you have any report on this or any other subject at the time of your retirement?

A No. I had the notes that I had given to Riddleman and to Shellenberger, but I destroyed them when I left the job.

Q They were notes?

A Yes, they were notes.

Q But you're satisfied that there was a formal report

on at least the Maher-Pfadt-Plopi phase that went forward?

A Oh, yes. This report, I know I spoke for almost an hour giving them all the details as I had them at that particular time.

Q When you found a transmitting surveillance beeper on your car what did you do with it?

A I just put it back.

Q Put it back where?

A Back on the fender, on the inside of the fender.

Q Well, it didn't stay there forever.

A Oh, no.

Q What eventually became of it?

A It was eventually taken off by I figure Louellen Wells or -- I forget what the other gentleman's name is. These two he had for stooges.

Q Did you observe them following you?

A No. I never did. But I had two gentlemen following me, well, at least they made it obvious to me. As you know I go to the WMCA practically every night and this one says to me, "You going to the Y tonight, Red?" I said, "Yes." And this went on and on and on. "Are you going to the Y tonight?" I said, "Yes. Do you want to come down?" He said, "No." Until he made it obvious to me that I was being followed. So

then I accused him of it and of course he didn't deny it.

Q How about your home telephone, did you check that for it being tapped?

A If it was I don't know of it.

Q Did you check it?

A No I never had it checked because I never used it for any important -- anything that I said I could say in front of anyone.

MR. RICE: That's it.

REPRESENTATIVE RHODES: Could I ask one more question?

CHAIRMAN HEPFORD: Yes.

BY REPRESENTATIVE RHODES:

Q Do you know of any current involvement of organized crime figures in West Pennsylvania with any State Policeman?

A No.

Q In the way that Pfadt was involved?

A No. Not by Pfadt. Pfadt was an institution in himself.

Q But you don't know of anything like that going on current today?

A No. Not on the State Police right now.

BY REPRESENTATIVE LaMARCA:

Q Do I understand now that Pfadt worked for and under a then Lieutenant Barger?

A Yes. He worked for Barger.

Q And Barger had to be aware of Pfadt's activities?

A Oh, sure. There's no question about it.

BY MR. RICE:

Q Did Barger intercede to either kill a transfer that Pfadt had or move him around at any time? Did he go to Philadelphia at one point?

A No. They sent a man by the name of Tredeco that Pfadt accused of taking money. They sent him to Philadelphia.

Q But Barger didn't have anything to do with that?

A No. That was Stanton. You see Pfadt got his start under Stanton and then Barger inherited him. So they threw Stanton off and gave him a weak position as a Major. At first he was the Director of the Bureau of Criminal Identification. And of course he wasn't lilly white neither. He finally got throwed off and they gave him a small job. And then when Barger came there he inherited Pfadt.

BY REPRESENTATIVE GEESEY:

Q Tredeco was accused of taking money?

A Yes. Pfadt accused him and the next thing you

know Tredeco went up to Philadelphia.

Q Who was he supposed to have taken this money from?

A Plopi.

Q Prior to '66 when you hit this bank did you ever conduct a raid on any other bank at any point in your career?

A Oh, yes.

Q Well then this was a normal thing for you to do?

A No it wasn't normal for me, not after they organized the Vice Squad. My detail would assist if they needed men. If it was a big hit then we would furnish men, but ordinarily I never went.

Q Did you ever mention to Pfadt any way along the line how come we don't go after Plopi?

A Oh, there's no use talking to him about that.

Q I know, but did you ever mention that to him?

A Not to Pfadt, no.

Q To anyone?

A Oh, yes. I mentioned it I guess to most of my detail.

Q To Barger?

A No I never mentioned it to Barger.

BY CHAIRMAN HEPFORD:

Q What was your detail's specialty?

A All criminal investigations and the apprehension of criminals.

Q But vice and gambling was under --

A That was under Barger, but a separate detail, a separate unit. They have approximately nine or ten men, the same amount that I had.

Q And who was in charge of that unit?

A Pfadt.

Q What was his rank then?

A He was a detective.

CHAIRMAN HEPFORD: Thank you.

BY MR. RICE:

Q How about Roy Titler and a brother-in-law in Beaver Falls?

