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N. J. Committee for the
 ASSEMBLY "INVESTIGATION OF
 ALLEGED FRAUDULENT AND ILLEGAL
 CONDUCT AT THE GENERAL ELECTION
 ON NOVEMBER 2, 1937, etc.
 -----X

BOOK FOUR

Testimony...

I N D E X

March 4, 1938 1183

Witnesses:

Edward Biedrzycki	1185
Charles Balas	1191
Edward Tem	1221
James Mazziota	1225
Edward Czaplewski	1237
John Corcoran	1244
Alice Seglie Fila	1322

March 7, 1938 1355

Witnesses:

Alice Seglie	1357
John J. Corcoran	1388

March 10, 1938 1412

Witnesses:

Anna Walker	1415
William Weiss	1441
Michael Amoroso	1449
Peter Cucorullo	1487

974.90
 I 62
 1938

I N D E X continued

Anna Walker (recalled)	1495	
March 14, 1938		1536
<u>Witnesses:</u>		
Dora Arenson	1537	
John Kane	1562	
Matthew Joseph Connell	1566	
Edward John McTighe	1570	
March 23, 1938		1574
<u>Witnesses:</u>		
Clayton E. Freeman	1577	
March 28, 1938		1588
<u>Witnesses:</u>		
Kristian Brandt	1588	

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Assembly Investigation of :
Alleged Fraudulent and Illegal :
Conduct at the General Election :
on November 2, 1937, etc. :
- - - - - :

Transcript of stenographer's notes of hearing
held in the above matter at Room 301, Essex County Court
House, Newark, New Jersey, on Friday, March 4, 1938, at
ten o'clock in the forenoon.

Present:

Assembly Committee

Henry Young, Jr., Chairman

Rocco Palese

Frank C. Osmers (present during afternoon session)

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ROBERT H. McCARTER, Esq.,

by DAVID H. WIENER, JAMES R. GIULIANO, Esq.,

and JAMES F. MURRAY, Esq.

Counsel to the Committee

I N D E X

WITNESS	PAGE
Edward Biedrzycki	1185
Charles Balas	1191
Edward Tem	1221
James Mazziota	1225
Edward Czaplewski	1237
John Corcoran	1244
Alice Seglie Fila	1322

EDWARD BIEDRZYCKI, being duly sworn
according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Edward Biedrzycki.

Q Mr. Biedrzycki, on November 2, 1937, did you serve as
a deputy superintendent of elections in Hudson County?

A I did.

Q And as such deputy were you assigned to the First
Ward, Fifth District in Jersey City? A. I was.

Q And was that the only district you were to supervise?

A That is all.

Q And did you work there all day? A. I did.

Q Now, will you be kind enough to start right in the
morning and just give this Committee the benefit of some of
your experiences on that day? A. Well, I came in Tuesday,
and I came in a couple of minutes late, and I was told that
one of the Republican Board members was manhandled, he was
threatened. That was the first thing in the morning. He asked
to have this fellow bring in his papers.

Q His citizenship papers, you mean? A. That is right.
And they told him-- one fellow told him that he will take him
home at night. And about one o'clock there was a fellow came
in, he voted-- he was going to vote, and this fellow Charles
Balas noticed the handwriting didn't compare, it didn't match.

Q Charles Balas, what is he, a member of the Board?

A Yes, a Republican member.

Q A Republican member of the District Election Board?

A Yes. And he found that out and he told me to get the officer. I got the officer and we had him placed under arrest in the barbershop. The officer took him by the arm, took him out in the street and let him go, and he went in the hall.

Q Did the officer say anything to him? A. I didn't hear the officer say anything to him, but he let him go just like that.

Q Do you know who the officer was? A. Yes.

Q Do you know his name? A. No.

Q Do you know his number? A. Yes.

Q What was his number? A. 618.

Q That was on his badge? A. Yes.

Q Was he the officer that was stationed there for the whole day? A. Most of the day.

Q Had this floater voted? Had he actually voted?

A No, he didn't vote.

Q Mr. Balas caught him before he voted? A. That is right.

Q And the policeman just let him go? A. Let him go.

Q Now, go on. A. The policeman went in the hall. Then he went in the back room of the barber shop. Then Mr. Clee came down and we had the place closed down about two or three times.

Q Why? A. On account of this floater.

Q This one? A. This one, and we had the place closed down and had the place cleared, and them saying that we stopped the voting.

Q Why was the place cleared? What was going on in the place that it was necessary to clear it? A. Something about a challenge list. They were arguing about a challenge list.

Q Who was that? A. The Democrat --

Q The members of the Board? A. Democrats and Republicans.

Q Was this the challenge list they were arguing about or didn't you see it? A. I saw it once, that is all.

Q What was the argument about? A. It was about some of the fellows -- there was two or three fellows had to go to the court house to get something to vote, I don't know what it was.

Q You mean the black list, not the challenge list. That is, the prohibitory list. What was the argument about? Did Balas say these people should not be permitted to vote?

A Until they got permission.

Q A court order? A. A court order.

Q And the other members of the Board said what, it wasn't necessary? A. "Do your job. It is none of your business," something like that.

Q In other words, they told him the question of the black

list was none of his business? A. That is right.

Q And it was not necessary to refer to it when people came in. Did they also argue about the challenge list?

A Oh, yes, a couple of times, but they took it away later on. They put it somewhere, I don't know.

Q You mean they refused to permit Balas to look at the challenge list? A. They didn't refuse, but I didn't see them use it any more.

Q Were you there when the argument started about it not being used? A. I was there.

Q And what did Balas say? A. Well, he told me to call up Ferguson's office, and they came down and they closed the place up at the time. And everything was straightened out -- I think it was straightened out. And during the evening there was a bit of commotion there also.

Q What happened then? A. Well, there was quite a few of us fellows there from the club house and we were standing against the wall. Mr. McGovern came in --

Q Which McGovern is that? A. The Commissioner.

Q William McGovern, the City Commissioner?

A Yes.

Q Go on. A. And he told the deputies to keep the hell away from the box.

Q He told you that? A. He didn't tell me, he told all of us. There was about four of us.

Q Go on. A. And he made a motion just like this (indicating) or something, to strike someone, I don't know who it was; but we were all lined up against the wall and when the counting was going on I didn't see a thing.

Q Why not? A. I was pushed away, I was told to get out of the way, I was in front of the clerk's way, they couldn't write, they said; I had to get out of the way, they wouldn't let me there.

Q You tried to get a position to watch the count and they wouldn't let you look at the ballot? A. That is right.

Q Why? Were there so many people in the place?

A All the people were in the back sitting down.

Q Who were these people that you say pushed you aside so you couldn't see? A. It was the Democrats. There was about five or six of them around the box. I couldn't get nowhere near it. I was up against the wall. I couldn't get near it.

Q Now, during the day did you notice a comparison of the signatures being made when the voters came in?

A Yes.

Q Who made the comparison of the signatures?

A Charles Balas.

Q And was he permitted to do that all day long?

A Well, he wasn't permitted; he did it on his own accord, I guess.

Q Well, was he stopped from doing that? A. Well, he

told them it would be less trouble if he would keep right on going. But he said, "I am allowed to do this and I am going to do it."

MR. YOUNG: Who was "he?"

THE WITNESS: Charles Balas.

MR. YOUNG: Was he a member of the Election Board?

THE WITNESS: Yes.

MR. WIENER: Yes.

Q Was he stopped from doing that on various occasions?

A No, he wasn't stopped.

Q Now, in this district there is a discrepancy of 43 votes between the original count and the recount. In the original count Moore received 524 votes and Clee received 7 votes; in the recount Moore received 500 votes and Clee received 26 votes, a difference of 43 votes in this one district. Is there any way that you can account for that having taken place, that discrepancy? A. I don't know. I thought that was the real count; the first count I thought was the real thing.

Q Do you think if you were permitted to look at the ballots and watch the ballot that the second count would have been the first count? A. I think it would have been.

Q In other words, if there was not this force applied whereby people other than those that thought they had the right alone to look at the ballots, the count would have been

different than it was? A. I think it would. There would have been arguments over the ballots.

Q How were the ballots called, called straight Republican? A. Straight Democrat is all I heard.

Q There were no split ballots called at all? Did you hear any called at all? A. There were two ballots that were put on the side.

Q Those were two void ballots. But you didn't hear any split ballots called? A. No.

Q Who was calling the ballots? A. The Judge.

Q That was Edward Tem? A. I don't know his name, but I know him if I see him.

MR. YOUNG: What district is this, the First Ward, Fifth District?

MR. GIULIANO: That is right.

MR. YOUNG: Mr. Wiener, could we have the list of the members of the Election Board? Have you got that?

(Mr. Wiener handed a paper to Mr. Young.)

MR. WIENER: I think that is all we want this gentleman for. That is all. Thank you.

C H A R L E S B A L A S, being duly sworn according to law, testified as follows:

MR. YOUNG: Mr. Balas, may I ask you a question before Mr. Wiener does?

THE WITNESS: Yes, sir.

MR. YOUNG: Were you a member of the Election Board of this district in the primary?

THE WITNESS: No, sir.

MR. YOUNG: Was this entire Board changed after the primary?

MR. WIENER: All of them new? All new?

MR. YOUNG: All four of the primary ones were indicted.

MR. WIENER: They were all new.

(Discussion off the record.)

BY MR. WIENER:

Q What is your full name, please? A. Charles Balas.

Q And on November 2, 1937, did you serve as an Election-- District Election Board member in the First Ward, Fifth District of Jersey City? A. I did. I beg your pardon. Just a moment. I overheard a conversation just a little while ago while Mr. Biedrzycki was on the stand, and it was stated that probably this here inquiry was rehearsed. I would like to have it understood that this was not rehearsed.

Q Well, we are not worried about that.

A This is the truth.

Q We know that, because you are going to testify. You have got enough guts to stand on your own, and what you say you know you did. A. Yes, sir.

Q That is more than we can say for a lot of other people we have had over here. You therefore reported to that district in the morning? A. I did.

Q Now, will you be kind enough to tell this Committee your experiences, starting in the morning and right through the rest of the day? A. Yes, sir. I reported to the First Ward, Fifth District, which is on Henderson Street, Jersey City, at 7:30 in the morning, I believe it was, or seven o'clock. I filed my papers and was sworn in as a member of the Election Board. And, naturally, we proceeded with the election as usual, counting the ballots to see that everything was in order. Then the voters started to come in. Three or four voters passed which were eligible for voting, and then a party came in at about a quarter of eight, I believe, came in about a quarter of eight. And I asked the party his name. The party stated his name, and I looked in the binders and found out he was a naturalized citizen. I doubted his citizenship, so I challenged his ability to vote. I asked him to bring his citizen papers if he wished to vote or else he would not vote. And I believe that is the power of the Election Board member to challenge any vote that you believe is not supposed to be voted. And when I challenged this party I was approached by four gentlemen who grabbed me cautiously

and carefully by the neck while another party by the name of Joseph Ambrose tried to strike me.

Q Joseph Ambrose? A. That is right. He attempted to strike me. And in the meantime, with a few loud remarks they stated that if I did not do what I was told and did not mind my own business and to go about my work as usual I would get my head handed to me.

Q What did they mean by "usual"? A. Just to go to work and ask the parties their names and to ask them where they lived and just let them vote.

Q Whether they were on the challenge list or black list?

A Whether they were on the challenge list or black list, just let them vote, because they have got plenty of votes to get in that day.

MR. YOUNG: Did this voter's name appear on the challenge list?

THE WITNESS: I don't know. I looked at the challenge list, I believe, twice, and when I tried to refer to the challenge list, they took the challenge list away from me. They said, "That is wasting too much time. Take that challenge list away from him." And they took the challenge list away and I didn't see it all day.

MR. YOUNG: Do you recall that voter's name?

THE WITNESS: Let me see. At present I don't recall it, but I have it in my mind. It has just slipped

my mind.

MR. YOUNG: Was it a long name?

THE WITNESS: Yes, and Italian name.

Q Was this man permitted to vote? A. Yes, he was permitted to vote by a vote of three to one, mind you. The Board members take a vote, naturally, and they say, "Well, does he vote or doesn't he?"

"What do you vote?"

"Yes."

"What do you vote?"

"Yes."

"What do you vote?"

"Yes."

O. K. It was three to one and he voted, that is all there was to it.

Q And the other Republican-- A. Supposed Republican.

Q (Continuing) -- stood up with you as usual?

A Hmm. Against.

Q And that man was permitted to vote? A. Yes, he was permitted to vote just like the rest of them.

Q And no attempt was made to have him produce his citizenship papers? A. No, sir. Every vote I tried to challenge they would not let me see the challenge list or anything, and in order to show the persons I challenged, I marked in the poll book "Voted against three to one." It is in the poll book, it is marked "Voted three to one" that he

voted. There is quite a few names in the poll book marked that way under "Remarks."

