COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

COMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF JUSTICE

Verbatim report of hearing held
in House Majority Caucus Room,
Main Capitol Building, Harrisburg,
Pennsylvania, on Wednesday,

December 5, 1973

Members of Committee

Hon. H. Joseph Hepford, Chairman

Hon. Eugene R. Geesey
Hon. Russell J. LaMarca
Hon. Joseph Rhodes, Jr.
Hon. David M. Turner

Downey Rice, Esquire,
Counsel to the Committee

Truman Burke, Staff

APPEARANCES:

Morris Gerber, Esquire,
18 W. Airy Street, Norristown, Pa. 19401

For - Angelo Carcaci and Catherine Carcaci

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

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CHAIRMAN HEPFORD: We will change the schedule of the hearing here and delay momentarily the earlier scheduled subject for the convenience of Mr. Sullivan and some additional information that was requested.

The Committee held several hearings into the activity of the State Police Civic Association, dealing with developments on that subject. In the progress report on that subject matter, there was some additional follow-up information that this Committee desired.

We note that Colonel Barger has taken a firm stand on the position that no active members of the Pennsylvania State Police would participate in solicitation activities, and Colonel Barger has informed this Committee that he has prohibited the solicitation of funds by members of the Pennsylvania State Police without his express consent, as per letter and an attached order that he has submitted to the Committee, and which is available as part of the appendix.

We have also reviewed some advice received that perhaps that retired State Police Officers would be conducting the fund raising activities, and this Committee is leaning toward legislation designed to outlaw solicitations of money from the public by any law enforcement people, and possibly law enforcement related agencies or organizations. We are

interested in the current status and operation of the State Police Civic Association, and for that reason we have asked Mr. Zinski, the Treasurer, to meet with us today.

Following our preliminary inquiry into the State Police practices, the Committee heard from a number of witnesses and received testimony of innumerable police-related groups which were soliciting money from the public in some cases bearing as much as sixty-five to seventy per cent to commercial solicitors for their fund raising efforts on behalf of the police connected groups.

There seems to be some confusion and misunderstanding, and perhaps a calculated refusal of those organizations or their professional solicitors to register under the Charitable Funds Act.

We were pleased to note that the State Agency has taken the steps and asked the Commonwealth Court to stop the efforts of police-related organizations in the City of Pittsburgh. That suit has been filed, and was filed following our hearings in Pittsburgh and the appearance of the Director of the Charitable Solicitations Division before this Committee.

I believe, at this time, and for the convenience of counsel who has rearranged his schedule to appear here this morning with Mr. Zinski, we are going to ask Mr. Zinski to

come forward at this time, and we will take some testimony regarding the activities, in view of the Police Commissioner's order and other information that we have received.

ROBERT J. ZINSKI, called as a witness, being previously sworn, testified as follows:

BY CHAIRMAN HEPFORD:

Q Mr. Zinski, you appeared before this Committee on a prior occasion?

A Yes, sir.

Q And this is a continuing Committee and a further hearing into the same matter, and you were sworn at that time so I understand, and you understand that you are under a continuing oath with regard to the testimony that you are giving to the Committee?

A Yes, sir.

Q All right. Thank you very much.

CHAIRMAN HEPFORD: Let the record show that Representative Geesey is present; Representative Turner; and Representative LaMarca. Representative Rhodes said that he will be here, and the record will note when Representative Rhodes arrives.

In addition to that, Mr. James Malley, and Counsel

for the Committee, Mr. Downey Rice, are here.

MR. SULLIVAN: Mr. Chairman, I wonder if I may make a statement before Mr. Rice Begins?

CHAIRMAN HEPFORD: Mr. John C. Sullivan, appearing as Counsel on behalf of Mr. Robert Zinski.

MR. SULLIVAN: Mr. Chairman, I just want the record to show that this is the second time Mr. Zinski has appeared before your Committee. The prior time, I believe, was on June 6, 1973, at which time he appeared in the capacity of Secretary-Treasurer of the State Police Civic Association.

I also want the record to show that the State Police Civic Association, from the beginning of the Charitable Solicitations Act, has filed reports with the proper state bodies since that time, and has never ceased to inform that group of its activities.

(Whereupon Representative Rhodes entered the hearing room.)

CHAIRMAN HEPFORD: Very well.

Thank you, Mr. Sullivan.

Mr. Rice?

BY MR. RICE:

Q Mr. Zinski, do you continue as Treasurer of the State Police Civic Association?

A Yes, sir.

Q And who are the other officers of the Association at this time?

A The President is Lt. Col. Joseph Dussia; the First Vice President is Lt. Col. Edward McGroarty; the Second Vice President is Captain Leon D. Leiter; and I am Secretary-Treasurer

Q Have there been any changes in the makeup of the officers since you last appeared here?

A I don't believe so, sir.

Q Those are the same officers who are continuing?

A Yes, sir.

Q Back in July, we wrote to you; at least we wrote to Colonel Dussia, who was President, and remains the President of the Association; is that right?

A Right, sir.

Q And sent a copy to you. And I am asking along this line: It has come to our attention that from time to time various individuals have donated horses to the Civic Association. In turn, this Association has sold, or maybe made the horses available to the State Police or the Commonwealth.

Acknowledgments of these transfers have gone forward to the grantors, having been prepared by Colonel McGroarty, for your signature.

We would appreciate being advised for the period of '70, '71, '72 and '73 to date, regarding this information:

The names and addresses of the grantors; date of the grants; names of the horses involved; valuation of the horses at the time of the gifts, if known; the consideration for the gift, if any; the consideration for the transfer of the animals from the Civic Association, and to whom; the ultimate disposition of the animals, if not transferred; whether or not any of them were used in a rodeo; and the hoof numbers of each animal throughout the transaction; and we asked for a reply.

Did you reply to that?

A Yes, I did.

Q In what respect?

A Correspondence came from Mr. Malley, and I responded to him. I believe that was back in July.

Q And you delivered to Mr. Malley, or to the Committee, the sheet which I hold in my hand, enumerating two, four, six, eight, nine donors covering the period from April of '72 through May of '73?

As a result of that, on July 26, a letter was directed to you acknowledging your list and stating that in pursuing the Committee's interest, we found that several of

the individuals listed do not seem to be found in the telephone directories for the locations supplied by you. Would you, therefore, review your records and furnish the Committee with the best available information you have as to where these donors can be reached?

It has also been observed that the horses named in your submission to the Committee have apparently been renamed, therefore, will you furnish the names or other identifications of the horses that were used at the time of the donations?

Now, did you reply to that letter?

A I did, sir.

Q And in what way?

A I certainly replied by telephone correspondence to Mr. Malley, and I am not sure, but I believe I followed it up with written correspondence; I am not absolutely sure of that.

Q Well, the telephone call told Mr. Malley what?

A We gave him the original names of the horses as they were named by the original owners, and we also furnished him with some corrections to some typographical errors that were contained in the report.

Q Now, you are telling this Committee under oath that you supplied the names of the horses from the original

owners?

A Yes, sir.

Q Over the telephone?

A Yes, sir.

Q No writing?

A I am not sure of that.

Q And if Mr. Malley does not recall that, he's wrong then, that he got the names, because I understand that--

A No.

Q --there are no records in our file having any names, or that the names were ever delivered?

A We have those names in writing.

Q Yes.

A Also --

Q But you never supplied the Committee in writing the names of those horses?

A I am not sure of that.

Q Now, you're not sure?

A I'm not sure that I replied in writing. I am sure that I replied over the telephone.

Q But gave the names?

A Yes, sir.

Q Well, can we get that in writing?

A Yes, sir.

Q The names of those horses?

Can we also get in writing the names, or the addresses, at least, of the following donors, or the purported donors? There is one here, Peter Flaff, Meridian, Connecticut.

Now, we checked the best we could to locate Flaff in Meridian, Connecticut, and found no record of that individual.

MR. SULLIVAN: I believe, Mr. Chairman, that Mr. Malley was informed that was a typographical error; that it should have been Peter Flagg of Meridian, Connecticut.

BY MR. RICE:

Q So that is Peter Flagg.

And on this list of horses, we noted that all of the horses named, their names began with an "A", "Actor," "Alex," "Atwell," so we assumed that those are renames, those are names that the Civic Association has given to the horses; is that not right?

A That is correct.

Q And we see nowhere the actual name that the donor used, or was used in the transaction. Is there any identifying mark about that?

A We will furnish that information.

Q All right.

Now, then, we also asked for an evaluation on these horses.

What is the practice with respect to evaluation? Tell us how it works, the donors--for instance, Mrs. Cushing Smith, in Winnetka, Illinois, is a donor of a horse to the Pennsylvania State Police Civic Association; how does that happen?

A I have no way of knowing the mechanics of this.

This is an operation from sources other than myself. I don't come in contact with the donors nor the horses themselves.

Q Who is the expert on the story of how the horses get to the Civic Association, from Illinois, or places like that?

A I don't know.

Q You don't even know that?

A No, sir.

Q Well, you are the Treasurer, are you not?

A Yes, sir.

Q You want the Committee to understand that you don't know; that this list that you supplied does not show how the horses --

MR. SULLIVAN: Mr. Chairman, I understand answering questions, but arguing with the witness is something I don't understand. He has testified he doesn't know. He is the keeper of the financial records and is not necessarily cognizant of the inner workings of the transactions.

CHAIRMAN HEPFORD: The question is, who would know within the organization?

Does he know of any other officer that would know?

THE WITNESS: I don't know that.

CHAIRMAN HEPFORD: You don't know who would know?

THE WITNESS: I would assume someone at the Academy.

CHAIRMAN HEPFORD: At the Academy?

THE WITNESS: Yes, that is where the stables are.

CHAIRMAN HEPFORD: Well, then, the State Police Civic Association keeps horses at the State Police Academy in Hershey?

THE WITNESS: No. The State Police Civic Association only owns those horses up to a very limited point, and that is up to the point that they sell them to the Commowealth of Pennsylvania as Commonwealth property.

BY MR. RICE:

Q Since the preparation of this list in July, do you

know if any other horses have found their way into the Civic Association?

A No, there have been no more horses purchased up to that date.

Q Purchased?

A That's right, or donated, as far as I know.

Q Well now, you have a column here, "Consideration for the transfer of the animal," and to whom. And in case you have got one dollar to the Commonwealth, what does that mean; that the Commonwealth--

A That means the Commonwealth paid one dollar for the horse.

Q To the Civic Association?

A Yes, sir.

Q Just out of curiosity, if someone wanted to give a horse and presumably take a tax deduction as a contribution, why wouldn't they just give it to the Commonwealth instead of to the Civic Association?

MR. SULLIVAN: Mr. Chairman, I believe that is a legal question, and I believe --

CHAIRMAN HEPFORD: If he knows the answer.

MR. SULLIVAN: I believe the question would require an understanding of Section 501 of the Internal Revenue Code,

and the regulations under it.

CHAIRMAN HEPFORD: Well, if the witness doesn't know, he can just say he doesn't know.

THE WITNESS: I don't know.

BY MR. RICE:

Q But that is a fact; that the procedure, as you understand it, is for a person who has a horse they want to get rid of, they can donate it to the Civic Association, which will in turn convey it to the Commonwealth for a dollar, is that right?

A Yes, sir.

Q And, so far as you know, the last one that went through that procedure was on May 29, 1973, from Mrs. Cushing Smith, Winnetka, Illinois?

A As far as I know, yes.

Q And you have no idea of the value that was placed on that horse by the donor?

A Not the slightest.

Q No tax person ever asked you any questions about this?

A No, sir.

Q Would it surprise you to learn that Cushing Smith valued the horse at $25,000 for purposes of tax deductions?

A Would it surprise me? I don't need--

Q Do you know the true name of that horse?

A No, sir.

Q But you can find out?

A Yes, sir.

Q That is hoof No. 57.

A I have a copy of that.

Q Is that the highest hoof number on your registry now?

A That I don't know, either.

Q Would you check that?

A Yes, sir.

Q And, if there are any additional ones, let us know.

A Yes, sir.

Q Now, there was a donor named, apparently, Raymond Firestone, from Bath, Ohio. Could you furnish any better address for Raymond Firestone than that one in Ohio? We had some difficulty in contacting Raymond Firestone in Bath, Ohio.

A Is that Loray Farms?

Q Loray Farms?

A Yes, I think that was a mispelling, too. That was corrected also, but I don't know what the correct spelling is. We can furnish that to you, though.

Q Well, will you be good enough to go back to the original letter asking for the information, and see if you can update and correct the information?

A Yes, sir.

Q All right.

Under date of October 25, 1973, we wrote to you, Mr. Zinski, and I said, "Several months had passed since Colonel Barger advised this Committee that solicitations of funds for members of the State Police Civic Association by members of the State Police on active duty has been discontinued.