A I heard about it but I truthfully can't tell you. I referred Truman to a man that would probably know, a fellow that's working on our job, Presley.

Q When you say heard about it, what did you hear?

A That they were doing the same thing up in Beaver County, knocking the opposition off and that this brother-in-law was in the rackets.

Q And had a Pontiac agency and they were getting protection and beating off the opposition.

A The same way that they were doing it here.

BY REPRESENTATIVE RHODES:

Q Do you recall the big raids that were held last year or maybe the year before last in Pittsburgh in the Hill District?

A Yes. I was in on them.

Q The rumor out on the streets by the way, I --

A The dope raids.

Q Yes. The rumor on the street was that it was exactly this kind of a raid. It was a raid to knock off opposition. There's a rising dope commander and it was indigenous to the Hill District that he was threatening the territory of other people who have traditionally held that area and the State Police had been set up to make that raid.

A If it was I don't know anything about it.

Q That's the street knowledge about that raid.

A I don't know anything about it.

BY REPRESENTATIVE GEESEY:

Q Who was in charge of Beaver Falls at the time the Titler incident was supposed to have occurred?

A I couldn't tell you. I don't know.

Q You don't know what Lieutenant was in charge?

A No. Wait a minute, I think Barger was in charge

up in Butler at that time.

Q Barger was in charge at that time?

A I believe Barger was in charge because Barger and Titler are very very close.

Q How long was Barger there, do you have any idea?

A No.

Q And you don't know when he left?

A No. I know he came to Greensburg in the summer of '66.

BY CHAIRMAN HEPFORD:

Q How big is this tailing transmitter you found, size-wise?

A The what?

Q The tailing transmitter or the beeper.

A Oh, it was about that big. (Indicating with hands.)

Q Was it attached with metal?

A Yes. Attached with a magnet.

Q Like an extra key case that you can put on?

A Yes.

Q And it was up under your fender?

A Yes.

Q You had those in your equipment for surveillance

purposes, didn't you?

A Yes.

Q That's a stock item.

A That's right.

BY REPRESENTATIVE LaMARCA:

Q Up until the time you left was something like that still a stock item?

A No. They have more sophisticated stuff now.

MR. RICE: Here's a 1973 list. I marked off some of the surveillance transmitters on there.

(List was handed to witness.)

BY REPRESENTATIVE LaMARCA:

Q Well my only question is up until you left in 1973 they still used eavesdropping devices and transmitters and things like that?

A Transmitters and eavesdropping equipment did come into the barracks, one for each Troop. And these were a briefcase and they could be converted into most anything. You could carry the thing with a pen. They paid six hundred and some dollars a piece for them and these are in every Troop in the State right now.

Q This?

MR. RICE: Well show him the picture.

WITNESS PACKLER: This is it. (Indicating on photograph.)

MR. RICE: I'm showing him a photograph or a xerox of a Bell and Howell Communications Company Bulletin 601-A, relating to an SK-8 intelligence kit. (Illustration and description attached as appendix.)

For the benefit of the record, Mr. McCuan with the Bell and Howell Company had previously identified this SK-8 kit as being the type that was delivered.

Also in response to his examination I acknowledge that the equipment supplied with the SK-8 briefcase included these T-2 transmitters, and also what they call a T-57 clamp-on alligator coil that goes on. You hook up the T-57 with the T-2 and if you're transmitting a telephone call that will be received automatically.

WITNESS PACKLER: They have one to a Troop. There's sixteen of them.

CHAIRMAN HEPFORD: Do you have anything else?

MR. RICE: No. Thank you.

CHAIRMAN HEPFORD: Any other questions?

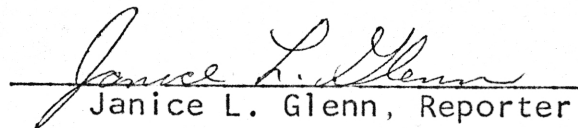
(Negative response.)

CHAIRMAN HEPFORD: We thank you very much and we'll see that this is processed and mailed to you.

WITNESS PACKLER: Thank you.

(Whereupon at 1:55 p.m. the hearing
was adjourned.)

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


Janice L. Glenn, Reporter