Q After you had that experience did you also have any experiences about that challenge sheet? A. Yes. I tried to get hold of the challenge sheet. I remembered a few names that I could possibly remember that seemed familiar to me, and as the party came in to vote I challenged that vote, and somehow or other the challenge list appeared again, and then he was allowed to vote by affidavit.

Q Was there a vote taken on that or was he asked questions as to whether or not he had moved? A. No questions at all.

Q Just permitted to vote? A. That is all, by affidavit.

Q What was your experience with the black list or prohibitory list? A. The black list. That was set aside; they didn't have any time to look at the black list.

Q Didn't use the black list all day? A. Very seldom. If I had a chance to grab hold of it while voters were not going on or ballots were not being handed out, the black list was looked at.

Q Did any other Board member but yourself challenge a voter during the day there? A. No, sir, not one.

Q Each time you challenged a vote you were beaten by three to one? A. Yes, sir.

Q In every instance? A. Yes, sir.

MR. YOUNG: May I interrupt?

MR. WIENER: Yes.

MR. YOUNG: I notice the name of "Adam Burke" here on the challenge list.

THE WITNESS: Yes, sir.

MR. YOUNG: An examination of the records shows that Mr. Burke voted on that day in that district. No affidavit taken for his vote. Were affidavits taken from all voters challenged?

THE WITNESS: To tell you the truth, sir, I didn't have the binder from A to ^I believe J. I had the binder from M to Z.

MR. YOUNG: I just wanted to know when Mr. Burke came in whether he was challenged--

THE WITNESS: No, sir, he was not challenged, sir.

MR. YOUNG: His name appears here on the list.

THE WITNESS: Well, naturally, we didn't have no use for that list all day.

Q You mean you were not permitted to use it?

A No, were not permitted at all. It was not necessary, I guess, in their estimation.

Q What was your experience concerning comparison of signatures? When you saw a person come in and sign their name and that signature did not look alike or you thought it was not the same signature, what would happen?

A Well, I just called the Board member over and asked him if that signature corresponded. I called the challengers over and asked them to investigate the signature and see if it corresponded to the one in the binder. Naturally, they possibly knew what sort of a vote it was or something of that sort, and they paid no attention to it and said, "Well, it looks something like it."

Q You were again outvoted as usual? A. Yes, sir.

Q Even though the signature was definitely different?

A That is right.

Q No question in your mind that the signature was not that of the same person? A. That is right.

Q And in spite of that the Board insisted these people be given a ballot and permitted to vote? A. The usual three to one, yes, sir.

MR. PALESE: Who were the names of the three?

Who was the Republican member of that Board?

THE WITNESS: I don't recall, sir.

MR. YOUNG: Edward Czaplewski.

Q Did you have one particular experience where a voter came in, made some kind of a mistake so he was definitely established to you as a floater, and you ordered him arrested, or something like that? A. Yes, sir.

Q Would you please tell us about that? A. A party came in, I believe it was about two o'clock in the afternoon.

He looked to be of the age of twenty-one, because I know him. He got out of school after I did. And I know where he lives, too, to tell you the truth. He lives right on Montgomery Street right next to the American Railway Express Agency.

Q Do you know his name? A. I believe it is Jimmy Parisi.

Q Go ahead. A. He came in in the afternoon. I asked him what his name was. He says, I believe it was Dominick Lieto (?). All right. "Very well," I says, "Go ahead and sign your name." I registered him in the binder. He signed his name, took the ballot and voted, and before he was able to put the ballot into the ballot box I summoned the deputies and had him arrested, placed him under the custody of the deputies. The deputies, naturally, grabbed hold of him and told him he was under arrest. And without any explanation or anything, in walks an officer of law, a policeman.

Q Do you know his name? A. I don't know his name but I know his number.

Q What is it? A. 618.

Q Did you write it down, is that why you remember it?

A That is right. In walks an officer and says, "What is the trouble? What is the trouble?" Well, in order -- naturally, he was a Jersey City policeman, and in order to make him look dignified we said, "Well, Officer, here is your man.

Lock him up and we will file charges against him just as soon as we get a chance." And the officer says, "All right."

Q Did you tell the officer why? A. Yes, because he was a floater. I told him he is under arrest, he voted under false pretense. I told him, "Have him arrested and we will file charges against him later." He said, "All right, the man is in my hands." He got out the front door and the deputy escorted the policeman^{and} the floater outside the door, and as soon as he got outside the door, the deputy came running back and says, "The policeman let him go."

Q What was wrong with that? A. What was wrong with that? We asked him to lock him up. We asked him to perform his duty, somewhere in the line of duty, anyway, and he just told him to beat it, scram.

Q Did you notice any other floaters come in during the day? A. Yes, sir.

Q Many of them? A. Three, I believe. I can recollect three.

Q This one -- A. This one and two more.

Q These three are people that you know of your own knowledge? A. Yes, sir, that is the ones I really have been in contact with for a while. And the second party I seen I really know his name, he lives on Washington Street. He came down to Henderson Street to vote. I believe they call him Si Dougherty.

Q Who is the other fellow? A. A party, I believe he

came in to vote for Patrick McDonald, and he came in at eight o'clock to vote for Patrick McDonald, and at four o'clock in the afternoon he came in to vote for John McNeil.

Q The same fellow? A. Yes, sir, the same fellow. That is the time that Sidney Goldberg was there.

Q Former Assemblyman Goldberg? A. Yes, sir, Sidney Goldberg is his name. He was left there by Senator Clee to see that the honesty of the Election Board was upheld. And he came in there, and when this particular party came in to vote for John McNeil I motioned to Sidney to keep an eye on him. Sidney said, "All right," he understood me. He said, "O. K." Out came John McNeil with the ballot, stuck the ballot in the ballot box, and I said, "Sidney, get him. Get him, Sidney." Well, Sidney grabbed hold of him, and four fellows grabbed hold of Sidney. Four fellows grabbed hold of Sidney and punched him up against the wall, and this party Joseph Ambrose that I referred to previously, well, Joseph Ambrose walloped him. Well, Sidney went out the front door.

MR. PALESE: On his own account?

THE WITNESS: No, with the pressure of the inside power. So he went out the front door, and out came Sidney yelling out the front door, "Will somebody call an officer?" Well, I have a very loud voice and I yelled for an officer. Previous to that an officer came in of his own accord. And when I hollered, "Will

somebody call an officer in here?" no officer showed up. He was outside performing his duty, keeping the polling place clear. In the wind up Sidney got the officer and said, "I want you to assist me in catching that man, he voted twice." He looked at him, he looked at the polling place, he said, "I am sorry, I have to take care of this polling place." Sidney went chasing after the fellow, but naturally he couldn't catch him because he got away while he was arguing with the officer.

Q Was that 618? A. No, the other fellow was relieved and he was watching for him.

Q The other fellow was too efficient? A. Yes, sir. No matter how hard you yelled he wouldn't come in because he realized we were members of the other party.

Q What do you mean by "members of the other party"?

A Naturally, when there was some trouble in the line of the Democratic party, the officer asked him what was the trouble. When Sidney Goldberg was having his head handed to him, he was looking in the window and he wouldn't come in to say, "How do you do."

Q These three floaters that you recognized and knew of your own knowledge-- you, of course, don't know how many floaters voted in that district during the day?

A No, sir, because I am not well acquainted with that district.

Q Where do you live? A. I live downtown in the First Ward, Ninth District, I believe.

Q How far away is that from this district?

A About six to seven blocks.

Q These floaters that voted, their ballots all went into the box? A. Yes.

Q And they were all counted? A. Yes, sir.

MR. PALESE: Did they give any excuse for John McNeil and the other man?

THE WITNESS: No excuse whatsoever.

MR. PALESE: Did they say they were sick or couldn't come out to vote?

THE WITNESS: No, they didn't say anything of the sort.

Q Now, getting down toward the evening, down toward the count, what preparations were made as far as the tally was concerned? A. Just a moment. I believe you are skipping some parts.

Q Go ahead. A. Senator Clee came in at 11:30 accompanied by a few lawyers, I believe, and about twenty-five captains, sergeants, and lieutenants of the Jersey City Police Department. And as he entered he asked what is the trouble, how are we getting along. And I told him, "We are getting along fine."

"What do you mean, fine?"

I said, "You can do everything you can around here but

you cannot get nowhere." So I asked him if he had any committee men working for him down in the district. He says, "Why, there should be."

"Where are the committee men?" There were no committee men in sight. So I told him that any votes he got would be on his own hook, if he did ever get any. So they asked me if I wanted the Board locked up, if I wanted the place closed. They asked me if I was afraid to stay there because of the threats I was getting. I was getting them all day. So I told them I would stay there as long as they carried on an honest election. Just as soon as all the officers and everyone walked out, the party started again.

Q What happened then? A. Well, after that occurrence, after Senator Clee left, then came this floater Jimmy Parisi, and he voted, and I sat down on the poll book and they were going to manhandle me because I would not let the voting go on.

Q How did you finally get straightened out?

A I called the Superintendent of Elections. After they came down, everything was all settled.

Q In other words, the whole day was -- A. A merry-go-round.

Q A series of occurrences of that type? A. Yes, sir.

Q Whenever anything illegal was going on and you raised your voice, there was a fight? A. Yes.

Q Then they delayed for five or ten minutes and started all over again? A. Yes.

Q Did you notice an unusual number of illiterate voters,-- I mean people who voted by means of an "X" in that district?

A Yes, quite a few.

Q Did you look some of them over? Did they appear as though they could write their name or as intelligent?

A Naturally. The law states that a person is capable of reading and speaking English, he is capable of writing his own name and write down his own votes. But what happened all day, whether he was able to read or speak or whether he was able to write or not, assistance was given to anyone who walked in and asked for it.

Q Who would go into the booth? A. Well, I believe I went into the booth twice in the entire day.

Q Who went in the other times? A. Either Czaplewski, Edward Tem or a party named Murray.

Q Who was Murray? A. I don't know.

Q You mean he was an outsider, had no place on the Board? A. I believe he was a challenger.

Q He would go into the booth? A. Yes.

Q What was he, a Democratic challenger? A. Yes.

Q You say that one man would go into the booth?

A Two.

Q Two at a time? A. Yes, sir. Two with the voter.

Q Now, these illiterate voters who signed the poll book by means of an "X", were they asked any questions as to whether or not they could identify themselves as that person and whether or not they could read or write? A. No questions asked whatsoever. If I attempted to ask a question I was told to keep quiet.

Q Did some of these people who came in and voted by means of an "X" appear to you as though they could read and write and could have written their name? A. Yes, sir.

Q And they voted by X's, do you think, because they didn't know whose name they were voting? A. I wouldn't know that, sir.

Q Did you have any suspicions as to any of them being floaters? A. Well, I couldn't say.

Q Were there any young people that came in and voted by means of X's? A. No.

Q Now, what did they do to you when they started to tally the votes? A. Well, they just-- I will take that front desk for an example. The ballot boxes were at that end of the desk. The judge and inspector sat at the first two chairs. One clerk sat right next to me and I sat away on the outer end far away.

Q They put you all the way down at the end?

A Yes, sir. And one of the deputies stationed himself behind the two clerks, and when he stationed himself there--

I believe his name is Edward Biedrzycki-- he stationed himself behind the two chairs, and before he got fairly settled he got put outside the chairs and against the wall like the rest of them did.

Q Chased him out so he couldn't see the tally?

A Yes, sir. Another deputy came forward and said, "Let me see that ballot." He said, "I don't believe you are counting that right or tallying that properly," and just as soon as he made that statement he went out the front door.

Q What was Murray doing while the count was proceeding or started? A . Oh, I would say openly that he was-- well, I would say he was the big boss of the whole situation.

Q He ran the show in that district? A. Yes, sir.

Q This Murray is the same individual who was the judge of the Board, I believe, in the primary of 1937?

A That is right.

Q And was indicted for the fraud which took place in this particular district? A. That is right.

Q Indicted by the Hudson County Grand Jury?

A Yes, sir.

MR. PALESE: You say he was indicted for his work on the primary and an officer on the--

THE WITNESS: A challenger.

Q He ran the show in that district? A. Yes, sir.

Also other candidates for other offices, including the

He helped hold Sidney Goldberg, too.

Q Now, won't you tell us about the count, how the ballots were counted, whether they were straight--

A Oh, the ballots were counted, we didn't have much trouble in tallying, to tell you the truth, because we had to do some fancy stepping to keep up with them. All they did, would say, "Senator Clee, one for Senator Clee and straight Democrat." All the rest Straight Democrat, and straight Democrat and straight Democrat. We didn't have much trouble.