"There was a suggestion that if the solicitation program was to be resumed, it would be the responsibility of the retired State Police officers.

"Would you be good enough to advise this Committee as to the current solicitation policy and procedures, including the identify and addresses of the individuals involved?"

Did you acknowledge or answer that letter?

A No.

Q Why not?

A I turned that over to our Counsel for response.

Q What is the answer to that question? What is the current solicitation program?

A There is no program. We have adhered to the ban

placed upon the Department. We also extended this to the retirees, so we are not soliciting funds in any respect.

Q Now, what about the retirees?

A They are not soliciting funds, either.

Q So that no one is soliciting funds, so far as you know?

A That's right.

Q Is there any reason why you couldn't tell us that?

A Yes. The Board of Directors has requested that I channel all correspondence and all response to this Committee through our Counsel, upon the recommendation of our Counsel.

Q So that they have you under wraps, so to speak?

A Possibly.

Q The Board of Directors does, in so far as this Committee is concerned?

A I don't know.

MR. SULLIVAN: Mr. Chairman, if I may, I believe everybody in this United States is entitled to Counsel, and including the State Police Civic Association.

Representation by Counsel is not under wraps. The Counsel for your Committee has been informed that I have been the Counsel for this Committee. He has yet to this day ever, of his own volition, called me.

CHAIRMAN HEPFORD: Well, the question wasn't related to the request to Counsel for information.

The question was to this witness, whether he has been advised not to answer questions or letters of this Committee, and he has already indicated that, in effect, the Board of Directors informed him that any requests he gets for any information regarding the State Police Civic Association should not be responded to, but should be forwarded now to their Counsel. That's clear.

BY MR. RICE:

Q Now, in connection with that request, did you tell me or any member of the Committee that you had been so instructed and were not going to answer that letter?

A No, sir.

Q Why not?

A On the advice of Counsel.

Q So, in other words, as far as you are concerned, the Committee was to be ignored?

A No, sir.

Q The letter was directed to you?

A No, sir.

Q Did you not feel it incumbent upon you to reply to the Committee and say, "I have been directed by the Board to

refer all of these matters to somebody else?"

A No, sir.

Q But you have just given us the answer?

A Yes.

Q Now, then, under date of November 27th, we again wrote to you, to Mr. Zinski, and said:

"Over a month ago, we asked for for information as to the current solicitation program policies. A copy of our letter of October 20th is attached. Our records fail to disclose a reply.

"At the same time, we wrote to you in an attempt to identify some of the purported donors of horses to the Association, as per copy of our letter of October 25.

"Our records do not disclose a reply to this request.

"Would you be good enough to implement these requests, and, in addition, supply a copy of the latest financial statement of the State Police Civic Association?"

Now, we have a letter asking you for three things; one, the solicitation policy; two, the information about the identity of the donors of horses; and, three, the latest financial statement.

Did you reply to that communication?

A I believe I did respond to you, telling you that we were forwarding your request to our attorney.

Q You believe you did?

A Yes, sir.

Q And how did you do that?

A Excuse me. A copy of the letter of November 28th to Foreman, Knight and Hall, and a carbon copy to the attention of Mr. Downey Rice.

Q So, from this notation from the State Police Civic Association to its lawyers (no letterhead), of November 28th, mention is made to the lawyer, "I will forward to you certain correspondence in answer to the inquiry.

"Here is another follow-up letter."

You didn't tell the Committee anything other than, send this copy and let them figure it out for themselves; is that right?

A I can't quite follow the question, but that is the only piece of --

Q The question is, you still had not told the Committee that you couldn't answer anything, that it had to go through your lawyer; and now we understand that you can't answer anything about the State Police Civic Association;

everything has to go to Mr. Sullivan?

A Yes, sir.

CHAIRMAN HEPFORD: Well, the letter didn't say that. It merely called your attention to the fact that another letter had been sent, and today we served a subpoena on you and have you here, and now we are hearing what your procedures are; that this information is not now with you, and you are going to furnish the other, too?

THE WITNESS: Yes, sir.

CHAIRMAN HEPFORD: And do you have the financial statement of the State Police Civic Association with you?

THE WITNESS: Yes, sir.

CHAIRMAN HEPFORD: Do you have any objection to Mr. Truman Burke seeing it, or do you have a copy available for the Committee?

THE WITNESS: I have a copy available for the Committee.

CHAIRMAN HEPFORD: Very well.

BY MR. RICE:

Q I think, well you have received a subpoena, calling for the latest financial statement of the State Police Civic Association, and including, but not limited to the current audit records from 1970 to date, disclosing income and assets

and the net worth and the names and addresses of any individuals participating in any solicitation activities.

With respect to the last part, nobody is participating in any solicitation?

A That's correct.

Q Can you tell us from your statement that you brought with you the current net worth of the Civic Association?

A As of the report of September 30th.

Q Of what year?

A 1973.

Q Of what date?

CHAIRMAN HEPFORD: This year.

THE WITNESS: September 30, 1973.

BY MR. RICE:

Q September?

A That's the last quarterly report; $10,017,083.

Q What -- $10 million is the net worth. What is the evaluation of the investment fund?

A The market value of the investment fund?

Q Yes?

A As of September 30th, $6,926,352.

The par value was $8,934,071.

Q The par value was $8 million, what?

That's the cost you are talking about?

A Yes, sir.

Q What was that figure?

A $8,934.071.

Q So, it has dropped to what?

A $6,926,352.

Q Do you have any information about the income from field meet receipts for 1973?

A Yes, we have an entry showing absolutely no money for field meet receipts for 1973.

Q So that that was previously where the solicitation programs took place, within the field meet receipts; is that right?

A Yes, sir.

Q So, this year you have none?

A That's right, sir.

Q Any increase in the fund would be entirely due to the dues paid by the participating members?

A Yes, sir.

Q That's the source of the income now?

A Right.

MR. RICE: I think, Mr. Chairman --

CHAIRMAN HEPFORD: Didn't you receive any gifts,

in addition to the dues you received? Didn't any of the past donors send in checks?

THE WITNESS: Earlier this year, yes.

CHAIRMAN HEPFORD: How much did they total?

THE WITNESS: $679.00.

MR. RICE: I think that if he will get together with Mr. Burke and make available the copies, then we'll get the other information from him at a later date.

CHAIRMAN HEPFORD: Yes. You will furnish the Committee; send to our office, the names and information that has been requested under that document?

THE WITNESS: Yes, sir.

MR. SULLIVAN: As I understand, Mr. Chairman, what you want is the list --

CHAIRMAN HEPFORD: We want in writing the names and addresses of the donors, the correct names; the original names of the horses, and the valuations placed thereon, if they know, of the gifts via the State Police, and in those instances where the State Police, or the State Police Civic Association obtained an appraisal of the value of the horses; and forwarded it to the donor, if they have that information, we would appreciate that; and also, who handles solicitation of horses, or how the State Police Civic Association got horses

from Connecticut, Illinois and Ohio, and the names of the individuals who may have some information concerning that, if he can obtain that.

BY MR. RICE:

Q One other thing: You may or may not know, or perhaps can find out for us, did not some horses that were channeled through the Civic Association recently appear in Washington in a horse show under the banner of the Pennsylvania State Police?

A I don't know that for a fact.

Q You don't know that for a fact?

A Right.

Q Have you heard that?

A No, sir.

Q Could you find out?

A Yes, I can.

Q All right, fine.

CHAIRMAN HEPFORD: All right.

Thanks very much, Mr. Zinski.

Thank you, Mr. Sullivan, for appearing here.

MR. SULLIVAN: Thank you, Mr. Chairman, for your patience.

CHAIRMAN HEPFORD: Right.

(Witness excused.)

CHAIRMAN HEPFORD: Now, we will commence the hearing for which we had originally scheduled this, and we would like to mention that at the last public hearing on October 18th of this year, testimony was taken demonstrating that several police departments, including the one in Sharon, Pennsylvania and the Harrisburg Police Department--and for a time, the Pennsylvania State Police, were recording and tapping incoming and outgoing telephone calls to and from the Law enforcement agencies, ostensibly to make a record of the complaint calls.

Apparently the practice was in violation of the Pennsylvania anti-wiretap statute, and in the case of the Sharon Police Department, a court case ordered the discontinuance of the practice.

This Committee inquired of the Governor's Justice Commission as to the amount of money that had been distributed for the purpose of purchasing communications equipment of this type, and we received this reply, a copy of which we will append into the record, dated October 29, 1973, addressed to this Committee, from E. Drexel Godfrey, Jr., the Executive Director of the Governor's Justice Commission:

"The Governor's Justice Commission has funded

the following sub-grants, which include logger recorder equipment; ie: equipment designed to tape record incoming emergency telephone calls..."

Now, I am not going to list it,take the time to read this entire letter, nor the amounts, into the record; however, the area involved is from the Allegheny Region, the Northeast Region, the Northwest Region, the Southcentral Region, the Southeast Region, the Southwest Region, and the Philadelphia Region of the Commonwealth. And totaling these grants by the Governor's Justice Commission, we find that they have allocated $1,824,690 of these federal funds for the purchase of this equipment, and we made inquiry to an individual in the Governor's Justice Commission, and at a later date we will examine them as to why over a million, almost two million dollars, was spent to purchase recording equipment, when it was illegal under the laws of the Commonwealth of Pennsylvania.

We have got no satisfactory information. They hadn't considered the matter.

Now, this Committee has prepared, and we have introduced legislation to permit wiretapping for the recording of telephone conversations, and this bill was introduced on October 30th, and it is sponsored by all of the members of

this Committee, and some additional members of the House, and it is restricted to permit wiretapping in the communications room of incoming and outgoing calls from that room. And that is based on the testimony that was given by the Chief of Police of Sharon before this Committee. We are going to try to press for the early passage of that legislation so that this practice may be lawful. Also, stemming from this Committee's continuing investigation into the so-called King of Prussia and the Kapleau bugging situations, it has been determined that although bugging by trespass has occurred in Pennsylvania, that Pennsylvania has the most strict anti-wiretap statute in the country. There is no provision to cover the invasion of property and policy with regard to the planting of bugs, so this Committee has introduced a bill sponsored by the entire Committee, and that bill was introduced November 14, as House Bill No. 188, to outlaw the planting of bugs and listening devices by trespass in Pennsylvania,and that legislation is pending.

Now, during the Committee's inquiry into the King-of-Prussia matter, as described in the Committee's progress report which was issued in September of '73, in which Mr. Rhodes did not concur--and it is requested that be a matter of record--the appearance of Angelo Carcaci for

questioning was sought.

Unfortunately, Lieutenant Carcaci was on sick leave from January until his return to duty at the end of July 1973; hence he was not available for an appearance.

Now, State Police records reflected that Lieutenant Carcaci had been issued certain electronic equipment prior to the King-of-Prussia disclosures in November of 1972, and apparently had not returned the equipment for several months thereafter.

We are making inquiry.

Lt. Angelo Carcaci, will you come forward, please?

Lt. Carcaci, will you raise your right hand, please?

LT. ANGELO CARCACI, called as a witness, being duly sworn, testified as follows:

CHAIRMAN HEPFORD: Lieutenant Carcaci is represented by Morris Gerber, 18 West Airy Street, Norristown, Pennsylvania, 19401.

Thank you, Mr. Gerber.

Mr. Rice?

MR. RICE: I think, Mr. Chairman, we might say for the record at this point that we have interrogated to some

degree, Lieutenant Carcaci,accompanied by Mr. Gerber, so we have met before in executive session.

CHAIRMAN HEPFORD: Yes, Mr. Gerber has appeared before this Committee in closed session with this witness.

MR.RICE: And this is a continuation of that appearance.

BY MR. RICE:

Q To go over the situation briefly for perhaps the members of the Committee who were not present, let's develop your background a little bit, Lieutenant Carcaci.

You have been with the Pennsylvania State Police for how many years?

MR. GERBER: I am advising my client to refuse to answer all questions on the grounds that the resolution which created this Committee is so broad as to make it vague and indefinite, and, therefore, unconstitutional, and any questioning or proceeding thereunder is a violation of due process, and for that reason, I am advising Mr. Carcaci not to answer any questions.

MR. RICE: Well, let's pursue that.

The question, Lieutenant Carcaci, is how long have you been a member of the Pennsylvania State Police, and what is your answer?

MR. GERBER: I am advising him not to answer for the reasons just stated above.

MR. RICE: All right. I think now, Mr. Gerber, you understand that under the rules that counsel is more than welcome to counsel with the witness, but not to answer for him, or put words in his mouth, and I think it is perfectly clear that the Committee is entitled for the record to have the responses of the witness himself, so let's cross that bridge and let's see what Lieutenant Carcaci has to say in answer to that question.

THE WITNESS: I have been advised by counsel not to answer the questions.

CHAIRMAN HEPFORD: We understand that, Lieutenant Carcaci. That doesn't suffice for the Committee.

We are directing you to answer the question: How long have you been in the Pennsylvania State Police?

THE WITNESS: I refuse to answer, on the advice of counsel.

CHAIRMAN HEPFORD: Under that, you could be in contempt of the House of Representatives.

THE WITNESS: I refuse to answer on the advice of counsel.

MR. RICE: I think it should be stated for the

record, Mr. Chairman, that the Committee is proceeding under House Resolution 21, that mandates or directs the Committee of which Mr. Hepford is Chairman to go into certain matters. I see nothing in there that has anything to do with dates or times of resolutions. It calls for a special committee appointed by the Speaker, to make a complete study of any and all matters pertaining to (1) administration activities, methods of operation, use of appropriations, use of funds and expenditures thereof, policies, accomplishments and results, deficiencies or failures, deficiencies and effectiveness of law enforcement within the Commonwealth, and, (2), the work and functioning of the law enforcement agencies, departments, commissions, boards, committees, groups, organizations, entities within the Commonwealth, (3), individuals, groups, et cetera, but for the purpose of this situation here it is plain to you, Mr. Gerber, and to the witness, that you understand the purpose of the inquiry; do you not?

MR. GERBER: No, I do not understand the purpose because the resolution is so broad and so vague and so indefinite that I do not understand the purpose, sir.

MR. RICE: All right.

BY MR. RICE:

Q Mr. Witness, do you understand this Committee is authorized to inquire for purposes of informing the Assembly as to the nature and status of law enforcement within the Commonwealth? Do you understand that?

A I refuse to answer on advice of counsel.

Q All right. Now, how much education do you have?

A I refuse to answer on advice of counsel.

Q Do you understand, in asserting this answer you're declining on advice of counsel, that you are using or asserting the privilege under the Constitution ordinarily known as the Fifth Amendment? Are you using the Fifth Amendment, as you understand it?

A I refuse to answer on the advice of counsel.

MR. RICE: I think, Mr. Chairman, I would ask for a direction that the witness answer that question.

REPRESENTATIVE LaMARCA: Mr. Chairman, may I interject?

CHAIRMAN HEPFORD: Sure, Mr. LaMarca.

REPRESENTATIVE LaMARCA: I should like to point out that refusal to answer before a lawfully constituted committee on the grounds of advice of counsel is not a legitimate response. And I should like to point out to you that if you persist in refusing to answer, you are clearly subjecting

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yourself to a contempt citation.

If your refusal to answer is based on the fact that your answer might tend to incriminate you, I think we would find that a legally acceptable response, but I feel it pertinent to point out to you that your present refusal to answer on the grounds of advice of counsel is not a legal ground and will not excuse you from a contempt citation.

I think I would like to ask you directly, or your counsel, if your refusal to answer is based on the ground that it might tend to incriminate you or is it based strictly on the advice of counsel, as you stated earlier?

MR. GERBER: Sir, since you are directing the question to it, I will state that it is not based on any Fifth Amendment. It is based simply upon my advice to him for the reasons I announced earlier.

REPRESENTATIVE LaMARCA: Well, your refusal to testify and then challenge the legality of this Committee, if there was any testimony on his part that should incriminate him, and if this Committee is not duly and legally constituted, then a suppression hearing would be in order, and no testimony could be taken, but your present position places your client clearly in line for a contempt citation.

MR. GERBER: I respect your statement, sir, but I

have taken the position that this is not a Fifth Amendment situation at all, that it is simply based upon the earlier statement I made as to the reason I am advising him not to testify.

MR. RICE: Well, you are aware that your client has testified before this Committee before?

MR. GERBER: Yes, in closed session.

MR. RICE: And you are aware that he has testified under oath before?

MR. GERBER: Yes, in closed session.

REPRESENTATIVE LaMARCA: You are aware that he has opened the door?

MR. GERBER: That will be another question that we will have to concern ourselves with.

REPRESENTATIVE LaMARCA: Well, that one, too, in addition to the contempt citation.

MR. GERBER: Yes.

CHAIRMAN HEPFORD: Counsel, in the closed session, the question was asked this witness whether or not, in July of this year, he advised a Colonel in the Pennsylvania State Police, on your advice to remain away from this Committee, and that he was a prisoner in his own house from January to July 31, until he went on active duty, and this witness did not answer that question, which he reportedly said and it came to the

attention of this Committee, that he refused and stated that he had been a prisoner in his own home since some time in January for the purpose of evading the House Committee, on advice of his attorney.

Now, were you his attorney in January of that year?

MR. GERBER: Mr. Chairman, I think, first of all, what you recited was not testified to, at least, in my presence, and I don't know if it is in the record.

CHAIRMAN HEPFORD: I was asking this witness, was this witness your client?

MR. GERBER: You were asking if he had said that to somebody.

CHAIRMAN HEPFORD: Yes.

MR. GERBER: And I stated at that meeting, that closed session, that I never advised him to avoid a subpoena, that he was a sick man, and I told this man -- he had a heart condition and he was in the hospital -- and I told him if his doctor so advised him for his health, he should not respond to telephone calls or to anybody at the door when he was home.

I did not know, and I so stated, that there was a subpoena out for him by this Committee.

CHAIRMAN HEPFORD: Well, our staff was at his home and spoke to his wife, with a subpoena that came to your

attention, did it not?

MR. GERBER: That did not. I didn't realize I was a witness here today, but I will answer you.

CHAIRMAN HEPFORD: Well, if you have now advised this witness not to answer any questions of this Committee --

MR. GERBER: On the ground that I have stated, sir.

CHAIRMAN HEPFORD: Yes.

MR. GERBER: Yes.

CHAIRMAN HEPFORD: Did you advise him to avoid the subpoena of this Committee, as he allegedly has told in the correspondence that had been directed to him?

MR. GERBER: There was no correspondence directed to him that I know. There was an interrogation of him at the last meeting, at the closed session.

CHAIRMAN HEPFORD: Yes, he answered questions at that time, did he not?

MR. GERBER: He answered some and he refused to answer others.

CHAIRMAN HEPFORD: Well, the thing that I am trying to determine is that you, as a lawyer, have advised him to refuse to answer any questions of this Committee on the basis that the resolution is unconstitutional?

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MR. GERBER: That is correct, sir.

REPRESENTATIVE RHODES: Didn't you raise the grounds the last time?

MR. GERBER: Yes.

REPRESENTATIVE RHODES: What were the grounds you raised before?

MR. GERBER: At the other hearing, the record will show that I advised him not to answer any questions prior to February 1966 for the reason that there has been a House Resolution and House investigation and hearings in February of 1966, and it was my opinion that this resolution was not intended to duplicate that resolution, and that hearing of February '66.

REPRESENTATIVE RHODES: Why have you changed it?

MR. GERBER: I have implemented it, sir; I haven't changed it.

CHAIRMAN HEPFORD: Now, you have stated that you did not advise him to avoid this subpoena of this Committee?

MR. GERBER: That is correct, sir.

CHAIRMAN HEPFORD: But you are advising him now not to answer any questions of this Committee?

MR. GERBER: That is correct, sir, on the grounds that I have stated.

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CHAIRMAN HEPFORD: Now, you appeared with him in a closed session of this Committee, held on February 14, 1973, at which time, did you not --

MR. GERBER: Well, the record shows that I did and I don't choose to be interrogated too much today here, but I will answer those questions that I think are appropriate, sir.

Your record shows that I was here with him; you saw me there.

CHAIRMAN HEPFORD: You and the lieutenant - we have approximately 119 pages of testimony, and at certain times you conferred with your client and advised him, but he testified at some length in that hearing, did he not?

MR. GERBER: The record shows it.

CHAIRMAN HEPFORD: You did not raise any question as to the constitutionality of it?

MR. GERBER: The record shows what I raised and what I didn't raise.

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

MR. RICE: Yes.

Along that line, Mr. Chairman, at that hearing, certain areas of interest were inquired into, such as whether or not Lieutenant Carcaci had been at the George Washington

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Motor Lodge at or around November 1972 when the King of Prussia incident occurred -- I think it was on November the 28th -- and that there was a reply that Lieutenant Carcaci had, indeed, been at the George Washington Motel on several occasions prior to that, he thought perhaps in October, in connection with an investigation, the identity or subject matter about which he was not specific.

It was agreed, as I recall, that the Lieutenant, together with his counsel, possibly would check back into records and speak to others, and provide the Committee with more specifics. And on the date of November 28, 1973, there was directed over the signature of Morris Gerber, counselor, a letter to me, and I show the witness -- in which it states:

"In reference to the appearance of
Lieutenant Angelo Carcaci on November 14th..."

Lieutenant, I wonder if you would be good enough to look at this?

MR. GERBER: You are reading it, sir. He doesn't have to look at it.

MR. RICE: I am going to ask him if he is adopting this as his answer. I think this is some situation. Do you mind looking at this?

MR. GERBER: I am not here to be interrogated. You asked for it and I got it for you.

MR. RICE: All right. Let's find out.

Now, then, this letter says:

"We represented that more detailed information could be made available by letter with reference to the visits of Lieutenant Angelo Carcaci October 15, 1972 and Tuesday, October 17, 1972, at the George Washington Motor Lodge at King of Prussia.

"Please be advised that in connection with a drug violation investigation originated out of Upper Darby, Pennsylvania, that Lieutenant Angelo Carcaci was at the George Washington Motor Lodge on Sunday, October 15, 1972, and Tuesday, October 17, 1972, for the purpose of meeting an informer."

Is that true, Lieutenant Carcaci?

THE WITNESS: I refuse to testify on the advice of counsel.

BY MR. RICE:

Q Now, you understand that there is a submission here to the Committee that could constitute a waiver. You have

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given some information, apparently, but are you now saying that you are not going to answer about this?

A I refuse to testify on the advice of counsel.

Q All right.

Before you came here today, did you discuss this situation with your counsel and agree that you would enter a blanket refusal of declination to answer any questions?

A I refuse to testify on the advice of counsel.

MR. RICE: I think that the Chair should direct an answer to that question, Mr. Chairman.

CHAIRMAN HEPFORD: The Chair directs the witness to answer the question.

THE WITNESS: I refuse to testify on the advice of counsel.

BY MR. RICE:

Q Now, in furtherance of the resolution, I am authorizing and empowering this Committee to make inquiry into the general areas of law enforcement administration in the Commonwealth of Pennsylvania.

A statement is being made to you, Mr. Witness, at this point, that the Committee has heard testimony and has received documents and has made an inquiry into the wiretapping situation that occurred at the George Washington

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Motor Lodge in November 1972, and you are being advised that there is relevance in any visit made by you to that Motor Lodge at or around that time; accordingly, you are again being asked if you were at that motor lodge in October 1972?

MR. GERBER: May I say here -- I just want to say this, Mr. Chairman, please.

CHAIRMAN HEPFORD: Do you have an objection, Mr. Gerber?

MR. GERBER: Yes, I have.

CHAIRMAN HEPFORD: State your objection.

MR. GERBER: My objection is that there is a record available, but the record has not been made available to the witness or to me, and I would like to see the record of the proceedings in closed session before the witness is further interrogated.

REPRESENTATIVE LaMARCA: Why would you be interested in the record of a committee that is not duly constituted?

MR. GERBER: All right. Then I withdraw the objection.

REPRESENTATIVE LaMARCA: If you are willing to acknowledge that this is a duly constituted committee, we would be very happy to share the record with you, but otherwise, I would like the record, once more, to show, Mr. Gerber, that

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you and your client have been advised by this Committee of its objections and its reasons for being, and his refusal to answer questions is not a valid, constitutional one, and that if you want to preserve this and save us both a lot of trouble, your client has every right, constitutionally, to say that he refuses to testify on the ground that his testimony may tend to incriminate him.

There is no other legal refusal at this point for him.

MR. RICE: Well, to further that, Mr. Gerber, our purpose in that prior statement was to orient the witness under the decisions on the subject matter of the inquiry. So there will be no question that he understands the authorization of the Committee and the specific nature of the inquiry at the moment, the law is to this effect, that the subject under inquiry by the Committee may be revealed by the authorizing resolution.

Now, you have been read that and have heard the remarks of the Chairman, or members of the Committee, and even the nature of the proceedings themselves, so that you are being advised as to the nature of the proceedings now. And accordingly, the witness is requested to answer the question as to whether he was at the George Washington Motor Lodge at

QUESTION No. 4

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King of Prussia, Pennsylvania, in October or November 1972. That is the answer that we are looking for.