Q Any split ballots? A. I believe there was two split ballots. They put them aside to make the tallying easier.

Q Will you examine this tally sheet, please? Is this your signature on the bottom? A. Yes, sir.

Q Is that the one that was used? A. I will tell you what happened. I believe we used two, I believe we used two tally sheets of the same form, and in order to correct that I believe we had to make out another tally sheet or form after we finished our tallying, see.

Q Here are two tally sheets, is that right?

A Yes, sir.

Q On these tally sheets it appears that the Democratic Assembly candidates, all ten, received 526 votes, and all the other candidates -- A. 524.

Q Nine other candidates for other offices, including the

Governor, all received 524 votes? A. Yes.

Q In other words, all the 19 candidates received one figure or the other? A. That is right.

Q And on the Republican side of the ledger all the candidates received five, six, or seven votes?

A Right.

Q Did that strike you as peculiar when the count was over? A. Yes, it did.

Q Did you make any objections to the count?

A Yes, sir.

Q And what did they say to you? A. Well, I refused to sign the tally sheets, but they voted three to one, so I had to sign them.

MR. PALESE: Why did you have to sign them if you didn't think the tally sheets were correct?

THE WITNESS: They forced me to sign it.

MR. PALESE: They made you do it?

THE WITNESS: Yes, sir.

Q Now, here are some of the ballots, I think there are about-- we are getting them out, so far there are twenty of them. Will you look at them and tell me whether or not they are split ballots? By "split ballots" we mean where a full ticket is not voted for. A. Here is one. Here is another one, Raymond J. McDonough is left out. Here is another split ballot.

Q You will find they are all split ballots.

A Here are some more. Here is another one. Here is another one and here is another one. Here is another one. Here is another one. Another one. Another one. Here is another one. Here is another one. Some more. Some more. Here is more. Here is another one. Here is more. Here is some more.

Q No doubt in your mind that these are all split ballots?

A That is right.

Q And the only split ballots you heard called were two?

A Just two, that is all.

Q And these split ballots were not called at all?

A No. Either straight Democrat or one Republican and straight Democrat all the way down.

Q If they were called all these more or less equal votes could not be? A. Could not possibly be.

Q Who was calling these votes? A. I believe it was the Judge was calling them.

Q Tem? A. Yes.

Q All you could do was put them down as they were called? A. Just tally them accordingly.

Q You were not permitted to look at the ballot?

A No, sir.

MR. PALESE: Is the Judge here in Court?

MR. WIENER: Oh, yes.

MR. PALESE: Will you stand up?

MR. WIENER: Will Mr. Tem stand up? Is he here?

(A man arose in the body of the court room.)

MR. ROBBINS: Yes, he is here. I represent him.

Q Did you remain in this polling place after the count was completed? A. I remained as long as I possibly could.

Q Did anything happen unusual? A. Well, the only thing was that when I took out five minutes to go to my district to cast my vote--

Q When was that? A. At about five minutes after five. I came back in ten minutes and I never left the polling place until closing time, until after the ballots were counted and tallied, etcetera.

Q Did you notice anything unusual about the number of ballots that had been cast between the time you left and the time you came back? A. In those ten minutes that I went to vote I believe there were about twenty-five or thirty votes cast during that time.

Q Is that unusual? A. Strange.

Q Very strange. Were you present at the recount of this district? A. No, sir.

Q Did anything happen to you or were there any plans made

for you as a result of the testimony that you might give at the recount? A. No plans whatsoever.

Q Were you threatened? A. By whom?

Q I don't know. I am asking you. A. No, sir. Not after Election day.

MR. YOUNG: Were you a Republican or Democratic member of the Board?

THE WITNESS: Republican member, of course.

MR. WIENER: He said he was a Republican.

Q Now, Mr. Balas, do you feel that the election as it was conducted in this district was a fair one to all parties concerned? A. Well, I have served on the Election Board in two elections, the Presidential Election and the Governmental Election, and I have served on a few primary elections as challenger, and I haven't seen a worse election, I tell you the truth.

Q By that you mean the fraud and illegality that was practiced in this district? A. Yes, sir.

MR. YOUNG: Did you know your friend Mr. Andrew Murray was on the challenge list?

THE WITNESS: No, sir, I didn't have no time to look at the challenge list; they grabbed it on me.

MR. YOUNG: His name is on the challenge list but voted without affidavit. Did you see him vote?

THE WITNESS: Yes, I saw him vote but I didn't

know he was on the challenge list.

MR. YOUNG: Well, it is, and he voted and there is no affidavit.

THE WITNESS: Well, I did all I could; I couldn't help it. If I had the challenge list I would look up the challenge list, but I didn't have it. As soon as I looked at that challenge list I got it passed on me.

MR. YOUNG: By the way, Mr. Balas, the voting record of Mr. Burke shows he is a Democrat.

THE WITNESS: I don't know. I didn't have that binder. I left that to the other clerk. I didn't have that binder. I had the binder from M to Z.

MR. YOUNG: The challenge list shows Mr. Burke also was on the list of voters without an affidavit. You were not there in the primary election?

THE WITNESS: No, sir.

MR. YOUNG: All right, that is all.

BY MR. MURRAY:

Q Who took the challenge list from you, did you say?

A I don't recall, to tell you the truth.

Q Do you know how many keys a ballot box should have?

A Six keys. Each box has three.

Q Did you have one of the keys? A. I had three of them.

Q You had three? A. I had three, one from one box and

two from the other box.

Q Who had the other three keys, do you remember?

A I don't recall.

Q Did you inspect the boxes early in the morning?

A Yes, sir.

Q Nothing was in it before you got there, was it?

A No, sir, not a thing.

MR. MURRAY: All right.

MR. YOUNG: I will declare a recess for ten minutes.

(At this time a recess of ten minutes was taken.)

AFTER RECESS

C H A R L E S B A L A S, recalled

EXAMINATION BY MR. WIENER:

Q Mr. Balas, do you know Director or City Commissioner McGovern? A. Yes, I do.

Q And you know ^{him} when you see him? A. Certainly.

Q Did he come into the district at which you were working, that is, the First Ward, Fifth District on Election Day?

A Yes, sir.

Q And did you have any personal experience with him?

A Yes, sir.

Q Will you please tell the Committee? A. After I made about three or four calls to the Superintendent of Elections' office, or the deputies made them after I told them to, there seemed to be too much confusion down in the district, so I believe Commissioner McGovern went down there to see what the trouble was.

Q What do you mean? A. Running up and down too many times because of the trouble they had in the district.

Q You mean they decided they could not handle you like they do the rest of the boys? A. That is right.

MR. PALESE: Commissioner McGovern. Commissioner of what?

THE WITNESS: Commissioner of Parks and Public

Property.

MR. PALESE: One of the City Commissioners?

THE WITNESS: Yes, sir, City Commissioner.

MR. WIENER: That is the same gentleman that struck a man by the name of Benjamin Zelinski in the First Ward, First District?

MR. PALESE: You have five Commissioners there?

THE WITNESS: Yes, sir. He is Commissioner of Parks and Public Property.

Q Go on. A. And he came in the district and, naturally, he stepped forward and stated, he said, "Now, listen here you members of the Election Board"-- including me, of course-- I suppose he was referring to me openly, or slightly.

Q You mean he really meant you? A. Yes, he really meant me. So he said, "Listen, you members of the Election Board, all you are here to do is to ask the party, when he comes in to vote, ask their names, ask them where they live, sign their names in the poll books and let them sign, and that is all the business you have on the Election Board." And he says, "Do you understand?" And when he said, "Do you understand?" he raised his hand to me like this (indicating) in attempting to strike me. I don't know whether he wanted to strike me or not, or whether he didn't.

Q Was his fist clenched? A. Naturally.

Q His right hand? A. Yes, sir. And he attempted to strike me. And in order to flatly ignore him, I whistled (the witness whistled a bar of Turkey in the Straw) just like that. And when he raised his hand to strike me, I asked him if he wanted to go to jail. He looked at me, and I said, "If you want to go to jail, go ahead and hit me."

MR. PALESE: Your whistle didn't scare him.

THE WITNESS: No, sir.

Q He said nothing else? A. That is all.

Q Did anybody say anything after he left?

A All he said, he didn't want to hear of any more trouble down in that district, but there was more trouble.

Q Did he come back after that? A. No, sir, he did not come back.

Q Did anybody say anything to you when he left?

A No, sir.

MR. WIENER: Any other questions?

MR. YOUNG: None that I have.

MR. WIENER: All right. Thank you.

THE WITNESS: Don't mention it.

MR. YOUNG: Have you got a report on the ballots?

MR. GIULIANO: Yes.

MR. YOUNG: In the first place, what was the election return?

MR. GIULIANO: The election returns for the State Senator, first: Mr. Stout was 524, and for all the assembly candidates, Democratic, 526; freeholders 524, and 1 freeholder for the unexpired term 522. And the rest of it, Boulevard Commissioner and the Justices of the Peace, 522 each.

The Republican candidates: State Senator was 6, all the Republican Assembly candidates were 5; the freeholders, full term, 6; and the unexpired term 7; and the Boulevard Commissioners 7 each. And on the other tally sheet, all of the Democratic candidates for freeholder and the Boulevard Commissioners all received 524.

MR. PALESE: I understood this witness to say they were duplicate tally sheets. They made one out, something happened, and they endeavored to make up a new tally sheet.

MR. GIULIANO: Yes.

MR. PALESE: Aren't the returns on both tally sheets identical?

MR. GIULIANO: No, they are not, with reference to those Democratic candidates. Now, we found 49 split ballots with various votes being cast for some Republicans and some Democrats. And some ballots skipped certain Democratic candidates, and a few skipped

a few Republican candidates. We found two ballots for Senator Clee for Governor with no other vote on the ballot. We found three ballots which were voted for a candidate for governor other than the two major candidates,-- that is, Moore and Clee, which were not credited. We found a blank ballot with no vote whatsoever, which was not counted. That is, that was credited for some candidate but no marks on the ballot.

Now, we took just the State Senator to make a comparison, because I don't think we could go through all of them in such a short time, that is, all the candidates, and we find there are no votes for either candidate for State Senator on 24 ballots. There are 10 straight Republican ballots, except on one ballot Miles is not recorded.

MR. PALESE: That would be nine extra votes recorded for him on the tally.

MR. GIULIANO: Nine straight ballots, and then six others, which gave Miles 15 votes. Miles, on the original count, received six. Now, we deducted 15 votes from 531 that was cast, would leave 516 possible for Senator Stout. Taking 24 blanks off the 516, would leave a possible of 492, whereas he received 524. That is the 32, and nine off Miles, a difference of 41 votes. And that goes for most of the other

candidates on both tickets, because some have been cut. On many of these tickets the freeholders have been left out,-- I should say the great majority on the Democratic freeholders, and they have been recorded with 524 also.

I don't know if it is in the record as to the recount figures. The original count for Moore was 524 and for Clee 7 votes. On the recount it was Moore 500 and Clee 26 votes, making a difference of 43 votes. I just want to point out further that on the original count it seems that the Board gave Clee 7 votes and Miles 6, and then the rest of the Republican candidates 5. I want to point out it shows the real difference now, where Clee received 27 and Miles 15, to show how far apart the Board was on the original count. And also showing what the split ballots will really do if they are counted at the time they are really counted.

MR. YOUNG: My inspection of the ballots showed there were 7 absolutely Republican ballots there without any candidate being cut.

MR. GIULIANO: That is right.

MR. YOUNG: There were also 3 other Republican ballots with one candidate cut.

MR. GIULIANO: Yes, except Ruggles, a candidate

running for the unexpired term, he was cut once, Miles was cut once and an Assemblyman by the name of Thomas West Brennan.

MR. YOUNG: So that would leave a minimum of ten straight ballots with ten for every member of the ticket except Miles, Brennan and Ruggles, who would have nine.

MR. GIULIANO: That is right.

MR. YOUNG: And only five were counted, except for one or two cases.

MR. GIULIANO: All the Republican assembly slate received five, the freeholder slate received six, Miles six, and Ruggles, the man running for the unexpired term for freeholder seven, and the two Boulevard Commissioners seven each.

MR. YOUNG: I think we had better recess until one-thirty. Mr. Osmer has not gotten here yet and we will have to wait for him to proceed.

(At this time a recess was taken to one-thirty p.m.)

AFTERNOON SESSION

1:30 P.M.

(Mr. Osmer was present.)

MR. GIULIANO: Edward Tem.

MR. ROBBINS: May I have it noted on the record I represent Mr. Tem, and may I congratulate the committee on having a quorum present at the present time.

E D W A R D T E M, being duly sworn according to law,
testified as follows:

EXAMINATION BY MR. GIULIANO:

Q What is your full name? A. Edward Tem.