THE WITNESS: I refuse to answer on the advice of counsel.

CHAIRMAN HEPFORD: We direct the witness to answer that question.

THE WITNESS: I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Now, before you appeared here this morning, you had no information as to what questions were going to be asked you, did you?

A I refuse to answer on the advice of counsel.

Q But, you are taking a position, a blanket refusal to any and all questions, is that right?

A I refuse to answer on the advice of counsel.

Q Is your wife with you?

A I refuse to answer on the advice of counsel.

MR. RICE: I think, Mr. Chairman, for the purposes of the record, possibly if we can agree with Counsel Gerber, that there is a continuing direction by the Chair to answer the questions that are propounded, and that the witness is taking a continued recalcitrant position, we will not have to

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run through it.

MR. GERBER: Except for the word "recalcitrant," I would concur.

MR. RICE: All right, that he is taking the position that he has asserted, we would perhaps get along with that understanding, if that is agreeable with you, Mr. Gerber, and with you, Mr. Witness.

THE WITNESS: I refuse to answer on the advice of counsel.

MR. GERBER: It is agreeable to me that any questions propounded would meet with the same response.

MR. RICE: Mr. Gerber, will you confer with your client and explain what we have just said; otherwise, we are going to answer each time and extract the answer.

MR. GERBER: Well, I think I speak as his counsel, I speak to you that if any additional -- and he hears me saying it -- I speak to you and I say to you that any additional questions that will be propounded, I would advise him to answer the same say, and I am reasonably certain that he would follow my advice.

MR. RICE: I have heard no answer from the Lieutenant--as far as his participation, he could be in another room.

MR. GERBER: He is sitting right next to me. You

see him sitting next to me, and the Committee sees him sitting next to me.

MR. RICE: Let us see if we can extract this agreement. I think we are getting somewhere.

In connection with these questions about which there will be a declination to answer, based on the advice of counsel, that we will have a continuing direction by the Chair to answer those, and that he will, unless otherwise indicated, answer that on advice of counsel, he is declining to answer.

MR. GERBER: I accept that, sir.

MR. RICE: How about you, is that all right with you, Lieutenant?

(No response.)

MR. RICE: Is it agreeable with you, Lieutenant, if you don't indicate otherwise, that that is your situation?

MR. GERBER: That is not the way it was put originally.

REPRESENTATIVE LaMARCA: Let's ask other questions, and get the answers on the record.

I would like to know one other thing to which I haven't gotten an answer, and that is, if your client, Lieutenant Angelo Carcaci is of the Pennsylvania State Police?

MR. GERBER: Pardon me. I'm awfully sorry --

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REPRESENTATIVE LaMARCA: I would like to know if your client, Lieutenant Angelo Carcaci, is of the Pennsylvania State Police.

MR. GERBER: Is he a member of the Pennsylvania State Police, is that your question?

REPRESENTATIVE LaMARCA: Is he, Lieutenant Angelo Carcaci, a member --

MR. GERBER: Speaking to me, yes, sir.

REPRESENTATIVE LaMARCA: May I ask your client if he is Lieutenant Angelo Carcaci and a member of the Pennsylvania State Police?

MR. GERBER: I would advise him not to answer -- no, I wouldn't advise him to answer.

REPRESENTATIVE LaMARCA: I just wanted to establish that.

MR. GERBER: Yes, certainly.

REPRESENTATIVE LaMARCA: Are you Lieutenant Angelo Carcaci?

THE WITNESS: Yes, sir.

BY REPRESENTATIVE LaMARCA:

Q Are you the same Lieutenant Angelo Carcaci who appeared before this Committee on November 8, 1973, and also on November 14, 1973?

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A Yes.

Q You are the same Lieutenant Angelo Carcaci who took an oath before this Committee with the understanding that any further appearance, you would still be under oath?

A Yes, sir.

Q And do I also understand that you testified at those prior hearings, is that correct?

A Yes, sir.

REPRESENTATIVE LaMARCA: I have no further questions.

CHAIRMAN HEPFORD: Let the record show that the testimony that has been referred to by Mr. LaMarca of November 8, 1973 and November 14, 1973 are transcribed and are in the possession of the Chairman and the Chairman will entertain a motion that they be made a part of this record at this time.

REPRESENTATIVE GEESEY: Mr. Chairman, I so move.

REPRESENTATIVE RHODES: I second it.

CHAIRMAN HEPFORD: It has been moved by Representative Geesey and seconded by Representative Rhodes that these records be made a part of this record and public at this time.

All those in favor, say "aye."

(Positive response.)

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CHAIRMAN HEPFORD: This is a unanimous vote by the Committee, and they are now available for further interrogation.

BY MR. RICE:

Q Lieutenant Carcaci, did you, in 1964, attend a special course of instruction at the University of San Francisco?

A I refuse to testify on the advice of counsel.

Q Did you not testify under oath on February 22, 1965 in this very room, House Caucus Room in Harrisburg, did you not testify on the occasion of February 22, 1966, George Washington's birthday?

A I refuse to testify on the advice of counsel.

Q The foremost exponents of the truth?

MR. GERBER: That's only a statement out of context.

BY MR. RICE:

Q Did you not then testify that you attended a course of instruction at the University of San Francisco?

A I refuse to testify on the advice of counsel.

Q A course that was given by the Fargo Company, an electronic company located in San Francisco?

A I refuse to testify on advice of counsel.

Q That was known as the American School of Technical Intelligence?

QUESTION No. 3

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MR. GERBER: Is that a statement or a question?

MR. RICE: It is a question.

THE WITNESS: I refuse to testify on the advice of counsel.

BY MR. RICE:

Q And, in connection with that, did you not receive a certificate of accomplishment issued by the American School of Technical Intelligence?

A I refuse to testify on advice of counsel.

Q Now then, were you not asked, were other men of the State Police Force sent to this school, and you answered "yes?"

MR. GERBER: Is that a statement or a question?

MR. RICE: Did you answer that?

THE WITNESS: I refuse to testify on the advice of counsel.

BY MR. RICE:

Q Will you state who those other men were who were members of the State Police who attended that school with you?

A I refuse to testify on advice of counsel.

Q Did you not reply to this question: "But it did include instructions for wiretapping equipment?"

(Answer: "Very briefly.")

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Did you not reply that at that time?

A I refuse to testify on advice of counsel.

Q And that there were lectures on the use of the equipment?

A I refuse to testify on advice of counsel.

Q And that the instruction was of such a nature as to enable you to make use of all kinds of eavesdropping equipment, and you answered, "Those that were available at the school."?

Did you not make that answer?

A I refuse to testify on advice of counsel.

MR. GERBER: Mr. Chairman, I would like to make a brief statement, so that the record would show that at the earlier hearing of this Committee, that I had advised Mr. Carcaci not to testify, not to respond to those questions, on the ground that the prior resolution that resulted in the February '66 Committee hearings was not intended to be duplicated in this resolution. At least, that was my opinion.

Upon that reason, I advised him then not to testify, not to respond to these questions.

MR. RICE: Well, counsel, I think that we both would acknowledge that there may be some relevance in connection with the wiretapping investigation of Harry Kapleau or

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of the King of Prussia incident, to establish whether or not this man was technically equipped to accomplish a wiretapping or bugging.

Do you not agree?

MR. GERBER: No, I do not agree there is any relevance between this witness and Mr. Kapleau and the King of Prussia.

MR. RICE: Would you agree that there is relevance of the fact that he is possibly equipped to accomplish a wiretapping?

MR. GERBER: I do not agree that there is any relevance whatsoever to that.

BY MR. RICE:

Q At any rate, you went on to testify that your orders for using pieces of equipment that had been purchased or used by Major Stanton, did you not?

A I refuse to testify on advice of counsel.

Q All right. And that a question was asked you as to whether you kept copies of your records, purchases and other records of your activity as a State Policeman, and the question was: "Did you keep a copy of the records that you made?" And you answered: "Yes, I believe I have one some place."

Do you remember being asked that?

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A I refuse to testify on advice of counsel.

Q Well, here is one you remember --

MR. GERBER: It's not a question of remembering, sir.

You are asking questions and he is answering.

BY MR. RICE:

Q All right.

Let's see this, were you asked at page 112: "Have you ever had occasion to place a telephone tap on a public telephone?" And did you not answer, "I refuse to answer your question, sir, because if I answered that question, I might incriminate myself."? Did you make that answer?

MR. GERBER: When was that, sir?

MR. RICE: Page 112, transcript of testimony of February 22, 1966 hearing.

THE WITNESS: I refuse to answer on advice of counsel.

BY MR. RICE:

Q Let's ask that question and bring it up to 1973. Have you ever had occasion to place a telephone tap on any telephone at any time at any place?

A I refuse to answer on advice of counsel.

Q All right.

Now then, did you, on or about October 2, 1972,

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charge out --

MR. GERBER: Mr. Chairman, is this permissible, this photographing?

CHAIRMAN HEPFORD: Yes, sir. We have no --

MR. GERBER: You have no objection?

CHAIRMAN HEPFORD: Yes, he is the official photographer.

MR. GERBER: Well, let me pose, at least.

(Photos were taken at this point.)

CHAIRMAN HEPFORD: Would you like to take five minutes at this point, Mr. Rice, for the record and at the request of Mr. LaMarca and to give the reporter a break?

(Short recess.)

CHAIRMAN HEPFORD: We are going to resume.

All right, we will resume where we were when we took a brief recess.

BY MR. RICE:

Q Now, Lieutenant Carcaci, I show you a book that contains a page marked "Bulletin 10, No. 110T-2, FM Transmitter that appears to be depicting an instrument about the size of a cigarette package, and I ask you if you did not on October 2, 1972, obtain an instrument like that, or one similar to it,

one that would perform the same function, from Captain Reagan of the Pennsylvania State Police, who maintains the special equipment for the State Police?"

Did you look at this page indicating a T-2, and obtain an article like that on October 2, from the property of the Pennsylvania State Police?

A I refuse to answer on advice of counsel.

Q Did you not also, on that same date, October 2, 1972, charge out in your name an electronic article referred to as a "T-12" transmitter from the property of the Pennsylvania State Police?

A I refuse to answer on advice of counsel.

Q Will you look at this copy of the page indicating a T-12 transmitter, and answer if you have ever had an instrument like that in your possession?

A I refuse to answer on the advice of counsel.

Q Do you agree with the records of the Pennsylvania State Police that on October 2, and continuing for a period until after January 1973, you had charged out, to your responsibility, two small transmitters known as "T-12" and "T-2"?

A I refuse to answer on advice of counsel.

Q Did you not also, on the same date, October 2, charge out for your possession an instrument known as a

"Telcon Transeiver," designed to transmit and receive over a radio frequency?

A I refuse to answer on the advice of counsel.

Q Did you have any electronic equipment in your possession or under your control during November 1972, which was the time of the King of Prussia activity?

A I refuse to answer on the advice of counsel.

Q Directing your attention to Labor Day, or thereabouts, 1972, early September, were you in the office of Harry Kapleau, the Chairman of the Milk Marketing Board, in the Agriculture Building, for any purpose?

A I refuse to answer on the advice of counsel.

Q Are you aware that a transmitting bug was found on the telephone of Harry Kapleau around Labor Day, 1972?

A I refuse to answer on advice of counsel.

Q Now, you, I believe, testified in 1966, that you received orders from Captain Jesse Stanton and kept certain records, did you not?

A I refuse to answer on advice of counsel.

Q Did you attend a meeting or a conference with a group of four or five people at a motel near Philadelphia around January 1973, at which time the subject of tapping telephone lines with Commissioner Barger was discussed?

A I refuse to answer on advice of counsel.

Q The Committee has received a communication and other indicia, the reliability for which is not vouched, but perhaps you could put in focus, that Sergeant Carcaci, at around January 1973, Lieutenant Carcaci, I think they referred, somebody must have known you before, lieutenant, because he refers to you as Sergeant Carcaci -- you were skilled in tapping telephone lines -- did, at least the following tapping, (1), tapped lines with Commissicner Barger in 1966 in Butler County of a group of black leaders.

During the job, the telephone pole broke. Did you discuss that with individuals in January of 1973?

A I refuse to answer on advice of counsel.

Q Did it happen? Did you tap lines with Commissioner Barger -- you know Commissioner Barger, don't you?

A I refuse to answer on advice of counsel.

Q Are you refusing to answer, if you know the Commissioner?

A I refuse to answer on advice of counsel.

Q All right. Further referring to Lieutenant Carcaci, tapped lines with Sergeant Hunt in 1966 in Altoona, of gamblers. Did you discuss that in January of 1973, or thereabouts?

A I refuse to answer on advice of counsel.

Q Further, referring to Lieutenant Carcaci, fixed a transmitter in the Harrisburg home of Captain Titler in 1966.

A I refuse to answer on advice of counsel.

Q Do you know Captain Titler?

A I refuse to answer on advice of counsel.

Q Have you ever been in the home of Captain Titler to affix a tapping transmitter?

A I refuse to answer on advice of counsel.

Q Now, this communication continues: "Carcaci has a photostat of the mileage control of 1966 and showed those papers to other people."

Did you show this paper to other people in 1973?

A I refuse to answer on advice of counsel.

Q Were you not present with Representative Gekas, Mr. Young of the newspapers, several State Police Officers, and former Commissioner Urella in a motel room in January 1973 when you discussed tapping lines with Comissioner Barger when a telephone pole broke?

A I refuse to answer on advice of counsel.

Q Now then, you were on sick leave from the Pennsylvania State Police from January through the end of July, were you not?

A I refuse to answer on the advice of counsel.

Q And were you not at some point transferred in 1973 from your assignment at Philadelphia to the post at Punxsutawney?

A I refuse to answer on advice of counsel.

Q And just prior to reporting for duty at the end of July to Punxsutawney, did you have a conversation with Lieutenant Colonel Dussia over the telephone?

A I refuse to answer on advice of counsel.

Q Did you tell Lieutenant Colonel Dussia in a telephone call at or around June of 1973 that you were on vacation; that you were on sick leave, or that you had been on sick leave but that you were on vacation then; you apparently had some annual leave that you were taking before reporting to duty, but that you were due back on July 31st.

Did you tell Lieutenant Colonel Dussia that?

A I refuse to answer on the advice of counsel.

Q Did you discuss with Colonel Dussia about meeting with Mr. Hepford, Chairman of this Committee, to discuss wiretapping that you had done with Colonel Barger and Captain Titler?

A I refuse to answer on advice of counsel.

Q Did you tell at the time of that telephone conversation with Colonel Dussia that you had been a prisoner in

your own home since some time in January for the purpose of evading this House Committee, referring to the Hepford Committee, on the advice of your attorney?

Did you tell that to Dussia?

A I refuse to answer on advice of counsel.

Q Did you tell him that you had been told the Committee was going out of business at the end of July and if you stayed out of the way until that time, you wouldn't have to testify?

A I refuse to answer on the advice of counsel.

Q Now, have you conferred with Colonel Barger in the past two weeks?

A I refuse to answer on advice of counsel.

Q If you were seen in the company of Colonel Wellendorf and Coloner Barger at or around November 14th, on the day of a hearing of this Committee, if you were seen in their company, conferring with them, would that be wrong?

A I refuse to answer on advice of counsel.

Q When you appeared before this Committee on November 14th, 1973, did not this colloquy take place?

#3 "BY MR. RICE: Q Referring to page 89, Mr. Gerber --"

MR. GERBER: I don't have a copy of the testimony, so the page doesn't help me one iota.

MR. RICE: I received it yesterday and looked at it last night.

BY MR. RICE:

Q This is a question to you, Lieutenant: "Have you, since January, received any compensation, money, emoluments, benefits for performing services of any shape, form or fashion, except for the Pennsylvania State Police?"

And did you not answer: "No, sir."?

A I refuse to answer on advice of counsel.

Q The question was asked: "Have you been doing any security or guard duty?"

And you answered: "No,sir."

A I refuse to answer on advice of counsel.

Q And the question was asked: "Have you had anyone doing it under your supervision?"

And you answered, "No, sir."

And the question was asked: "And you made no money since January except what you got from the State Police?"

And you answered: "I made no money."

MR. GERBER: What is the question?

MR. RICE: The question is, did you make that answer?

A I refuse to answer on advice of counsel.

BY MR. RICE:

Q All right.

I show you a paper of writing and ask you if you recognize it?

MR. GERBER: I am advising my client not to answer for the same reason that you refuse to answer on the advice of counsel.

A I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Lieutenant, would you look at the paper?

MR. GERBER: He has looked at it, sir.

CHAIRMAN HEPFORD: Have you looked at the paper?

MR. GERBER: I advised him not to answer.

BY MR. RICE:

Q You see (holding paper in front of witness)?

All right.

Now, let me ask you if this is not your signature on one of the bottom lines marked "authorized signature," and seems to read: "A. Carcaci."

Is that your signature?

A I refuse to answer on advice of counsel.

CHAIRMAN HEPFORD: You understand, Lieutenant, that you are under an order of this Committee to answer the

questions that are being put to you, the same as if we interjected after each question the order to answer the question - counsel has indicated that.

MR. GERBER: I acknowledged that, sir.

CHAIRMAN HEPFORD: Right. Very well.

BY MR. RICE:

Q Did you make an agreement with an organization of apartment house operators known as "The Fox Company" to provide security and guard serv..ce for that entity?

A I refuse to answer on advice of counsel.

Q Reading from the document marked Exhibit 1, on the apparent letterhead of The Fox Companies of Jenkintown, Pennsylvania: "Agreement made the 13th day of January, 1971, by and between A. C. Company and The Fox Company," did you have an A. C. Company?

A I refuse to answer on the advice of counsel.

Q "Located at the Beaver Hill Apartments, 100 West Avenue, Jenkintown, Pennsylvania, The Fox Company agrees to pay the A. C. Company the sum of $347.00 per week for security coverage at the West Village Apartments, 3901 Conshohocken Avenue, Philadelphia, and the Watergate Apartments..."

Do you know where the Watergate Apartments are?

A I refuse to answer on the advice of counsel.

Q All right.

"the Watergate Apartments, 3600 Conshohocken Avenue, Philadelphia, security coverage, at West Hill Village, Watergate, and in the other specific location, owned or managed by The Fox Company, now or in the future will be covered by this contract.

"It is also agreed and understood that this contract may be cancelled by either party within seven days' written notification."

"The A. C. Company" appears to be"Angelo Carcaci," under that, and "authorized signature," apparently for The Fox Company, "Steven Malik."

Now, would you like this Committee to know that you didn't supply security services for the Watergate, the cause celebre?

A I refuse to answer on the advice of counsel.

Q All right.

MR. RICE: I think we would offer this, Mr. Chairman.

CHAIRMAN HEPFORD: That is an exhibit that was admitted into the record of November 14, and a copy of the same will be placed in this record at this location for reference.

Copy of Agreement made ~~January~~ Sept. 13, 1971, by and between the A. C. Company and The Fox Company, (admitted into the record of November 14, 1973) - produced, marked for identification and received in evidence as Committee Exhibit No. 2.

I might say, Lieutenant, that Steven Malik testified in front of this Committee that he personally was present and saw you sign that paper.

For your own information, we direct that you answer the question.

Did you sign such an agreement, to provide security to the Watergate complex apartments, and for the West Village Apartments in 1971?

THE WITNESS: I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Are you aware that the code of conduct of the Pennsylvania State Police provides certain requirements in connection with the performance by employes of outside activities?

Are you familiar with that?

A I refuse to answer on the advice of counsel.

Q -- that on the date of May 15, '73, over the signature of Colonel Barger, it includes, among other things,

that "...if a member of the State Police engages, participates or performs any business, occupation, trade, or profession, other than as required by the Pennsylvania State Police, that is permissible only with the written approval of the Commissioner.

"Such approval will be granted only after thorough investigation...et cetera."

Have you, on any occasion made application to Commissioner Barger, or, for that matter, to Commissioner Urella, or to anyone else, to be engaged in "employment outside of the Department?"

A I refuse to answer on the advice of counsel.

Q Are you familiar with the requirements of the Pennsylvania Code under the Private Detective Act of 1953, requiring registration and investigation of applications for anyone who engages in the Private Detective business and it defines that to mean any business which supplies watchers, guards or patrol agencies?

Are you familiar with that?

A I refuse to answer on the advice of counsel.

Q Have you or anyone under your control complied with that requirement of the statute?

A I refuse to answer on the advice of counsel.

Q I show you a Xeroxed copy of what appears to be checks issued by the West Village on the First Pennsylvania Bank and Trust Company of Philadelphia, and one in particular, the January 10, 1973 check, "Pay to the order of Angelo Carcaci, $250.00."

MR. GERBER: What is the date, sir?

MR. RICE: January 10, 1973.

And on the back, apparently, there is an endorsement of Angelo Carcaci, and I ask you if you received the original check of which that is a Xeroxed copy?

MR. GERBER: May I correct you, sir? The date is January 7, 1972; not '73.

CHAIRMAN HEPFORD: He said that.

MR. RICE: What did I say?

MR. GERBER: '73.

CHAIRMAN HEPFORD: Excuse me. The record appears both ways. The correct date is January of '72.

The check will speak for itself.

MR. GERBER: Correct, sir.

BY MR. RICE:

Q All right. Will you take a look at that, and I will ask you if you received that original, of which that appears to be a Xeroxed copy?

A I refuse to testify on the advice of counsel.

MR. RICE: I think we might offer that as -- we already have it as No. 3.

MR. GERBER: May I ask you, sir, are you referring to just the one check, or to all three checks on that exhibit, sir?

MR. RICE: The one check that bears the name of Angelo --

MR. GERBER: Right, sir.

Xeroxed Copy of Check to Angelo Carcaci dated January 1972 -- produced for examination and received in evidence as Committee Exhibit No. 3.

BY MR. RICE:

Q Do you know who "C. S. Carcaci" is?

A I refuse to answer on the advice of counsel.

Q Is C. S. Carcaci not your wife?

A I refuse to answer on the advice of counsel.

Q Now, then, I am showing you another Xeroxed copy, being a document, which appears to be a check drawn by the Beaver Hill Company, a check of January 10, 1972, payable to Angelo Carcaci, for $154.00, and on the reverse side carrying a signature which purports to be Angelo Carcaci. I ask if you received the original of which that is a Xeroxed copy?

A I refuse to answer on the advice of counsel.

Q I show you a writing consisting of Xeroxed copies of three checks, running for the period of October 18, 1973, October 11, 1973, and October 4, 1973, all drawn to C. S. Carcaci, by West Village, in the amounts of $278.25, $278.25, and $278.25, and I ask you if those are checks, the originals of which are depicted by these Xeroxed copies were not issued for security or guard operations that you ran at the West Village Apartments up through October 1973?

A I refuse to answer on the advice of counsel.

Q I show you a series of Xeroxed copies of checks drawn on Fox-Caplan Associates, during the period from January 1970 to the end of March 1972, at which time I understand this project was phased out, known as the "Watergate," and I ask you if, by your security guard service supplied to Fox-Caplan Associates for the Watergate project during that period, did not that aggregate $1,089.10?

A I refuse to answer on the advice of counsel.

Q And that some of those checks, at least one that was drawn to Angelo Carcaci, for $194.00--that all of those checks were not in fact converted to cash, and not deposited anywhere; is that true?

A I refuse to answer on the advice of counsel.

MR. GERBER: May I note for the record, sir, that my examination of those checks shows that only one is payable to Angelo Carcaci.

CHAIRMAN HEPFORD: That is what the record indicates.

MR. RICE: The others are payable to C. S. Carcaci.

Now, Lieutenant, and Mr. Gerber, if you will bear with me--

MR. GERBER: Surely.

MR. RICE: We will get into these.

BY MR. RICE:

Q Mr. Witness, I show you a Xeroxed copy of a series of checks drawin by West Village. The first three appear to be drawn to Angelo Carcaci. They all seem to be in 1971. I ask if you received the originals of these checks depicted by this Xeroxed copy?

A I refuse to answer on the advice of counsel.

MR. RICE: Mr. Gerber, can we agree that all of those checks were drawn to Angelo Carcaci?

(Documents handed to Mr. Gerber.)

MR. GERBER: As the Chairman said, the checks speak for themselves.

MR. RICE: Well--

MR. GERBER: The checks certainly speak for themselves.

BY MR. RICE:

Q Now, Counsel and Witness, we had our expert Accountant, Truman Burke, take a look at these checks, and he has compiled some figures therefrom, and, inasmuch as the witness will continue to decline to answer, I take it, we may get in some of the thrust of these checks for the record; that an examination of checks drawn by West Village for the year 1971 indicated that all of the checks were made payable to Angelo Carcaci.

They were in the amounts of $250.00 each, apparently, for a one-week expense, and those checks aggregated $3,750.00, of which $2,750.00 were converted to cash, and $1,000.00 was deposited in bank accounts. You have no dispute with that?

MR. GERBER: The checks speak for themselves, and the arithmetic speaks for itself.

MR. RICE: All right.