Q Where do you live, Mr. Tem? A. 341 Henderson
Street.

Q What is your occupation? A. I am an attendant in
the Mental Disease Hospital.

Q Where? A. Secaucus.

Q Work every day there? A. That is right.

Q No other position? A. No.

Q Were you the judge of the local Board of Elections
in the Fifth District of the First Ward at the General Election
held on November 2, 1937? A. I refuse to answer the question,

advised by my counsel.

Q Did you hear Mr. Balas testify this morning?

A I refuse to answer, advised by my counsel.

Q Did you hear Mr. Balas charge you and the other two members of the Board, that you voted to allow certain floaters to cast their ballot? A. I refuse to answer.

Q Did you hear him so testify or did you not?

A I refuse to answer, advised by my counsel.

Q Are you a Democrat or are you a Republican?

A I refuse to answer.

Q Do I take it from your answers now that you will refuse to answer any question which this Committee may deem proper that may be put to you--

MR. YOUNG: Concerning your activities--

Q (Continuing)--concerning your activities on November 2 as Judge of the Local Board of Elections in the Fifth District of the First Ward? A. I refuse to answer, advised by my counsel.

Q Why are you so scared to answer questions?

A I ain't ascaired of nothing.

Q Why didn't you answer that question if you ain't scared of anything? A. What have I got to be ascaired of?

Q What have you got to be scared of? Do you know there was a difference of over 40 votes in this district?

A I refuse to answer.

Q Do you know there was a difference of 40 votes in this district? A. I refuse to answer.

Q Why are you so scared to answer that question, and you weren't afraid to answer the other ones I just put to you?

A I refuse to answer.

Q Is it because you are afraid that you may incriminate yourself? A. I have got nothing to be afraid of.

Q Why did you say you won't answer the question as to the mistake of over 40 votes in this district?

A Because I refuse, advised by counsel.

MR. YOUNG: I think there is nothing to do with him. They won't answer questions that are sufficiently proper.

MR. GIULIANO: Will the Committee pass on the questions?

MR. YOUNG: Will you answer this question: Is this the first time that you have acted as an Election Board officer?

THE WITNESS: I refuse to answer the question.

MR. MURRAY: May I ask him a question?

MR. ROBBINS: Mr. Murray probably thinks he will be more successful. I haven't any objection to him asking him.

MR. MURRAY: No, we know Hague has given instructions through you.

MR. ROBBINS: You are responsible for a lot of--

Q I will ask you this question. You can yawn during it too. Are you awake? A. I am awake. Are you?

Q When you went on this Board did you go on with the intention of honestly and legally performing your duties as an election officer? A. I refuse to answer.

MR. MURRAY: That is all.

BY MR. GIULIANO:

Q And you receive your salary from the public payroll, is that so? A. I refuse to answer.

Q You are a public employee and you refuse to give answer to a Committee organized by the Legislature, do you?

A I refuse to answer.

MR. GIULIANO: Will you pass upon the questions?

MR. OSMERS: The questions are proper.

MR. GIULIANO: James Mazziota.

MR. ROBBINS: Will you have it noted I appear for Mr. Mazziota.

J A M E S M A Z Z I O T A, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. GIULIANO:

Q What is your full name? A. James Mazziota.

Q Where do you live, Mr. Mazziota? A. 184 Morgan Street.

Q Jersey City? A. Right.

Q Where do you work? A. WPA clerk.

Q How long have you been connected with the WPA?

A About two years.

Q How long have you served as a member of the Local Board of Elections in the Fifth District of the First Ward?

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

Q Were you a clerk of that Local Board of Elections--

A I refuse to answer.

Q (Continuing)--on November--

MR. PALESE: Wait a minute. You don't know what he is going to ask you.

THE WITNESS: I do.

MR. PALESE: What is he going to ask you?

THE WITNESS: Was I clerk on November 2?

MR. ROBBINS: That is what he did ask you.

MR. GIULIANO: Mr. Robbins, I didn't ask you. I am asking the question. I know you have told him everything he is supposed to know.

MR. ROBBINS: Why do you persist in carrying on such a futile interrogation?

MR. YOUNG: Mr. Robbins is not telling me at all.

MR. ROBBINS: I rather enjoy it.

MR. WIENER: Come on in the back and I will talk it over with you.

(Portion of testimony read by stenographer.)

Q Were you the clerk of the local Board of Elections in the Fifth District of the First Ward on November 2, who tallied the vote? A. I refuse to answer on advice of counsel.

Q Did you act as a tallyer on November 2 after the votes were cast in the Fifth District of the First Ward?

A I refuse to answer on advice of counsel.

Q I take it, Mr. Mazziota, that you will refuse to answer any questions which may be put to you by counsel or by members of this Committee, with respect to your conduct as a member of the Local Board of Elections of the Fifth District of the First Ward of Jersey City? A. I refuse to answer on the advice of counsel.

MR. YOUNG: I think if we ask him that question which Mr. Murray cooked up and have his answer on that-- What was that question?

MR. GIULIANO: About him being awake? I remember

that one.

THE WITNESS: Are you awake?

Q I am very much awake. A. So am I.

Q You were awake on the night of the Election when you stole 41 votes from Clee.

MR. ROBBINS: Wait. A great big bear.

MR. GIULIANO: Yes, a great big bear.

MR. ROBBINS: I protest most vigorously.

MR. GIULIANO: You can protest all you want.

MR. YOUNG: If you will leave the room I can keep order.

MR. WIENER: If Mr. Robbins is going to address his remarks without first addressing the Chair, I will have to ask that he be removed. I want to be fair about it.

MR. ROBBINS: I don't think Mr. Giuliano--

MR. WIENER: You will have to address your remarks to the Chairman or you will have to be removed.

MR. OSMERS: Mr. Chairman, as a member of the Committee, I think Mr. Robbins is very much out of order in carrying on a general conversation, making remarks about things, passing upon the validity of questions. If he has any remarks to make to the Committee, let him make his remarks to the Committee at the proper time.

MR. WIENER: During the recount I was threatened with arrest and being put out for much less than Mr. Robbins' conduct here today.

MR. YOUNG: I know, Mr. Wiener, but we are not here to avenge your insults in the recount. I am sorry, but we have got to get ahead. If the witness will answer the question, Mr. Murray is about to propound to him, we will let him step down.

BY MR. MURRAY:

Q I would like to ask you, when you were appointed and went on that Election Board on Election Day, November, 1937, did you go on with the intention of honestly and legally performing your duties that day and night as an election officer of that District Board? A. I refuse to answer on the advice of counsel.

BY MR. GIULIANO:

Q Are you a Democrat or Republican? A. Democrat.

MR. GIULIANO: You make sure of that in Hudson County.

MR. PALESE: Do I understand you on your repeated refusal to answer questions, that your counsel advises you that you are not to answer any question that is put to you by the attorneys?

THE WITNESS: I refuse to answer.

MR. PALESE: You mean you refuse to answer that question?

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

MR. PALESE: You mean you refuse to answer this particular question on the advice of your counsel or were you advised to refuse to answer all questions?

THE WITNESS: Ask Mr. Robbins about that.

MR. PALESE: I am asking you.

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

MR. PALESE: Do you refuse to answer all questions because he told you?

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

MR. PALESE: This question or any other question?

THE WITNESS: You only asked me that question and I refuse to answer.

MR. PALESE: You refuse to answer that question?

THE WITNESS: On advice of counsel.

MR. PALESE: When did your counsel advise you not to answer any questions?

THE WITNESS: I refuse to answer.

MR. PALESE: Do you have counsel?

THE WITNESS: I have counsel, Mr. Robbins.

MR. PALESE: You do have counsel and Mr. Robbins is your counsel?

THE WITNESS: I retained him.

MR. PALESE: When did you retain him?

THE WITNESS: Last night.

MR. PALESE: What time last night?

THE WITNESS: About 7:30.

MR. PALESE: Where?

THE WITNESS: At his home.

MR. PALESE: Where does he live?

THE WITNESS: I refuse to answer.

MR. PALESE: You don't know where he lives, do you?

THE WITNESS: I don't know exactly where he lives.

MR. PALESE: Why did you say you went to his home last night when you don't know where he lives?

THE WITNESS: I refuse to answer.

MR. PALESE: Well, isn't it a matter of fact you didn't even see Mr. Robbins last night?

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

MR. PALESE: How can you refuse to answer if you have never talked to counsel?

THE WITNESS: I told you a while ago that I

retained him as my lawyer.

MR. PALESE: When?

THE WITNESS: Last night.

MR. PALESE: And where was it that you retained him?

THE WITNESS: At his home.

MR. PALESE: And where does he live?

THE WITNESS: Up near Jewett Avenue.

MR. PALESE: Where on Jewett Avenue?

THE WITNESS: I don't know exactly where, I know the house. I don't know exactly the address.

MR. PALESE: Did you call him on the phone?

MR. OSMERS: How did you know the house?

THE WITNESS: I know the house but I don't know the address.

MR. OSMERS: How did you get to know the house?

THE WITNESS: I got to know it.

BY MR. WIENER:

Q What street is it on? A. I told you I don't know exactly what street it is.

MR. PALESE: Isn't it a fact you never knew Mr. Robbins until this morning?

THE WITNESS: I refuse to answer.

MR. PALESE: You never talked to Mr. Robbins until this morning?

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

MR. ROBBINS: Gentlemen of the Committee, I will be glad to enlighten you on--

MR. PALESE: Mr. Robbins, we have been fair to you. If you want to get on the stand and testify when this man came to see you, we will be glad to allow you to do that.

MR. ROBBINS: I will be glad to enlighten you, sir.

MR. PALESE: No. We want you on the stand under oath.

BY MR. GIULIANO:

Q Did you sign these challenge sheets-- don't look at your lawyer, you know whether you signed them.

A Where is the signature?

Q Look at them. You see them. A. I refuse to answer on advice of counsel.

Q You refuse to say that is-- A. I refuse to answer on advice of counsel.

Q Is it because there is something wrong with it?

A I have nothing to fear. I refuse to answer on advice of counsel.

Q Is there something wrong, and that is why you are using that excuse, advice of counsel? A. I refuse to answer.

Q Isn't it a fact there are many on here that are floaters and you allowed them to vote? A. I refuse to answer on advice of counsel.

MR. PALESE: Who is going to jail if you are doing the wrong thing today, you or counsel?

THE WITNESS: I refuse to answer.

MR. PALESE: You refuse to answer that question. If you are doing the wrong thing today you are going to jail.

BY MR. WIENER:

Q Write your name on that paper, please.

MR. PALESE: Better look at your counsel first.

A (Witness signs paper.)

MR. WIENER: Thank you.

BY MR. GIULIANO:

Q Are these two the same signatures now?

A I refuse to answer on advice of counsel.

Q You are afraid to admit that that is your signature, aren't you? A. I refuse to answer.

MR. GIULIANO: Certainly. You are afraid.

MR. YOUNG: May I ask just what your counsel's advice was?

THE WITNESS: Ask Mr. Robbins.

MR. YOUNG: No. Don't you know what he

advised you?

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

BY MR. WIENER:

Q You might be doing the wrong thing. He might have advised you to answer certain questions and not others.

A Still, I refuse to answer.

MR. OSMERS: What is your counsel's advice?

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

MR. YOUNG: Did he say you might answer whether you were a Republican or Democrat?

THE WITNESS: I refuse to answer.

Q Did you tell Mr. Robbins what happened on Election Day in that district? A. I refuse to answer on advice of counsel.

Q He is your lawyer. You must have told him the truth and he must have had some grounds for telling you to refuse to answer questions, because you might get in trouble. Or did you have any conversation at all with him about what happened on Election Day? A. I refuse to answer questions on the advice of counsel.

BY MR. GIULIANO:

Q Do you know a complaint is going to be made against you and you are going to be fingerprinted and photographed in

the sheriff's office of this county? A. I refuse to answer.

MR. GIULIANO: Well, you will know soon.

BY MR. MURRAY:

Q Do you know if you are photographed and fingerprinted that you will have a number, and then living in Jersey City you will be put on Hague's records as a criminal, and if ever you should happen to take a step that he doesn't like, that he will plaster your "physiog" into the papers and say you are a criminal? A. I suppose he will.

Q You know he will, don't you? A. I refuse to answer on advice of counsel.

Q But you suppose he will? A. I refuse to answer on advice of counsel.

Q And you want to take that chance, do you?

A I refuse to answer.

Q Are you married? A. I am single.

Q Is your mother alive? A. She is.

Q And you are doing this. Now I know why they had you on that Board. But don't forget, you will have your number, see, and you will be among his Forty Thieves.

MR. YOUNG: Gentlemen, we have got nothing but the refrain for this song. I think we can let him go.