BY MR. RICE:

Q Now, passing through the year 1972 for the same operation, the West Village, and again these are Xeroxed copies of the checks, some of which are drawn to Angelo Carcaci, some are drawn to C. S. Carcaci, and we find that the aggregate of those checks paid by West Village is $13,715.00, of which

$527.50 was deposited, and $13,187.50 was converted to cash--$13.187.50 was converted to cash--and passing into the same operation to 1973 up to the date of October 18, 1973, which was the date of the last payment available, there was a total of $12,254.50, paid to either Angelo or C. S. Carcaci, of which $834.75 was deposited, and $11,419.75 was cashed--$11,419.75 was cashed and deposited in no account.

In sum, the total for the three years on the West Village, or the Village West operation, there was a total paid to the Carcaci's of $29,719.50,of which $27,357.25 was cashed.

Would you like to explain to the Committee, Mr. Carcaci, what was going on; what were you doing to get this money, and what was the reason for cashing all those checks?

A I refuse to answer on the advice of counsel.

MR. GERBER: I think the record should note that the question referred to the fact that some of the checks were payable to Angelo Carcaci. I think the record should note that only checks payable to Angelo Carcaci are dated January 10, 1972, and that there are no other checks to Angelo Carcaci other than January 10, 1972, and, thus, only one check from West Village was payable to Angelo Carcaci in 1972, and none in 1973.

MR. RICE: All right, we will agree that there seems to be a preponderance of checks drawn to Angelo Carcaci prior to January of 1972.

Can you tell us why in 1972 or thereafter, there was a switch on the payee from Angelo to Catherine?

THE WITNESS: I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Do you file a Federal Income Tax Return, Mr. Carcaci?

A I refuse to answer on the advice of counsel.

Q Do you file a business return?

A I refuse to answer on the advice of counsel.

Q Do you file an individual return?

A I refuse to answer on the advice of counsel.

Q All right. We have from one operation in a three-year period $29,000. So, let's move to another one, of which $27,000 was converted to cash.

Now, looking at the Beaver Hill records, we commence in 1971.

We find all of the checks payable by Beaver Hill to the payee, Angelo Carcaci, bearing the purported endorsement of Angelo Carcaci, on the reverse sides.

MR. GERBER: What year was that, sir?

MR. RICE: That is '71.

MR. GERBER: These apartment projects opened in '71, so it was at that time that this commenced.

Now, in analyzing that '71 group, we found in the aggregate for '71, $2,439.25 paid to Angelo Carcaci, of which $1,801.25 was cash, and $638.00 was deposited.

In '72, to Angelo Carcaci interests, there is a total paid by Beaver Hill of $8,590.00, of which $324.00 was deposited and $8,266.00 cashed.

In 1973, the records for which run to November 18, 1973, the last date available, we found that payments of $7,266.07 had been paid, of which $1,026.00 was deposited and $6,240.07 was cashed.

In sum, in connection with this second project, we have a total of $18,295.32, paid to the Carcaci interests, of which $16,307.32 was cashed, the balance between the $16,000 and $18,000 was deposited.

Now, for the accounts that we covered, we found that the total paid for the three projects, any one of which was shortened--three projects in the three years--$49,103.92 total paid to the Carcaci interests, of which $44,753.67 was cashed.

Do you have any dispute with those figures,

Lieutenant Carcaci?

THE WITNESS: I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Is it true that through these security operations, you received $49,000.00 and converted--or people subject to your control--converted $44,000.00, approximately, to cash?

A I refuse to answer on the advice of counsel.

CHAIRMAN HEPFORD: Mr. Geesey, do you have any questions you want to place in the record at this point, up to this time?

REPRESENTATIVE GEESEY: I have no questions, Mr. Chairman.

I do have an expression, however; that is, that I am extremely disappointed in the Lieutenant's refusal to cooperate and answer legitimate questions by a duly constituted Committee of the House of Representatives of Pennsylvania.

The Lieutenant has been engaged in police work for all of his adult life. I think he realizes the value of the questions. I think he realizes the necessity of the investigation and the purpose that this Committee is trying to accomplish, and I personally consider that your conduct today is extremely despicable and reflects adversely against all of

those loyal troopers presently serving in the Pennsylvania State Police.

That is it.

CHAIRMAN HEPFORD: Mr. LaMarca, do you have any questions to direct at this point?

REPRESENTATIVE LaMARCA: Not at this point.

CHAIRMAN HEPFORD: Mr. Turner?

REPRESENTATIVE TURNER: No. I would just like to express the same line of thinking that Mr. Geesey expressed.

I mentioned this once before. I think, in a closed session, that you have the information that would be extremely helpful to this Committee to implement the type of legislation that is, by today's testimony, necessary, if we are going to correct the system in the Pennsylvania State Police, and you, by your unwillingness, upon advice from your counsel, apparently, based on the assumption that this Committee is an illegal Committee, not constitutionally correct, have added to the problem, and in no way have you contributed, in my opinion as a layman, to the improvement of the system, which, by your testimony today, certainly needs it.

CHAIRMAN HEPFORD: Mr. Rhodes?

REPRESENTATIVE RHODES: I have no questions, Mr. Chairman.

As other members have said, I personally am very disappointed with the situation today, and I think this has left us with no alternative or course than that mentioned by counsel.

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

MR. RICE: Yes. Just as a departure here, Mr. Gerber, I think that you might acquaint us with your situation.

Under date of November 30, I guess I talked to you on the phone. I wrote to you, asked you and told you that Catherine Carcaci told our investigator that she had some activity in the security guard business, and that she should be prepared to discuss this and bring with her the organizational license, minute books and other accounts reflecting transactions for the period with which the Committee in its investigation would be interested for 1972 and 1973, to date.

Would you be good enough to inform the Committee if we might expect some of the production of records relating to those subject matters?

MR. GERBER: No. The answer I would respectfully give to the Committee is, no, I would advise him not to, for the reasons I have stated heretofore. I would advise that the

records not be available.

She is present here, as per your subpoena and as per your letter to me, and my representation here.

MR. RICE: But you do acknowledge for the purposes of the record here that you, as her counsel, have received a direction for her to produce certain books and records?

MR. GERBER: Correct, sir.

MR. RICE: And that is tantamount to a subpoena duces tecum.

MR. GERBER: You and I agreed to treat it that way, sir.

MR. RICE: All right. When we cross that bridge, we will get to the whys and wherefores.

MR. GERBER: Yes.

MR. RICE: All right.

CHAIRMAN HEPFORD: Speaking to the members of the Committee, you will recall the last hearing we had, I believe Mr. Rhodes was unable to attend, but the testimony related to the operation by The Fox Company of the West Village, the Watergate Apartments and other apartment complexes--Beaver Hills. In order that that record may be available, the Chair would entertain a motion that when the record is transcribed, that it be made a part of this record and that it be distributed

to the members of the Committee.

REPRESENTATIVE GEESEY: I so move.

REPRESENTATIVE LaMARCA: Seconded.

CHAIRMAN HEPFORD: All those in favor, please say, "aye."

("Ayes")

It is unanimous that that is to be a public record.

Now, Lieutenant Carcaci, at that hearing, under oath, this Committee received testimony that you, Lieutenant Angelo Carcaci, were considered to be a supervisor of the services which were rendered to them, and that the services were good services until on or about the end of July of 1973, at which time, we understand, you were placed on active duty with the Pennsylvania State Police and assigned to the Punxsutawney area.

I ask you now, did you supervise the security in accordance with the agreement that was entered into under the C.& C. Company, over that period of years up to July 31st and thereafter?

WITNESS CARCACI: I refuse to answer on the advice of counsel.

BY CHAIRMAN HEPFORD:

Q Now, did you advise The Fox Company, and particularly

Mr. Steven Malik, the person to whom you reported and with whom you entered Exhibit 1, the purported agreement between you, did you advise him that due to certain circumstances, he was to make all checks that were payable to you payable to C. S. Carcaci after a certain period of time after this agreement was entered into?

A I refuse to answer on the advise of counsel.

Q Did you personally ever pick up those checks physically from any office or person from The Fox Company in 1973?

A I refuse to answer on the advice of counsel.

Q Or 1972?

A I refuse to answer on the advise of counsel.

CHAIRMAN HEPFORD: All right.

Yes, Representative LaMarca?

REPRESENTATIVE LaMARCA: May I just say this, Lieutenant:

I don't join with my conferees in condemning you, as my other four colleagues did. I think they have a right to do this on the basis of performance, but I did a little more checking on you personally, and I know the loyalty that you have displayed over the years in your relationships with other members has shown you to be a superior officer.

What disturbs me is I think you are testifying because of loyalty, testifying as you are. I have only this to say to you, that I do not believe that loyalty will lead you anywhere but into trouble. I do not believe that those people to whom you are being loyal, those people whom you are covering are going to be with you.

I wish that you would reconsider, and I wish that you would take the position that you had been left in the cold in the past and that this testimony might only lead to that end. Knowing your record as a police officer, and knowing your loyalty as a man, I think I know why you testified as you did today, but I wish you would reconsider.

That is all I have to say.

WITNESS CARCACI: Thank you, Mr. LaMarca, for the comments.

REPRESENTATIVE LaMARCA: They are deserved, or they would not have been said.

CHAIRMAN HEPFORD: On that note, we will declare the hearing recessed until 2:00 p.m., at which time we will resume. Those who are under subpoena here today will reappear at 2:00, please.

(The hearing is recessed until 2:00 p.m.)

AFTERNOON SESSION - 2:00 p. m.

CHAIRMAN HEPFORD: All right, I think we will start. We won't wait any longer for Mr. Rhodes.

Lieutenant Carcaci, will you come forward, please?

LT. ANGELO CARCACI, recalled

BY MR. RICE:

Q Lieutenant Carcaci, do you have any children?

A I refuse to answer on the advice of counsel.

REPRESENTATIVE LaMARCA: Let's not let him deny his children.

For the record, he is the father of some children, and he is very proud of them.

THE WITNESS: Thank you, sir.

BY MR. RICE:

Q Is it true that former Commissioner Urella is a godfather of one of your children?

A I refuse to answer on the advice of counsel.

Q Do you know a member of the Pennsylvania State Police by the name of Jaynes?

A I refuse to answer on the advice of counsel.

Q We, the Committee, without adhering to any

authenticity of it, have an allegation that on one occasion--on one occasion or more--you have participated in wiretapping activities with Officer Jaynes. Is that so?

A I refuse to answer on the advice of counsel.

Q Additionally, that in furtherance of your training and graduation from electronics training schools, and other capabilities that you had, that you were accomplished in the field of electronic surveillance, and that you trained men in some aspects of electronic surveillance. Officers Guyette, Kardash, Faiola, and/or Lucien Skihorp (phonetic), whose names came up in the King of Prussia matter; have you trained any of those officers?

A I refuse to answer on the advice of counsel.

Q It has been alleged some years ago, before Commissioner Urella became Commissioner, that you and he, on a moonlight or extracurricular basis, performed electronic surveillance and telephone taps, that is, you and Urella, for certain lawyers in the Philadelphia area in cases such as domestic cases and otherwise, as an extracurricular activity. Is that so?

A I refuse to answer on the advice of counsel.

MR. RICE: We understand that the witness has a continuing direction from the Chair.

MR. GERBER: Oh, yes.

BY MR. RICE:

Q I show you a Xeroxed copy of a document at the top of which is shown the word "Ledger," and suggest to you that that is a ledger transcript of an account in the Frankford Trust Company; is that where you keep your bank account?

A I refuse to answer on the advice of counsel.

Q Do you have an account carried under the name of A. J. Carcaci, and Mrs. C. S. Carcaci, 44 Christopher Drive, Holland, Pennsylvania? You have previously testified that that is where you live with Mrs. Carcaci; do you recognize that as the transcript of that account, joint account in the Frankford Trust?

A I refuse to answer on the advice of counsel.

Q Now then, for your information, the Committee has come into possession of documents purporting to be transcripts of the ledger sheets in the joint account of Mr. and Mrs. Carcaci, for the period commencing December 29, 1972--that is the end of last year--to October 31, through November 29, 1973, brought up to date, practically, and the staff accountant who was formerly a special agent accountant for the FBI, has examined this transcript and has noted that there are substantial cash deposits being made into this account, for instance, on

February 8, 1973, the ledger indicates a $2,000 cash deposit. That plus sign there, that means cash.

MR. GERBER: That speaks for itself, I assume.

MR. RICE: Do you mind looking at this, Lieutenant?

MR. GERBER: Will you look at it?

MR. RICE: Can you advise this Committee, or answer as to whether you have any knowledge of a deposit of $2,000 in cash in your joint account on or about February 8, 1973?

THE WITNESS: I refuse to answer on the advice of counsel.

BY MR. RICE:

Q Can you answer that?

A I refuse to answer on the advice of counsel.

Q All right.

The accountant has examined this, and points out that about one day later, there was a check written on that account in the amount of $2,000.00, the microfilm of which reflects that it was payable to James M. Moran. It was Check No. 792, and in looking in the telephone directory, it was developed that James M. Moran is a lawyer with the law firm of Black and Moran, at 2 Girard Plaza, Philadelphia.

Can you tell this Committee whether you have had

any transactions with Lawyer Moran, James Moran, through which $2,000 was withdrawn from your joint account, made payable to Attorney Moran?

A I refuse to answer on the advice of counsel.

Q Now then, on March 9, 1973, according to the ledger, there appears to be a cash deposit of $3,000.00, and, incidentally, Lieutenant, in connection with that $2,000.00 deposit, here is a deposit slip into the joint account C.S. or A. J. Carcaci, February 8, and it shows this accumulation of cash for $2,000.00 deposit (indicating).

Now, we are coming down to March 9, 1973, and we have a $3,000.00 cash deposit.

Can you assist the Committee with any information as to the source of that cash that went into your joint account?

A I refuse to answer on the advice of counsel.

CHAIRMAN HEPFORD: I couldn't hear that.

MR. GERBER: He said, "On the advice of counsel, I refuse to answer."

BY MR. RICE:

Q Incidentally, the accountant did find deposits in this account which are very obviously payroll checks or pay checks to Angelo Carcaci, for his apparent services to the

Pennsylvania State Police.

I am not talking about deposits of checks. These are cash deposits; one for two and one for three thousand inside of a month.

Do you know the source of that money?

A On the advice of counsel, I refuse to answer.

Q We have noted that on March 19, there was a check drawn against that account and the microfilm develops that this check No. 826, for $3,000.00 was made payable to Black and Moran, and was eventually endorsed for deposit by Black and Moran in the client's trust account.

Have you an account at Black and Moran?

A I refuse to answer on the advice of counsel.

Q Did you know why a check for $3,000.00 and a check for $2,000.00 were drawn on your joint account within a month to Attorney Moran?

A I refuse to answer on the advice of counsel.

Q Now, the Committee has come across another account at the same bank, Frankford Trust, and this account--I have a Zerox copy of a ledger sheet to which I am directing your attention, and which I hold in my hand, indicating that such an account was opened February 14, 1973--that's Valentine Day of '73, and that the person who may draw checks on this

interior decorating account is C. S. Carcaci, whom I assume to be your wife, Catherine.

Are you aware, or were you aware of the opening of an account by C. S. Carcaci--Interior Decorating--in the Frankford Trust on or about February 14, 1973?

A On the advice of counsel, I refuse to answer.

Q Now, in connection with that account, it is interesting to note that it was open in February, and on March 26th, a deposit into that account was Check No. 283 of the Beaver Hill Company, and that appears to be one of the entities that security services were performed for.

Do you know why checks for security services from Beaver Hill were being billed into Catherine Carcaci's account, entitled "Interior Decorating?"

A I refuse to answer on the advice of counsel.

Q And that particular check was in the amount of $171.00.

Now, additionally, there were two other checks in the same amount, $171.00, deposited into that account from Beaver Hill, and can you tell this Committee why money ostensibly from the security business was going into an interior decorating account?

4-1

A I refuse to answer on advice of counsel.

Q Would you suggest that perhaps Mrs. Carcaci can orient us better toward what was going on in that account?

A I refuse to answer on advice of counsel.

Q Here is a Xerox copy of the microfilm of two checks drawn by Beaver Hill that were deposited into that account.

Does that help to refresh your recollection?

A On the advice of counsel, I refuse to answer.

Q There were some disbursements made from that account to people like Linda Jean Carcaci. Do you know who Linda Jean Carcaci is?

A I refuse to answer on advice of counsel.

Q A disbursement to John A. Petrillo; do you know John A. Petrillo?

A On the advice of counsel, I refuse to answer.

Q How about Neal Cramear; do you know him?

A I refuse to answer on advice of counsel.

Q It is interesting to note that this interior decorating account was opened in February, which was shortly after a case in the Federal Court in the Philadelphia area involving a bankruptcy fraud called "The House of Interior Decor," and that, apparently, a lawyer by the name of Moran

4-2

represented an Edward Dean, and one of the defendants who was acquitted was Joseph Carcaci, who is your brother.

Is there any connection between these disbursements of two and three thousand dollars from your joint account to Moran and this bankruptcy matter in which several men pled guilty and were sentenced to jail, one of them Edward Dean, and John Nugent; is there any connection between that?

A I refuse to answer on advice of counsel.

Q And in which Joseph Carcaci was a defendant?

(No response.)

MR. GERBER: I believe, for the record, did you state that he was acquitted, Joseph Carcaci?

MR. RICE: I stated that he was acquitted.

Did the witness confirm that?

MR. GERBER: No, no. You just left the last statement hanging in the air and I wanted that to be completed, that's all.

MR. RICE: The information I have, Mr. Gerber, is that there was some several hundred thousand dollars of assets consisting of furniture, televisions, and the like, of which there was a mysterious disappearance from the creditors, resulting the indictment for bankruptcy fraud of the people involved in The House of Interior Decor.

4-3

MR. GERBER: I assure you that you have much more information than I do, so I just wanted the record to be complete that Joseph Carcaci was acquitted, as per your statement; that's all.

MR. RICE: I think, Mr. Chairman, that we are reaching the point of dimishing returns, and if we weren't there a long time ago, that possibly, we will want to talk to Mrs. Carcaci, but I suspect the members of the Committee might have some questions.

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

REPRESENTATIVE GEESEY: Well, again, just a statement.

I don't think that there are any questions in the minds of any member of this Committee that the resolution as drawn and under which we are presently operating and have been operating is duly constitutional, and vests in us the full power and authority of the House of Representatives, but let's assume the worst. Lieutenant.

Let's assume that eventually the court should decide that the resolution is unconstitutional, as suggested by your attorney, it would be a very simple matter for us; it would take us a period, as a matter of fact, of one day, to

either amend the resolution or to draw up a new resolution that would meet the test. And let me assure you that the next day you would be right back in here before the same group of men that you are presently appearing before. That being the case, I would suggest to you very strongly that you are doing yourself a disservice by testifying the way you are testifying today.

I would strongly suggest that before you leave the witness stand you do agree to answer the questions that were propounded to you today, because there will be no recourse should the eventuality occur as just described; you will be back and you will not be able to answer the way you are answering today.

You will not be able to use that out, and you are only digging a hole deeper for yourself. I think you are really doing yourself a disservice, and I would hope that you would reconsider today. Will you reconsider?

THE WITNESS: On the advice of counsel, I refuse to answer.

REPRESENTATIVE GEESEY: Lieutenant, that is unbelievable.

That is all, Mr. Chairman.

CHAIRMAN HEPFORD: Mr. Turner?

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REPRESENTATIVE TURNER: No questions.

CHAIRMAN HEPFORD: Mr. LaMarca?

REPRESENTATIVE LaMARCA: No further questions.

CHAIRMAN HEPFORD: Mr. Rhodes?

REPRESENTATIVE RHODES: No questions.

CHAIRMAN HEPFORD: The Chairman has before it the letter received from Mr. Morris Gerber, dated November 28, 1973, which was information that has been referred to here relative to the Lieutenant's presence at the Washington Motor Lodge in King of Prussia, October 15, 1972, and Tuesday, October 17, 1972; and, Lieutenant Carcaci, is this information that is contained in this letter that has been forwarded - did you supply that information to your counsel? Is that correct that you were there those dates?

THE WITNESS: I refuse to answer on advice of counsel.

CHAIRMAN HEPFORD: We direct you to answer that question, the same as we have all other questions.

You understand that, do you not?

(Witness nodded his head.)

CHAIRMAN HEPFORD: The witness has nodded his head in the affirmative.

(The witness refused to answer on advice of counsel.)

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CHAIRMAN HEPFORD: Very well, the letter will be made part of the record.

I also might inform the Committee that on December 4th, counsel of this Committee addressed this letter to Colonel James D. Barger, in which he indicated that the Committee has a continuing interest in the activities of Lieutenant Angelo Carcaci, and that "you will recall when you" -- referring to the colonel -- "appeared before the Committee, on June 7, 1973, you addressed yourself to the subject of Lieutenant Carcaci's status and stated: 'Since that time, we have received information that there was a possibility he was moonlighting to the effect of running a security at some apartment complex near Philadelphia. We have made an investigation of that. We have found no information to substantiate that at this point.'

Mr. Rice continued the letter to the Colonel, saying: "Would you be kind enough to review Lieutenant Carcaci's personnel file and advise whether or not Lieutenant Carcaci has ever applied for or received the necessary approval from the Commissioner to engage in the employment outside the Department?

"Additionally, would you furnish this Committee with the identify of your officers assigned to and participating

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in the investigation referred to above, along with copies of any written reports submitted?"

Now, this information is placed in the record at this time, and we will await the reply of the Commissioner.

Lieutenant Carcaci, I feel that I only can advise you, as Chairman of this Committee, that this Committee is going to take a vote today, and if you continue in your present attitude, we are going to recommend, and we propose possibly to introduce a resolution in the House of Representatives, citing you for contempt of the House of Representatives, in refusing to answer, other than your name, to this Committee.

In view of your past testimony before the Committee, and the other information that we need concerning your activities in the field of law enforcement, as a member of the Pennsylvania State Police for the past twenty-four years, as you have referred to, I ask you again, will you answer any of the questions that were directed to you today?

THE WITNESS: On the advice of counsel, I refuse to answer.

CHAIRMAN HEPFORD: And we direct you to answer those questions.

THE WITNESS: I refuse to answer on the advice of counsel.

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CHAIRMAN HEPFORD: Very well, you leave this Committee no other recourse except to proceed with the contempt proceedings which I will recommend to the Committee, and you are still under subpoena which was served upon you personally when you appeared at the closed session.

You understand that?

MR. GERBER: Yes, we understand.

CHAIRMAN HEPFORD: Thank you very much.

(Witness excused.)

CHAIRMAN HEPFORD: Mrs. Carcaci?

CATHERINE CARCACI, called as a witness, being first duly sworn, testified as follows:

CHAIRMAN HEPFORD: What is your name, please?

THE WITNESS: Catherine Carcaci.

BY MR. RICE:

Q Mrs. Catherine Carcaci, you are the wife of Lieutenant Carcaci?

A Yes, I am.

Q Where do you live, Mrs. Carcaci?

A 44 Christopher Drive, Holland, Pennsylvania.

Q You are accompanied by Mr. Gerber here today?

A Yes, I am, sir.

Q And he is your counsel?

A Yes.

MR. RICE: Again, glad to have you along.

MR. GERBER: Thank you, sir.

BY MR. RICE:

Q Did you receive, through Mr. Gerber, a request to produce certain books and records for the benefit of the Committee here today?

A Yes.

Q Yes, you did?

A Yes, I did.

Q And were those records requested of you to be organization records, licenses, minute books, and account records reflecting income and disbursements and personal rendering services for the period, calendar years '72 and '73, to date? And do you have those records with you?

A On the advice of my counsel, I refuse to answer.

Q I'm sorry, I didn't hear your answer.

MR. GERBER: May I say this, Mr. Chairman --

MR. RICE: Yes.

MR. GERBER: I will repeat that I am advising

Mrs. Carcaci not to answer that question for the same reasons I have stated heretofore, that the resolution is so broad as to make it vague and indefinite and, therefore, unconstitutional, and any questioning or proceedings thereunder would be in violation of her due process.

I also, in her instance, wish to add that I am further advising her not to testify because of the wife's immunity as it relates to the activities of the husband.

MR. RICE: All right.

Q Now, Mr. Gerber has made a statement. We assume that you have adopted those statements as your own?

A I refuse to answer on advice of my counsel.

Q Well, I don't think you were listening to the question.

The question was whether you adhere and adopt those statements made by counsel?

A Yes, sir.

Q As if you had made them yourself?

A Yes, sir.

Q So, he is stating your position for you?

A Yes, sir.

Q And with that, you agree?

A Yes.

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Q Now, you were present this morning, were you not?

A Yes.

Q And you were in a position to hear the questions and statements made to your husband, were you not?

A I refuse to answer on advice of my counsel.

Q Now, the question was not anything except were you here, and did you hear with your ears, what was said in this room this morning?

A I refuse to answer on advice of my counsel.

Q You are now declining to tell this Committee whether you were here and heard anything or not?

A I refuse to answer on advice of my counsel.

Q Now then, you have been the wife of Angelo Carcaci for how many years?

A I refuse to answer on advice of my counsel.

Q Now, you have heard of the Fifth Amendment?

A I refuse to answer on advice of my counsel.