MR. GIULIANO: I think he can go.

MR. WIENER: Unless he has something to say.

Q Do you want to say anything to the Committee about what happened on Election night? A. Nothing whatsoever.

MR. WIENER: With the previous gentleman, I wish that the Committee will pass upon the propriety of the questions concerning his conduct on Election night.

MR. YOUNG: There are a number of proper questions there, and that the usual course be taken.

MR. GIULIANO: Edward Czaplewski.

MR. HAYDEN: I appear for him.

EDWARD CZAPLEWSKI, being duly sworn
according to law, testified as follows:

EXAMINATION BY MR. GIULIANO:

Q Where do you live? A. Jersey City.

Q What street? A. 186 Steuben Street.

Q What is your occupation? A. I refuse to answer.

Q Are you employed with the City of Jersey City?

A I refuse to answer.

Q Are you employed with the County of Hudson in any way?

A I refuse to answer.

Q Why are you afraid to answer where you are employed?

A I refuse to answer.

Q Did your lawyer tell you to refuse to answer where
you are employed? A. I refuse to answer.

Q I only asked you if your lawyer told you, if you were
told not to answer the question if one of the lawyers asked
you where you were employed? Did he tell you that?

A I refuse to answer.

Q Are you ashamed to tell us where you are employed?

A I refuse to answer.

Q Were you a member of the Local Board of Elections
in the First Ward, Fifth District at the General Election
held on November 2? A. I refuse to answer.

Q Are you a Republican or a Democrat? A. I refuse to
answer.

Edward Czaplewski

Q You are supposed to be a Republican, are you not?

A I refuse to answer.

Q Are you afraid to admit whether you are a Republican or Democrat? A. I refuse to answer.

Q Or is it because you know you are not a Republican?

A I refuse to answer.

Q Did you ever vote in your life Republican?

A I refuse to answer.

Q How many years have you been on the Board of Elections?

A I refuse to answer.

Q Who had you appointed? A. I refuse to answer.

Q Were you the inspector-- A. I refuse to answer.

Q Wait a minute. A. You asked me if I was the inspector.

Q You don't know whether you were inspector. Maybe you are inspector of the streets. You don't tell us where you work, we don't know. Were you inspector of the Board of Elections of the Fifth District of the First Ward at the election held on November 2? A. I refuse to answer.

Q And as inspector, did you look at the ballots as the judge called them on the evening of November 2, after the ballots were cast? A. I refuse to answer.

Q I take it from these answers now that you will refuse to answer any question that may be put to you with respect to

your conduct as a public official, as a member of the Local Board of Elections in the Fifth District of the First Ward. I take it that you will refuse to answer any questions put to you. A. I refuse to answer.

Q Did you get paid for your services as a member of the Local Board of Elections of that district? A. I refuse to answer.

Q Did you cash a check which was paid from public funds that was given to you as a member of the Board?

A I refuse to answer.

Q Why are you afraid to even mention that you took public funds and didn't do your duty as prescribed by law? Why are you afraid? A. I refuse to answer.

Q Is this your signature on the challenge sheets?

MR. PALESE: You had better earmark that up there as to district.

Q Do you know what that is? A. I refuse to answer.

Q Did you ever see that in your life? A. I refuse to answer.

Q Can you read? A. I refuse to answer.

Q I am going to ask you to read that, what it is. Refuse to answer that. Read it. A. I refuse.

MR. YOUNG: Well, Mr. Czaplewski, this is the challenge list of the First Ward, Fifth District of Jersey City, and on the second line at the bottom here

is a signature which purports to be that of Edward Czaplewski, 186 Steuben Street, and after it is the word "inspector," and after that the initial "R", I suppose standing for Republican. Is that your signature?

THE WITNESS: I refuse to answer.

MR. YOUNG: That is all.

MR. WIENER: I want to get the records of 1936.

MR. YOUNG: I show you now the nominating petition for Joseph Massa and Rose Nitto as Republican members of the County Committee of the Fifth District of the First Ward, and ask you if this is your signature on line 6 as a nominator of those two people.

THE WITNESS: I refuse to answer.

BY MR. PALESE:

Q Mr. Czaplewski, you have counsel, I understand, is that correct? A. I refuse to answer.

Q Do you or do you not have a lawyer representing you today? A. I refuse to answer.

Q Well, now, here is a gentleman here that said, when you came on the stand, that he is your lawyer. Now, is that correct or is it incorrect? A. That is correct.

Q Why did you refuse to answer a little while ago when

I asked you that question? Why did you refuse to answer it?

A I refuse to answer on advice of counsel.

Q Did he say that if you were asked whether or not he is your counsel that you were to say, "I refuse to answer on advice of counsel?" A. I refuse.

Q Now, is he your lawyer? A. Right.

Q You do answer that question? A. That is right.

Q Now, what else did he say, just to say, "I refuse to answer"? A. I refuse that question.

Q You refuse what question? A. To answer.

Q To answer what? A. On advice of counsel.

Q You refuse to answer what on advice of counsel?

A I refuse to answer.

Q Didn't he also tell you you ought to say, "I refuse to answer on advice of counsel"? A. I refuse to answer.

Q You refuse to answer that question?

A I refuse to answer.

Q Is he your lawyer? A. That is right.

Q When did you first see Mr. Hayden? A. I refuse to answer.

Q When did you first see him concerning his representing you in the matter? A. I refuse to answer.

Q Has he been paid anything by you to appear here today?

A I refuse to answer.

Q When did you see Mr. Hayden about his representation?

A I refuse to answer.

BY MR. GIULIANO:

Q Were you in court this morning and heard a young man testify this morning as a member of your Board?

A I refuse to answer.

MR. YOUNG: Let us get on.

Q Was he telling the truth or was he lying?

A I refuse to answer.

Q You bet you refuse to answer, because you know why?

MR. PALESE: Hold him and lock him up.

MR. ROBBINS: You will lock him up.

MR. GIULIANO: If Mr. Robbins wants to take him back to Jersey City, it is all right.

MR. HAYDEN: I will take care of him, if this Committee please.

MR. PALESE: I thought Mr. Robbins asked--

MR. HAYDEN: He is my client and I will take care of him.

MR. GIULIANO: He is Mr. Hayden's client.

MR. HAYDEN: That is all right. I know what I will do with him.

MR. GIULIANO: Will you note on the record that these questions are proper.

MR. YOUNG: Some of them are.

MR. GIULIANO: John Corcoran.

MR. DOHERTY: If it please the Commission, may I have it noted on the record that I represent Mr. Corcoran as a member of the Hudson County Board of Elections, and also individually, and he will answer all questions put to him by the Committee.

MR. PALESE: Thank you very much for your suggestion.

JOHN CORCORAN, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. GIULIANO:

Q Mr. Corcoran, you are a member of the Hudson County Board of Elections? A. I was a member until last Monday night.

Q You were a member-- Do I understand you resigned?

A No, sir.

Q You still are? A. My term expired.

Q I hope you are not going to have any trouble.

A I hope not, Jimmie.

Q For doing such a good job over there. A. Thank you.

Q You were a member at the Election held on November 2, 1937? A. Yes, sir.

Q And after the recount had terminated you still were a member of the Board? A. Yes, sir.

Q Mr. Corcoran, whose vault is on the seventh floor of the Spingarn Building? A. Well, it is the Hudson County Board of Elections', and it is used by the Hudson County Board of Elections and the Commissioner of Registration.

Q And have you a combination of that vault?

A No, sir.

Q Who are some of your employees who come under your jurisdiction as a member of the Board of Elections?

A Charles F. Stoebling, chief clerk, and Miss Alice Seglie.

Q And I take it that Miss Seglie works under instructions of your Board? A. Yes, under the supervision of the Chief Clerk, Mr. Stoebling, who has supervision of all clerks according to the law.

Q But she is your clerk and stenographer, as I understand it, isn't she? A. Yes.

Q And she is directly under your Board's supervision?

A No, Mr. Stoebling's supervision. According to law he has supervision of all clerks. That is right in the section of the law.

Q And you have no supervision over Miss Seglie?

A Well, the law calls for him to have supervision.

Q Now, you have ballot boxes in that vault, have you not? A. Yes.

Q And you have supervision of the ballot boxes, have you not? A. I did, up until last Monday night.

Q You did have up until last Monday night?

A Yes, sir.

Q And if you gave an order to Miss Seglie before last Monday night to take those ballot boxes out of there, she would carry it out, would she not? A. Well, I suppose she would if we gave her an order.

Q Now, are those ballot boxes still in there?

Corcoran

Sir?

Are those ballot boxes still in the vault?

A Yes, sir.

Q Why haven't you given the order to ^{return} those ballot boxes?

A I was stricken on February 1 and just came out of my home only about a week and a half ago, and have not been to the County Board of Elections since I left it on February 1.

Q You knew, as a public official, Mr. Corcoran, that when you were better a week and a half ago and it was before your term had expired, that those ballot boxes should be returned to the municipal clerks, did you not?

A They don't necessarily have to be returned immediately. There is no immediate hurry in returning the ballot boxes.

Q You don't mean to tell me you keep ballot boxes for months and months, do you, without returning them to city clerks?

A. Not months and months, no, sir.

Q Well, the recount terminated over a month ago.

A. Yes, sir, on January 28.

Q They are still there? A. Yes, sir.

Q Why haven't you returned them? A. Because

sick.

Q You have been out over a week and a half?

A Mr. Scheetz should have taken care of that

chairman.

Yes, sir.

Q Now, there has been a police guard at the vault, as I understand it, with badges, and armed, as Mr. Murray says. Can you tell me who ordered those policemen there?

A I did.

Q Why? A. I have always done it. That was one of the many functions left to me to perform as a member of the County Board of Elections. I have ordered the police for all recounts for the past eight or nine years.

Q After the recount? A. After the recount? On Saturday there was quite a commotion at the County Board of Elections. I got in touch-- I tried to get in touch with the County counsel. I couldn't get in touch with him, but I got in touch with the first assistant county counsel Mr. Doherty, who has rendered me an opinion, and I believe this Committee has got that opinion.

Q Where did you ever see that opinion, Mr. Corcoran?

A I got it from Mr. Doherty personally. I filed it in the County Board of Elections on Monday, January 31.

Q Do you know, Mr. Corcoran, that that opinion was brought here by Miss Seglie and handed to this Committee, and said she picked it up in the basket. Do you know that?

A I was told that this morning.

Q How did you know that when she got it--

A I gave it to Miss Seglie to file for the County Board on January 31.

Q Did you know she testified she picked it out of the basket? A. Right.

Q In the morning, and brought it here? A. That is where she put it in her office when I gave it to her.

Q When did you say this opinion was given?

A That was given to me on Saturday afternoon.

Q Sure about that? A. Yes, from Mr. Doherty.

BY MR. PALESE:

Q What was the practice or what happened to that letter after it was given to you on Saturday? A. I got it and filed it with Miss Seglie Monday morning first thing.

Q Was there anything put on the record or anything on the record to indicate you received it on January 29?

A No, sir. It should--

Q Wait a minute. What would happen or what would be on that letter to indicate the date that it was received in your office? A. Our time clock.

Q So that the time clock, you say, would show Saturday, January 29? A. No, sir. I received it too late. The office closed at twelve o'clock noon and I could not file it on Saturday afternoon, but I did file it the first thing Monday morning.

Q Mr. Corcoran, wasn't that the day that the Committee was in Jersey City? A. No, sir, they were in Jersey City on Tuesday, when they had me.

Q Don't you know, as a matter of fact, they were in Jersey City on January 29? A. Just a moment. Let me think. On Monday, January-- yes, when I asked for the opinion when the Committee was there.

Q What time was the Committee there? A. I got back to the County Board of Elections on or around three o'clock, or a quarter of three, and the Committee had left.

Q Had already left there? A. Yes, sir, somewhere around three o'clock or so.

Q At that time, as I understand from you, Miss Seglie had no instructions from you as to what she was to do with the safe? A. No, sir, not from me.

Q Not at that time? A. No, sir, not from me.

Q When did you get the advice of counsel with respect to that letter? A. Around five o'clock Mr. Doherty gave it to me.

Q Five o'clock? A. About five or after.

Q In whose possession was that letter from five o'clock Saturday until the following Monday? A. My possession. That was made out to me as Secretary of the Board.

Q What did you do with that letter on Monday morning?

A Gave it to Miss Seglie to file for the Board.

Q Is it customary to take the papers out of the office?

A I didn't know she took it.

Q I say, is it customary for employees to take records

out of the office? A. No, sir.

Q Do you know, as a matter of fact, that Miss Seglie did have in her possession a letter purported to be signed by Mr. Doherty, addressed to you, concerning the vault?

A Not until this morning.

Q Not until this morning? A. No, sir.