Q Whether you have ever heard of the Fifth Amendment, you are refusing to answer that?

A That's correct, that's correct.

Q In answering these questions on advice of counsel, do you intend to answer that way to any and all questions put to you?

A I refuse to answer on advice of my counsel.

Q Were you aware, before you came before this Committee, as to what the nature of the interrogation would be?

A I refuse to answer on advice of my counsel.

Q Have you conferred with your lawyer since you have been at the table here, the witness table, as to getting his advice?

A I refuse to answer on advice of my counsel.

Q Do you have children?

A I refuse to answer on advice of my counsel.

MR. RICE: Mr. LaMarca, can you help her?

REPRESENTATIVE LaMARCA: I think - let the record show that she is not really denying her children. No mother would.

MR. GERBER: Thank you, sir.

BY MR. RICE:

Q Did you hear the question as to whether Rocco Urella is the Godfather of any of your children?

A I refuse to answer on advice of my counsel?

Q Do you hear me now asking you if Rocco Urella is the Godfather?

A I refuse to answer on the advice of my counsel.

Q You can answer whether you hear me or not?

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A That's correct.

REPRESENTATIVE LaMARCA: I assume you mean Godfather in the religious sense that many of us practice?

MR. RICE: Yes.

BY MR. RICE:

Q What is the fact of the matter? Is he?

A I refuse to answer --

Q All right.

A -- on advice of my counsel.

Q All right. We are in a position or situation where you are declining to produce any records or to answer any questions on the advice of counsel? That's about the size of it.

A I refuse to answer on the advice of my counsel.

MR. GERBER: Mr. Chairman, in fairness to the Committee, I would state, if you directed the question to me, I am so advising her, yes, not to answer any of the questions for the reasons I have stated, not to produce any records for the reasons I have stated.

REPRESENTATIVE GEESEY: Do you think you have been fair to the Committee? Why would you want to start now?

MR. GERBER: I think I have been fair and frank, and I think the Committee has been respectful to me, and I

return the respect to the Committee.

REPRESENTATIVE GEESEY: You have a funny way of showing it.

MR. RICE: Mr. Chairman, I believe we have reached the point, as old Senator Neeley used to say, of beating a dead horse. I'm not suggesting that Mrs. Carcaci is a dead horse, but so far as producing information, she impresses me as probably going to adhere to a policy of declining to provide information.

We did hope that she would assist the Committee in pursuance of its mandate and in the interest of justice and law enforcement in the state, by furnishing information, might be in position relating to the operation of a guard or security system in which it is alleged that a number of State Police participated, under the supervision of her husband, and apparently Mrs. Carcaci participated in the financial aspects of the business, the drawing of checks and the establishing of bank accounts in the name of an interior decorating outfit, and other things like that. We thought that perhaps she would fill us in as to who the employes were that worked in this operation, and how come they dealt in so much cash, and whether the business had registered in compliance with the statute, whether tax returns were properly executed, and a

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good many subjects that perhaps she could help us with.

There have been allegations that Lieutenant Carcaci operated a tape recorder in his home, that he had made tape recordings of telephone calls from Captain Jesse Stanton, directing him to go out with now Commissioner Barger to perform electronic surveillances and perhaps she could focus on those things, and throw some light, but, obviously, there seems to be no point in pursuing this line, so --

MR. GERBER: If it will help any, I will acknowledge for the record that, if those questions that you have just stated, were inquired of this witness, as you just referred to them, that I would advise Mrs. Carcaci not to answer for the reasons I have stated.

Now, I am being frank, Representative Geesey.

REPRESENTATIVE GEESEY: But not fair.

MR. RICE: I assume your answer would be the same on a deposition?

THE WITNESS: I refuse to answer --

MR. GERBER: This is not a deposition.

THE WITNESS: Okay, I do. That's it.

BY MR. RICE:

Q Will you tell this Committee whether or not, to your knowledge, in your home, why Lieutenant Carcaci

ever displayed any electronic equipment or hooked it up to the telephone in your home?

A I refuse to answer on advice of my counsel.

MR. RICE: I suggest to the Chair that there be a direction directing this witness to answer that question.

CHAIRMAN HEPFORD: We direct the witness to answer the question.

MR. GERBER: I am advising the witness not to answer, in complete respect to the Chair.

BY MR. RICE:

Q Now, you are declining to answer the question in face of the direction from the Chair?

A Yes, I am.

MR. RICE: I have no further questions of the witness.

CHAIRMAN HEFFORD: Mrs. Carcaci, there has been testimony to this Committee that your husband instructed the Fox Companies to make the checks which were payable for security services rendered to apartment complexes, West Village, Watergate and Beaver Hills, payable to you, and thereafter, did you receive checks from the Fox Companies?

THE WITNESS: On advice of my counsel, I refuse to answer.

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CHAIRMAN HEPFORD: And we direct you to answer that question.

THE WITNESS: I refuse to answer on advice of my counsel.

CHAIRMAN HEPFORD: Very well.

Mr. LaMarca?

REPRESENTATIVE LaMARCA: No questions.

CHAIRMAN HEPFORD: Mr. Rhodes?

REPRESENTATIVE RHODES: None.

CHAIRMAN HEPFORD: Mr. Turner?

REPRESENTATIVE TURNER: No questions.

CHAIRMAN HEPFORD: Mrs. Carcaci, we had an investigator with a subpoena appear at your home. Do you recall that incident?

THE WITNESS: I refuse to answer on advice of my counsel.

BY CHAIRMAN HEPFORD:

Q Did you advise the investigator that your husband was not there?

A I refuse to answer on advice of my counsel.

Q Did you later indicate to another individual that your husband was, in fact, there?

A I refuse to answer on advice of my counsel.

Q Were there any other State Policemen in your employ doing security work for the Fox Companies under the agreement that was signed by your husband, Lieutenant Carcaci?

A I refuse to answer on advice of my counsel.

Q We direct you to answer that question.

A I refuse to answer on advice of my counsel.

Q When I say "other State Policemen," I am referring to other active duty Pennsylvania State Policemen.

A I refuse to answer on advice of my counsel.

Q In connection with the C.&.C. Company, the contract to provide security at the Watergate Apartment complex, the West Village complex and Beaver Hills complex, did you have in your employ, or did you pay in cash, any members of the Pennsylvania State Police for their services?

A I refuse to answer on advice of my counsel.

Q For services they had rendered to any of these apartments?

A I refuse to answer on advice of my counsel.

Q We direct you to answer that question.

A I refuse to answer on advice of my counsel.

CHAIRMAN HEPFORD: Very well, Counsellor?

MR. GERBER: Yes?

CHAIRMAN HEPFORD: I understand you are raising a

legal question of the legality of this Committee to interrogate witnesses relative to the field of law enforcement and the activities of the members of the Pennsylvania State Police

MR. GERBER: Well, I raise the question even broader than that with reference to -- I raise the question as to the validity of the resolution, and therefore, the right of the Committee to interrogate on any subject.

CHAIRMAN HEPFORD: Right, and including law enforcement and the activities of Pennsylvania State Policemen on active duty?

MR. GERBER: On any subject.

CHAIRMAN HEPFORD: And it is on that basis that you advise this witness not to answer?

MR. GERBER: Plus the fact that she has stated that she is the wife of Angelo Carcaci, and her immunity of a wife testifying as it relates to a husband.

CHAIRMAN HEPFORD: Well, we are interrogating her relating to the activities of any other policemen that may have been moonlighting, participating in these activities, or that she had knowledge of.

MR. GERBER: With complete respect to the Chair, I have stated my reasons.

CHAIRMAN HEPFORD: We understand, and that would

apply to any questions that we direct to this witness?

MR. GERBER: Correct, sir.

CHAIRMAN HEPFORD: We can only say that, for several reasons, one, some of which will appear in the other records, that this Committee is now incorporating into this record at the prior hearing on November 8th and the hearing of November 14th and today, that we will review that and this Committee will also determine whether or not Mrs. Carcaci should, likewise be cited, although there may be some hesitancy on the part of the Committee.

I anticipate no hesitancy with respect to the Lieutenant.

REPRESENTATIVE GEESEY: Mr. Chairman, may I ask one question?

CHAIRMAN HEPFORD: Mr. Geesey?

BY REPRESENTATIVE GEESEY:

Q Mrs. Carcaci, do you understand the possible consequences of your refusal to answer questions? Do you understand that you might be held in contempt?

A On advice of my counsel, I refuse to answer.

REPRESENTATIVE GEESEY: Mrs. Carcaci, I think both you and your husband have got some very bad advice today.

Thank you.

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THE WITNESS: Thank you, sir.

MR. GERBER: Mr. Chairman, may I order a set of the notes of testimony of the hearings, wherever Mr. Carcaci and Mrs. Carcaci have testified, and the testimony, I believe of Mr. Malik?

CHAIRMAN HEPFORD: Under the rules of the Committee, there will be a complete transcript of this hearing today, and the hearings that were voted by the Committee to be made public, are part of the record and available to you.

MR. GERBER: Thank you.

I will write to Mr. Rice.

MR. RICE: You will have them.

CHAIRMAN HEPFORD: And as soon as they are transcribed, the last hearing, where the representatives from the Fox Companies testified, have not been transcribed but we have, likewise, here today voted that they become public and they are available also to you.

MR. GERBER: Thank you, sir.

CHAIRMAN HEPFORD: And I did indicate to you in the presence of Angelo Carcaci that he was positively identified as the person whose signature was on the agreement to provide the security at the West Village, Watergate and Beaver Hills apartment complexes.

That testimony you can review in detail concerning his activities in that security field during the year of 1973.

MR. GERBER: Thank you, sir.

REPRESENTATIVE RHODES: Mr. Chairman, may I ask a question?

CHAIRMAN HEPFORD: Representative Rhodes has a question.

REPRESENTATIVE RHODES: Thank you, Mr. Chairman. This will be brief.

You have heard the members of the Committee repeatedly ask the witnesses, do they understand the consequences?

MR. GERBER: Yes.

REPRESENTATIVE RHODES: Of their actions before this Committee?

MR. GERBER: Yes.

REPRESENTATIVE RHODES: What troubles me, what will you do if you go into court, say we have a court citation, you know, the Committee moves along, there is momemtum pretty soon. We will be into some very heavy legal action, and before we get into the middle of that, involved in the lives of two very fine people, it seems to me we ought to realize what we are doing.

We are all very nice to each other today; we are all very friendly and everything, but it strikes me that maybe you don't realize that we are very serious about the very fact that you have challenged the integrity and the validity of this Committee. And those of us who are concerned with this testimony have no alternative but to sign the contempt citation, and I don't think you have a legal ground to stand on.

You realize that if you lose this in court and these people are remanded over to the jail, what are you going to say?

MR. GERBER: I say this to you, with complete respect for your statement, Mr. Rhodes, that I realize I do have a responsibility. I recognize that I am challenging, not the integrity --

REPRESENTATIVE RHODES: The validity of it.

MR. GERBER: -- the validity of the resolution, not the integrity of the Committee. I respect that I am challenging that. I respect the fact that I have a heavy responsibility on my shoulders.

As you say, these are two lovely people and two fine people, and we don't know what is down the road, you see, but this is the life of a lawyer. He has responsibilities; he meets them as best he can.

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I am sixty-years old and I have done this now for better than forty years.

REPRESENTATIVE RHODES: It seems like it is a collision course that could have been averted somehow. It seems like it's not necessary somehow, this collision, but what is gained from it?

MR. GERBER: What is gained from these proceedings?

REPRESENTATIVE RHODES: From the collision?

MR. GERBER: Believe me, I would have personally been much happier if I could have avoided the collision course. And I can even state to you that I am not doing this for personal gain. I haven't gotten one penny and I don't expect to get one penny, because this man doesn't have it.

Thank God, I can afford it better than he can, you see. So what do I gain?

I feel that I am gaining, the fact that I am meeting my responsibility.

REPRESENTATIVE RHODES: And this was the place to make your stand, this hearing?

MR. GERBER: Well, there was no other place. There is no other place.

REPRESENTATIVE RHODES: Okay.

MR. GERBER: And with complete respect to every

one of you gentlemen on the Committee.

REPRESENTATIVE RHODES: All right. Thank you.

CHAIRMAN HEPFORD: Thank you, Mr. Gerber.

This hearing will stand adjourned.

The Committee members have indicated that we will prepare the contempt citation. They are unanimous, and it will be submitted to the House of Representatives in the morning.

(Hearing adjourned.)

CERTIFICATE

I hereby certify that the proceedings and testimony are contained fully and accurately in the notes taken by me during the hearing on this matter, and that this is a correct transcript of the same.

Ronald Goodale

Ronald Goodale, Reporter