Q You read the letter, I presume? A. Yes, sir.

Q Were you surprised that the letter had left the office?

A I was this morning, yes, I wondered why she took it.

MR. YOUNG: Mr. Corcoran, isn't it a fact that you actually directed the police to remain in the vault at the conclusion of the recount on Friday?

THE WITNESS: Yes, sir.

MR. YOUNG: You did?

THE WITNESS: Yes, sir.

MR. YOUNG: Why did you do that?

THE WITNESS: Because the boxes were there.

They were supposed to go out Saturday. When I arrived up there-- that is another one of my many functions, Mr. Chairman, to see that the ballot boxes are delivered into the County Board and delivered back to the Municipal clerks. I have always done that for years.

MR. OSMERS: Mr. Corcoran, is it customary, when there is no recount in progress, or, I might say,

when a recount has terminated, to reorder or to issue fresh instructions to the police regarding ballot boxes, after the recount is over?

THE WITNESS: No, they stay there until the ballot boxes leave.

MR. OSMERS: The police always do.

THE WITNESS: Yes, sir. Because they go back to the municipal clerks, and if there is any question on that recount they are always guarded by the local police of the municipality where they belong.

MR. OSMERS: When were you taken ill, Mr. Corcoran?

THE WITNESS: On February 1.

MR. OSMERS: That was a Tuesday.

THE WITNESS: Yes, sir. The Committee was there.

MR. OSMERS: That was a pretty bad week for health over there.

THE WITNESS: Yes, but--

MR. OSMERS: But anyway, I would like to clear one thing up in my mind. From other testimony that was given before the Committee I understand that those boxes were to be returned immediately after the recount.

THE WITNESS: That is right.

MR. OSMERS: Now, in view of the fact that

immediately after the recount you were not stricken, how is it that the instructions were not issued to return those boxes?

THE WITNESS: Saturday morning I arrived at the County Board at eight o'clock to supervise the return of the boxes.

MR. OSMERS: Yes.

THE WITNESS: Miss Seglie was there; and I believe Mr. Ferguson had quite a few of his men there in charge of Mr. Carl Boswein (?). He was to remove the seal to return the boxes and his men were to accompany those boxes back to the different municipal clerks. When I arrived there at eight o'clock Miss Seglie was there. I said, "Are you ready?" She said she had received orders not to open the vault. I said, "What did you do in regard to the trucks?" The trucks had been ordered to be there at eight o'clock. And she said she had cancelled the truck. So there was nothing on it then. So this opinion I got off of Mr. Doherty, that I wanted to know where I stood in the matter.

MR. OSMERS: What was the nature of his opinion?

THE WITNESS: I haven't got it.

BY MR. PALESE:

Q Mr. Corcoran, do I understand you that it is the practice of the County Board of Elections of Hudson County that when ballot boxes are in the vault in the Spingarn building that policemen are stationed there day and night to guard the vault? A. Yes, sir, on all recounts.

Q I am not talking about recounts, I am talking generally. Take, for instance, the election of 1936. After the election in November is it customary to place policemen to guard the vault after the election,-- forgetting any recount or any order of the court concerning the ballot boxes?

A We have no ballot boxes after election. They go to the municipal clerks.

Q Well, I will put it this other way: in the event there aren't any ballot boxes in the vault, is it customary for the County Board of Elections to place policemen to guard the vault? A. We had no occasion to unless the ballot boxes are there. They go to the municipal clerks from the District Boards. They deliver them to the municipal clerks after election. We have nothing to do with that.

Q After this election in November, 1937, there were placed ballot boxes in the vault? A. Yes, sir, for a recount.

Q For recount purposes? A. Yes, sir. On about November 20, Saturday, November 20, I believe, because the recount started

on the 22nd, if my memory serves me right.

Q As a result of the recount policemen were placed there to guard whatever was in the vault? A. They were placed there Saturday morning.

Q Now, the recount has terminated? A. Yes, sir.

Q The usual thing, I presume, would be, when the recount is terminated, that they release the policemen as a result of the recount order? A. They were to be released on Saturday when the recount was completed, until I got that opinion from the County Counsel-- First Assistant County Counsel.

Q Did the County Counsel tell you that under the circumstances it was necessary to order armed policemen to guard the vault? A. Well, you will have to refer--

Q I am asking you. A. I don't just recall the wording of that letter at this time on account of my being sick.

Q I will put it in another way: as a result of a letter that you received from Mr. Doherty you assumed the responsibility of placing policemen to guard the vault?

A Yes, sir.

Q Is that the only reason why the policemen were put there, because of the letter you received? A. Yes, sir.

MR. YOUNG: The policemen were there before you received the letter?

THE WITNESS: Yes.

MR. YOUNG: Why is that?

THE WITNESS: They were there just that morning.

Q Why weren't they released after the recount was terminated? A. I told them to stay around there until I see what was going to happen. I didn't know where I was at.

Q Isn't it because you knew that subpoenas had been served immediately after the recount was terminated, that you asked the police to stay there? A. I didn't know subpoenas were served. Nobody came to me and told me subpoenas were served.

BY MR. OSMERS:

Q When were you last in the office of the Board of Elections? A. The morning I was taken sick.

Q You have not been back there since? A. No, sir.

Q Do you know whether those policemen are still there or not? A. I don't.

Q Would you say that if they are still there that you are responsible for them being there, that they are on your orders? A. How could I be responsible? I am not a Commissioner at the present time; my term expired last Monday.

Q Up until midnight of last Monday were they there acting under your orders? A. Under my orders, on the advice of the County Counsel.

Q They were acting, up until Monday night, on your orders? A. Yes, at the advice of the County Counsel.

Q Now, there is a matter that the Committee would like to clear up in regard to the order. That was your individual order, is that correct? A. That was a letter that I requested from the County Counsel, and it was addressed to me as Secretary.

Q But it was your individual order? A. It was my individual request for the opinion.

Q You brought in the question of the opinion. I am not at all concerned with the opinion, because that, after all, is your business. I want to know about the order that was issued to the police authorities of Hudson County. Was that issued by you as an individual? A. Yes, sir, by me as an individual.

Q The other three members of the Hudson County Board of Elections had no knowledge or consent of that order?

A They were not there; they never came in.

Q Because there was a gentleman on that Board that testified that the whole group had sent them there, and I am glad you cleared that up for us. A. I am there generally every day.

BY MR. PALESE:

Q Mr. Corcoran, then as I take it from you that you don't know at the present time under what orders the police are

guarding this vault, if your term expired on March 1?

A That is right.

MR. OSMERS: Who are the members of the County Board of Elections of Hudson County that are still holding over?

THE WITNESS: Patrick H. Sullivan, Democrat, and Andrew Wittreich, Republican.

MR. OSMERS: Carl Scheetz and yourself are no longer members?

THE WITNESS: Right.

MR. YOUNG: Do you happen to know whether you have been re-nominated?

THE WITNESS: No, sir, I do not. I couldn't truthfully say whether I was or not.

MR. PALESE: Was that order given by you to Supervisor O'Neil?

THE WITNESS: Yes, sir.

MR. OSMERS: May I ask one question which is very, very important. What were the instructions that you issued to the police authorities that are now guarding that vault?

THE WITNESS: I would have to refer to that communication I received from the County Counsel.

MR. OSMERS: Well, would you refer to it?

MR. YOUNG: You told the police to stay there before you received that communication from the County Counsel, didn't you?

THE WITNESS: Yes, sir, until I find out where I was at, because I wanted legal advice, but I didn't know where I was at. I am no lawyer.

MR. YOUNG: You just told them to stay there until you got further advice?

THE WITNESS: Yes, sir.

MR. YOUNG: Did you issue new instructions after you received that?

THE WITNESS: Yes, sir, I told them to stay on.

MR. PALESE: Do I take it from you, Mr. Corcoran, that you have no authority either to tell Superintendent O'Neil to remove the officers there or permit them to stay there?

THE WITNESS: Well, I am not a member. I have never been notified of my commission having been received.

MR. PALESE: Have you notified Supervisor O'Neil that as far as you are concerned you are no longer a member of the County Board of Elections?

THE WITNESS: No, sir, I did not.

BY MR. GIULIANO:

Q You didn't have a resolution authorizing you to have the police at the vaults, did you? A. No, sir, there was never a resolution on any recount for me in the term of Mr. Seglie, when he was chairman, Mr. Scheetz or Mr. Sullivan. That was a duty that was always left to me.

Q As a member of the Board you would order police and order them off? A. Yes.

Q As I understand, there are two members left. If Mr. Wittreich was to give orders to the police to withdraw, do you think that they ought to be carried out? A. Well, that I can't say. I can't answer for Mr. Wittreich.

Q If he did give the orders? A. I can't answer that, Jimmie.

MR. OSMERS: Mr. Corcoran, there is a question here that has come up.

I presume this is a true copy of the opinion that was given to Mr. Corcoran.

MR. DOHERTY: I conferred with Mr. Wiener. I believe it is.

MR. OSMERS: This communication, in the first place, does not bear your name. I presume you recall that. And it is addressed to the Hudson County Board of Elections and marked to the attention of the secretary, which is customary.

THE WITNESS: That is right.

MR. OSMERS: Now, did you realize in issuing an order to place the police in front of that door that you violated the opinion of the Law Department of the County of Hudson?

THE WITNESS: No, sir.

MR. OSMERS: I would like to read for your benefit--

THE WITNESS: Yes, sir.

MR. OSMERS: Paragraph 3, "It is your duty, as members"-- members-- "of the Hudson County Board of Elections, to safeguard and protect the records which are under the control and in the custody of said Charles Stoebling." I would just like, for the sake of the record, that you acted contrary to the opinion of the Law Department of Hudson County in acting as an individual when the legal opinion that they gave to you specifically said to you, "members of the Hudson County Board of Elections," and you, by no stretch of the imagination, could be members, you can only be a member. And do you agree, Mr. Corcoran, that you acted in violation of the opinion that was given to you?

THE WITNESS: No. I took it that that was along with the way I have always ordered the police.

MR. OSMERS: We are not talking about old fashioned customs, and so on. Here is a communication addressed not to you, it is addressed to your attention as Secretary. It is addressed to the Hudson County Board of Elections. You are not the Board of Elections, are you?

THE WITNESS: No.

MR. OSMERS: Did you read this opinion to the Board of Elections?

THE WITNESS: No, sir. They didn't come in.

MR. OSMERS: You didn't read it to them?

THE WITNESS: No, sir.

MR. OSMERS: They had no knowledge of this communication at all?

THE WITNESS: I don't know after I was taken sick.

MR. OSMERS: They had no knowledge from you?

THE WITNESS: Not from me personally.

MR. OSMERS: They had no knowledge at the time the order was issued?

THE WITNESS: No, sir.

MR. OSMERS: I think you will say, and everybody will say, that you clearly exceeded your authority and acted contrary to the opinion of the Law Department of Hudson County. Already one man has committed perjury

and said you did bring it up, and you didn't.

THE WITNESS: I brought up what?

MR. OSMERS: Another member of the Board of Elections said--

THE WITNESS: I brought this up?

MR. OSMERS: Let me finish. Another member of the Board of Elections testified that you did bring this up before them and they voted on it, but apparently there is a little difference between you two gentlemen.

THE WITNESS: Not from the way I understand it. I think you are mixed up in it too.

MR. OSMERS: How is that?

THE WITNESS: The way I understand, I was told this morning that there was a resolution before a meeting of the Board on Friday.

MR. PALESE: Well, was there a resolution on Friday?

THE WITNESS: No, sir, I read a different communication on Friday to the Board, and that is what got this gentleman mixed up. I have got that communication here. This here was on Saturday.

MR. PALESE: Now, let us get this straight.

MR. OSMERS: That makes it even a little bit

more interesting from the standpoint of the Committee.

BY MR. PALESE:

Q Mr. Corcoran, as I understood you, your orders to Supervisor O'Neil for their activity concerning this vault, was predicated upon the opinion as stated in that letter that you now hold in your hand, is that correct? A. What is that?

Q I say that the orders that you conveyed to Superintendent O'Neil were predicated upon the opinion contained in this letter? A. No. I addressed the Inspector of Police Mr. Neary, who was in charge of the police there at the Hudson County Board of Elections.

Q You gave him the instructions. But I say that was because of the opinion that was rendered to you?

A Yes, sir.

Q By Mr. Doherty? A. Yes, sir.

Q Now, as Mr. Osmers has pointed out to you, that letter contains an opinion to the County Board of Elections, is that correct? Please read the letter.

A "Hudson County Board of Elections, 591 Summit Avenue, Jersey City, New Jersey. Attention of Secretary. Gentlemen: Complying with your request for an opinion"--

Q It says, "Gentlemen," so that doesn't mean you. You said "Secretary" meant you, but "Gentlemen" means the County Board, which is four. A. "Complying with your request for

an opinion with regard to the situation which has arisen due to the illness of your clerk, Charles Stoebling, I advise you as follows:"

Q Who does he mean there "Advise you," you or the County Board of Elections? A. He means me, because I requested it.

Q How could he mean you? You are reading that into the letter, aren't you? A. If he got up the letter wrong that isn't my fault. I wouldn't question him.

Q I quite agree with you that you requested the letter.

A Right.

Q Now, you read in this letter where he says, "You members of the Board." Did he make a mistake there, if he meant you, when he said, "You members of the Board"?

A That I don't know whether he did or not. I am not a lawyer.

Q I am not asking you to be a lawyer, but you know the word "member" or "members," don't you? You know "member" means one and "members" means more than one?

A Yes, sir.

Q You know when Mr. Doherty talked to the Hudson County Board of Elections that he did not mean you, he meant the four members of the Board? A. Yes, sir.

Q When he said, "Gentlemen," he did not mean you, he meant the four members of the Board? A. Yes, sir. But you

are skipping that "Attention of Secretary."

Q You were to submit this to the County Board of Elections? A. Yes, sir.

Q Why did you do it and assume responsibility by telling Mr. O'Neil what he was to do, when this letter was for the attention of the County Board of Elections?

A I filed that with the clerk, Miss Seglie, on Monday morning, and I instructed Mr. Neary, who was in charge of the police there, that they were to stay on until further notice.

Q Why did you do that? A. Because I had gotten this opinion from the County Counsel.

Q Do you still maintain today, Mr. Corcoran, that this letter, irrespective of what you did on the 29th of January, do you still say today that this letter gave you, as a single member of the County Board of Elections--

A Well--

Q Wait a minute. Forget what you did on January 29. Do you say today that this letter addressed to the Hudson County Board of Elections, attention "Gentlemen", saying you members have certain rights, that you had the authority to say anything to Mr. O'Neil or to Mr. Neary, who were the officers there, as to what their conduct was to be? Now, you can answer that question. A. I assumed that as Commissioner on previously ordering the police there.

Q Now, you can answer that question.

MR. DOHERTY: Mr. Commissioner--

MR. PALESE: Please, Mr. Doherty.

MR. DOHERTY: You asked him a question. You ought to permit an answer.

MR. PALESE: I want an answer. I don't want him to make a speech on it. Now, you listen to the question.

Q (Question read by stenographer.) Do you understand it? A. I answer that question the same as I did before, assuming the authority as I had previously of ordering the police there.

Q Now, Mr. Corcoran, you said you had the authority. Then why did you seek another opinion if you had the authority, from someone, to place policemen to guard this vault, then why did you on January 29, 1938, seek another opinion from Mr. Doherty? A. The recount ended on the 28th and the police were there on the 29th.

Q All right. A. On Saturday morning. Then this Committee came in there, and Miss Seglie refused to open the vault. I didn't know where I was at, so I had to seek counsel's advice. I am not a lawyer.

Q Now, Mr. Corcoran, then you say up to that point you didn't know what to do? A. Right.

Q Then you got this letter? A. Right.

Q So that anything that you did or any authority that you obtained was because of this letter? A. Right.

Q Now, you tell us whether this letter-- I am not talking about what you did before-- whether this letter gave you authority as a single member of that Board, to order Mr. Neary or Superintendent O'Neil to keep the police there. Show us in this letter. A. I will answer as I did before: assuming the authority as I had done always of ordering the police.

Q Mr. Corcoran, you are so inconsistent it is almost ridiculous. You just told us a little while ago you didn't know what to do on the 29th of January. A. That is why I seek the opinion.

Q Why then, assuming something you had done before that time, because you went to Mr. Doherty and said, "I would like to know what I can do under these circumstances," is that correct? A. Because the recount had terminated Saturday morning and then I had to get an opinion.

Q Then you got this opinion? A. Then I told the police to continue on.

Q But you are not answering my question whether or not--

A Probably not the way you want me to.

Q I don't want you to answer my way, I want ^{you} to tell what the circumstances are. A. I did.

Q But I cannot yet quite get the situation where you say

that your orders to Mr. Neary and Superintendent O'Neill were predicated-- A. Not Superintendent O'Neill, just Neary.

Q Were predicated upon this letter? A. Right, sir.

Q Why are you insisting on saying what you have done before you had obtained this opinion?

A Because the Board always left it to me to have police there.

Q If that were true, why did you get this opinion if it had always been your right and duty to have police to guard the boxes? Why did you get this opinion? A. Because the recount, as I stated before, terminated on Friday, the 28th.

BY MR. OSMERS:

Q How long have you been a member of the Board of Elections? A. Twelve years. About twelve years.

Q That is unimportant, but you have been there sufficiently long enough to have a good working knowledge of the Election Law. A. Fairly. I am not an expert.

Q I realize that, that no one who is not a lawyer would not have that expert knowledge. But here is the point I want to make: you understand the set up of the Election Law of the State of New Jersey, and you also understand that the reason they have a Board of four, two Republicans and two Democrats, is for the very simple reason that one party cannot control it, you understand that? A. Yes, sir. That is proper.

Q Do you understand also that by acting as an individual, you, as an individual seeking an opinion and enforcing an opinion that was directed to four people, by enforcing that opinion yourself that you have been acting contrary to the spirit and the letter of the law of the State of New Jersey? A. Just a moment, please. I stated before it has always been the custom-- that it has been my duty to have the police at all recounts.

Q Mr. Corcoran-- A. That is the reason--

Q I am not asking you anything about custom. Custom is a great thing. In some places they murder people because it is a custom. But we are talking here strictly about what is the law and what is not the law. Now, you are an experienced Election Board man? A. Yes.

Q Probably serving as long as any man in the State of New Jersey today, and you know very well, as an individual you have absolutely no right to execute or issue any orders unless the Board so delegates you to do? A. That is correct. But in this case, as regards I stated before several times, it has been the custom--

Q I am not interested in the custom. A. (Continuing)-- of having the police coming in and guarding the vault at all recounts. We have got to have police to maintain order.

Q Mr. Corcoran, no one has asked you, at least so far as I have heard, about the advisability or the lack of

advisability of maintaining police at the vault during a recount. No one here has asked you that, nobody in this room, so far as I know is one whit interested in it. And why you continue to say that same thing over and again about "During recounts," there is nobody here interested in it, nobody the in Legislature is interested in it, nobody in the State of New Jersey is interested in it. We want to know why you took it upon yourself as an individual to issue an illegal order when there was no recount going on. That is the question.

A Well, I didn't say that was an illegal order.

Q Well, you see now it is, though. A. I got this opinion and I went by the opinion of the County Counsel.

Q This opinion, Mr. Corcoran, is not addressed to you, it is addressed to the Hudson County Board of Elections, and you have told me that you are not the Hudson County Board of Elections. A. No, sir, I am not.

Q But you acted as one just the same.

A I assumed authority the same as I did on ordering the police.

Q You cannot assume authority when you have legal contracts to carry out with the people. A. But they haven't questioned it, have they, the other members?

Q They have tried to get a meeting together.

A I was sick or I would have attended the meeting.

BY MR. PALESE:

Q You look at that letter and show us where it says

that you, Mr. Corcoran, Secretary of the Hudson County Board of Elections, shall have the authority, as a member, to order Inspector Neary to guard the ballot boxes?

A Well, at this time--

Q You tell us where it is. A. I would request this Board to furnish me with the original. I am pretty sure my name is mentioned.

Q Well, your counsel-- A. Well, he may say that, but my name is mentioned, I think.

MR. GIULIANO: I can give you the transcript, which is the same as that.

Q I am willing to take Mr. Doherty's word it is a duplicate. A. This Committee has it in its possession.

Q It is in the vault and we will go get it.

A I have been sick, but if my memory serves me right I think it is addressed to me.

Q It isn't. A. I think my name is mentioned on that.

MR. PALESE: How soon can we get it?

I think it is very, very important.

MR. OSMERS: Let me put it this way: if your name is not upon the original will you then agree that you acted illegally?

THE WITNESS: No, I don't see I acted illegally, no, sir.

MR. YOUNG: What you really need is new counsel.

Q Do I take it, then, Mr. Corcoran,-- in other words, this is very, very important, because there are 16 policemen there guarding that vault, and all of them say they are there because of an order that they received from you.

A Yes, sir.

Q So you can see how important it is. Today you tell us that you are no longer a member of the Hudson County Board of Elections? A. That is right, my term expired Monday night.

Q So these policemen are there upon order of a member of the County Board that is today no longer a member?

A That is true.

Q And you also tell us that it was as a result of a letter that you received from Mr. Doherty that you gave the order? A. Yes, sir.

Q And did you say that that letter that Mr. Doherty gave to you as an opinion, said that you, Mr. Corcoran, have the right to put policemen there to guard the vault?

A Well, the sum and substance of the thing--

Q Well, you tell us where anywhere in this letter your name appears, with the exception of where it says, "Attention of Secretary"? A. That is all.

Q Did that mean to you that this was your advice what to do? A. Yes, sir, I would take it it was my advice, being I had always ordered the police.

BY MR. GIULIANO:

Q Mr. Corcoran, I want to call your attention to the transcript of Mr. Wittreich and see if you agree with this: Page 264, "Question. Would you, as a member of the Board, ever take it upon yourself as one member to give any orders which would bind the whole Board? Answer. Absolutely not. I would not have any legal right to do so." Then another question "Then it is your legal opinion that any act which this Board does must be in open meeting and must be passed by resolution? Answer. Absolutely. I think it is the intention of the Legislature, in the creation of the Board." Would you say that Andrew Wittreich, as a lawyer, is wrong in his opinion? A. I wouldn't say that he was wrong. He is a lawyer; he knows whether he is talking right or not. I am not a lawyer.

Q Then, in his opinion, you acted illegally?

A No, sir.

Q You still say you acted legally? A. I acted according to the advice of counsel.

Q But you acted illegally to ask an opinion?

A That is what you think.

Q I am telling you what Mr. Wittreich--

A He is a lawyer.

Q He is a member of the Board, too? A. Yes.

Q And he thinks you acted illegally. Do you agree with him or don't you? A. That is his opinion. He is entitled

to that, I cannot take it from him.

Q May I call your attention to some more of Mr. Wittreich's testimony on page 234, discussing about the police, "Then in your opinion, Mr. Wittreich, the service of this policeman terminated when the recount terminated?"

Question

Answer. As far as I was concerned, yes. And as far as the County Board of Elections was concerned, too. Answer. Their necessity, as far as we were concerned, I say was at an end." Would you say again that Mr. Wittreich was wrong in his opinion? A. I will say he was wrong, because I have received this communication from the County Counsel. If Mr. Wittreich don't care to take the advice of the County Counsel, I cannot help you.

Q Mr. Corcoran, you say Mr. Wittreich is wrong again when he says-- when he was asked, page 234, "As a member of the Board of Elections, are you willing now to order your employee, Miss Seglie, to open the vault on the seventh floor of the Spingarn building? Answer. Absolutely. I think it is a ridiculous situation that is being created by keeping it closed." A. He is entitled to that opinion.

Q Well, don't you think it is a ridiculous situation keeping public records away from any citizen of the State of New Jersey, Mr. Corcoran? A. Do I think it?

Q Yes. A. I am going by the advice of the County Counsel what to do.

Q Don't you think he is ridiculous, too, as a citizen?

A That is up to him.

Q You have got an opinion. Do you think he is ridiculous or don't you? A. I am not a lawyer. I cannot tell you whether he is or not.

Q The only time you say you are not a lawyer is when you seem to get a little stuck. You answer all questions until something seems to pinch and then you say you are not a lawyer. Are these public records or not? A. Which?

Q The poll books. A. The poll books are not public records. The registry binders are public records.

Q Let us take the registry binders. Let us assume Mr. Corcoran is nominated and qualified for the Board of Elections of Hudson County sometime during the month of March. Let us assume that this Committee continues its testimony and we do not complete our job until after November, and that there is an election in Hudson County, the primary in September, and in November, you, as a member of the Board of Elections, will you or will you not go to this vault and take those public records, the binders, in order that that election may be held in Jersey City. A. Mr. Stoebling, according to law, has got to return them thirty days before any general election-- not a primary, any general election.

Q Suppose Mr. Stoebling doesn't do it, what will you do?

A Then he can be brought up on charges.

Q Oh, you will bring Mr. Stoebling on charges?

A He will have to.

Q Then you really believe that we are entitled to the books in order to look them over? A. That I don't know whether you are or not. I am not a lawyer.

Q Pinched again, Mr. Corcoran? A. Yes, Jimmie.

BY MR. YOUNG:

Q There are one or two things you may know. Miss Seglie is an employee of the Election Board? A. Yes, sir.

Q She takes orders from whom? A. From Mn Stoebling. He has got supervision of all clerks. That is right in the law, your Honor.

Q He has got supervision of all the clerks?

A Yes, sir.

Q And he himself is an employee of the County Board of Elections? A. Yes, sir. By virtue of that he becomes Commissioner of Registration.

Q So you let one of your clerks give orders to another of your clerks? A. It states it right in the law. He has supervision of all clerks.

Q All right. What I am getting at--

A They took that away from the Board in 1930 in the revision of the laws.

Q What I am getting at is this, your clerk Mr. Stoebling ordered your clerk-stenographer Miss Seglie not to open the vault. Why didn't you countermand that order? A. He has

supervision over them.

Q I know, but you planned to send those ballot boxes back on that day? A. Well, when they didn't go back, as I stated before, I seeked an opinion from County Counsel to know where I was at.

Q But you had not received the opinion from County Counsel when you found those books were not to be returned?

A On Saturday I got the opinion.

Q Saturday morning they were going back and Saturday afternoon at 3:30 you got the opinion? A. Yes, sir. I tried to get in touch with County Counsel, Mr. Walscheid and I couldn't do it. Then I had to get in touch with Mr. Doherty, the first assistant County Counsel. In the absence of Mr. Walscheid he acts for the Board.

BY MR. GIULIANO:

Q Mr. Corcoran, you were present, of course, at the recount? A. Yes, sir.

Q And that vault was opened every day? A. Yes, sir.

Q And Mr. Stoebling was not present? A. No, sir. He delegated Miss Seglie to open it.

Q Well, you had full control of the recount, didn't you?

A Yes, sir.

Q And the Board would meet, as I understand it, in the morning, and pass a resolution as to what districts to count?

A No, sir.

Q How would you do it? A. We would meet each morning. We would get an order from you what districts, or Mr. Wiener, what district to go into the following day or two days ahead--

Q Representing a citizen, we would give you orders, and you, as a public official-- I just want to make sure I am correct-- we, as counsel to a citizen who ran for office, would give you orders, as a public official, that we wanted to look at those ballots? A. You wanted certain districts counted.

Q We wanted certain districts, and you would not have to go to Mr. Doherty in order to get an opinion, you would go to the safe, bring out the districts and we would count them, isn't that so? A. That is right.

Q We would look at the poll books there? A. Yes, sir.

Q About a minute and a half, and when we started to write something you would pull them away from us?

A That is right, that is correct.

Q Can you see any objections if we looked at those poll books again in your presence or another person's and having a handwriting expert there in order to compare signatures?

A I have no right to allow you to see them now.

Q You have no right to show them or no right to answer the question, which? A. I am not a member of the County Board of Elections.

Q I mean, let us assume-- I am always assuming you are going to be a member of the Board of Elections?

A I don't know, Jimmie; I hope you are right.

Q I hope so, too. I don't like to see anybody taken off the payroll these days.

MR. PALESE: I heard they were having difficulty in Hudson County.

THE WITNESS: I haven't had any communication or received any commission.

MR. PALESE: You had better call the Secretary of State.

Q Let us assume, Mr. Corcoran, that you are appointed, and I am sure you are going to be appointed--

A Well, I am not so sure, James.

Q Well, I think you did a good job for the governor.

A Thank you.

Q And I am sure you are going to be appointed.

A Thank you.

Q Let us assume you are appointed, and as a public official I am sure that you want to help us out as counsel and as citizens, and this Committee as citizens of the State of New Jersey, to view these records. Will you, as a member of the Board of Elections, consent to allow us, in your presence and in the presence of a handwriting expert, to examine

these books? A. At the present time I cannot answer that because I will answer it when the occasion arises.

Q In other words, Mr. Corcoran, you are again pinched?

A I am not crossing a bridge until I come to it, and I have not been appointed, therefore, I cannot answer the question.

Q Let us suppose I asked you last week the same question, what would your answer be? A. But you didn't ask me last week.

Q Let us suppose I asked you. A. But you didn't.

Q I couldn't. You were too sick, you were under a sedative, you were too much under a sedative. I would like to have asked you two weeks ago. Then you will not answer that question? A. No, sir, I will not answer the question until I come to the bridge and cross it.

BY MR. OSMERS:

Q Mr. Corcoran, everything in the vault that we have been talking about there in the Spingarn building, is public property, is it not? A. The ballot boxes belong to the County Board of Elections.

Q They don't belong to the public? A. They belong to the County Board of Elections. The county pays for them.

Q They turn the title of the boxes over to the County Board of Elections? A. We order the boxes and the County Board of Freeholders pay for those boxes, and when the municipal

clerks request them--

Q I am not interested in the procedure. Do the Board of Freeholders pay for those boxes out of their own pockets?

A County funds.

Q They use county funds and the county gets the money from the people, is that right? A. I guess that is right.

Q So that the people own the boxes and the records are the records of the people, and they are public records?

A They must be at that rate, because the county gets the money from the taxpayers.

Q So they are public records? A. They must be.

Q You know that they are public records?

A Yes, sir, they must be public records.

Q You can see absolutely no objection to their being examined under proper circumstances? A. Well, in regards to the poll book, the law distinctly states, if my memory serves me right, that they are in the custody of the Commissioner of Registration, they are not under our custody at all.

Q I am not asking you a question now as a member of the Board of Elections, because you are not a member of the Board of Elections. I am not asking you a question as a public official. I am speaking to you now as a private citizen. Those records are public, and there is no reason in law or out, why a properly and legally constituted authority cannot examine

them at any time. A. That I couldn't say, not being a lawyer.

Q In other words, you are not sure that public property is always public at all times? A. Public property is public property at all times.

Q Then these books at the time being public property, should be open to the public at all times? A. Did you say that the poll books are public property?

Q Yes, absolutely. A. Then they must be open to the public.

Q Don't you say they are public property?

A Not the poll books.

Q Whose property are they? A. They are under the custody--

Q Whose property are they, not whose custody are they in?

A Whose property are they?

Q Whose property are they at any time? I don't want you to tell me whose custody they are in. We want to know whose property those poll books are? A. As you just stated--

Q Not as I just stated. What is your opinion?

A They must be the property of the public.

Q Oh, they are the property of the public. It was a little hard to get that out of you. If those are public books, public property, why did you order police guards over this public property when there is no court order affecting those

public records? A. I did do it when I done it. That was that they were to go back to the Commissioner of Registration to remain in his custody.

Q What was to go back? A. The poll books.

Q Were to go back? A. To the Commissioner of Registration, after we had completed the recount.

Q What do you mean "go back"? A. We had them in our custody on the recount and the order terminating the recount said they were to be returned to the Commissioner of Registration.

Q Did you bring them to his apartment or not?

A To remain in his custody. No, they were put in the vault.

Q Then they were in his custody, were they not?

A No.

Q They were not in your custody? A. No. I terminated the recount as Chief Justice Brogan's order called for.

Q You had no custody over the material that was sought by this Committee at all, the poll books? A. Only the opinion that County Counsel has rendered.

Q Did you instruct the police to keep everyone out of the vault? A. I certainly did, according to the County Counsel's--

Q Wait a minute. You instructed the police to keep us out of the vault. You did not instruct the police to keep us

away from the ballot boxes, which were in your custody?

A To keep them away from the vault while they were in the vault.

Q It would be perfectly possible, you know, to have the police guard the ballot boxes without guarding the door of the vault. A. No, they have got to stay in the vault.

Q They can stay in the vault forever, we don't want them. What I am pointing out is this, that your instructions, as I recall it, were to guard the door of the vault, not the property that was in the custody of the County Board of Elections? A. Right, to guard the door of the vault.

Q Not the ballot boxes? A. Well, they are in there. If you will open the vault you will get access to the ballot boxes.

Q Wouldn't it be possible, in your opinion, for the police to guard the ballot boxes in the vault while other things were being removed from the vault? A. They could do that.

Q Or do you think somebody might put a ballot box in their pocket and walk out with it? A. Hardly.

BY MR. GIULIANO:

Q What is the real reason for the police being there?

A To guard the vault.

Q Why?

MR. PALESE: You mean the vault or ballot boxes?

THE WITNESS: The vault.

MR. PALESE: Why?

THE WITNESS: On advice of County Counsel.

Q Why are you guarding the vault?

MR. YOUNG: Mr. Giuliano, before you go any further, I would like to have it made perfectly clear that there has been no instructions from any counsel presented to this Committee instructing Mr. Corcoran to do anything. Mr. Corcoran has received no instructions, that we have seen, from the County Counsel, and I would like to make that clear.

BY MR. PALESE:

Q Mr. Corcoran, you read this letter again and tell us where it states in there that you are ^{to} guard the vault?

A It don't state it.

Q It doesn't state it? A. That I personally am not to guard it.

Q Or that you can give orders to guard the vault. You look at that letter again and tell us where it states in that letter that either you, if you assume responsibility, or the Hudson County Board of Elections, are to safeguard the vault and not to safeguard the ballot boxes. Now, you read it.

A "Attention of Secretary." That is me. "Gentlemen: Complying with your request for an opinion with regard to the

situation which has arisen due to the illness of your clerk, Charles Stoebling, I advise you as follows:

1. Charles Stoebling, Clerk of your Board, is constituted the Commissioner of Registration of Hudson County. Under the provisions of the Election Law, and particularly Par. 380 of Article XXVIII, and Par. 216 of Article XVII, he is in complete charge of the permanent registration records of Hudson County and is also the custodian of the General Election poll books and records.

2. Charles Stoebling alone has supervision and control of these records.

3. No person other than the said Charles Stoebling has the right to open the vaults in which any of these records are stored or to release or remove them from the place where they are now stored.

4. It is your duty, as members of the Hudson County Board of Elections"--

Q Now, read slowly there so you can take care of yourself. A. (Continuing)--"to safeguard and protect the records which are under the control and in the custody of said Charles Stoebling, and not to permit anyone to open the vaults in which the same are stored during his absence. Very truly yours, Robert H. Doherty, Assistant County Counsel."

Q All right. Now, that, you say, gave you the authority

to keep the vault closed? A. Yes, sir.

BY MR. GIULIANO:

Q Mr. Corcoran, if it is the opinion of your counsel from that letter that the records belong to Mr. Stoebling, why should you be so concerned about it to ask the police to go there and protect that vault? A. Because, as I stated before, I didn't know where I was at.

Q You don't know where you are at now, do you?

A Yes, I do: right here in Essex County.

Q What is the necessity of the police there if the Board of Elections has a couple of hundred employees and can certainly put employees there to see what goes on, if anything? What is the necessity of the police there? A. We have always had them.

Q You keep the police there at the safe every day of the year? A. Every day and night while the ballot boxes are in there.

Q Mr. Corcoran, may I just point out to you that you are now in Essex County, and sometime you ought to come here when we have a recount-- of course, we are all through with paper ballots-- and I might inform you that to my knowledge the Board of Elections has never had a policeman in any and every recount, and they have been run pretty orderly. And I again ask you what was the purpose of the police there in Hudson

County? A. As I stated before, to conduct the recount in an orderly manner. We have had some very strenuous times at recounts and we have had to have the police there.

Q No strenuous time this time? A. We had to eject several men.

Q A couple of times you tried to eject counsel when they were a little loud. A. Mr. Murray twice.

Q You say that the poll books-- maybe I am wrong-- are not public records? A. I answered that question.

Q I want to get it from you. Are they public records?

A He said they must be public records.

MR. OSMERS: No, I did not.

Q It is a simple question. I can ask any individual in this room and get a "yes" or "no" answer whether or not the poll books are public records.

MR. YOUNG: I think that is an unfair question, Mr. Giuliano. He is not a lawyer.

THE WITNESS: Thank you.

MR. GIULIANO: Of course, if he gives me that answer I have got another one. You say that you are not a lawyer?

THE WITNESS: I thank you.

Q Do you know, as a member of the Board of Elections of Hudson County, where these poll books come from and who pays for them? A. If my memory serves me right I think they come

from the Secretary of State.

Q And who is the Secretary of State? A. Thomas Mathis.

Q What is his official duty, serving as a public official or secretary to a private corporation?

A A public official.

Q Do you think when you receive records from Mr. Mathis that they are public or private-- A. I don't receive them.

Q Or your Board? A. We don't receive them.

Q Or the District Board? A. The County Clerk.

Q Do you think they are public records when the Secretary of State sends them out? A. Well, they must be.

Q Why pays the salaries of the employees of your department and yourself, including all of the Hudson County Board of Elections? A. The Hudson County Board of Freeholders.

Q And who is the Hudson County Board of Freeholders? I mean, are they public officials or are they--

A Public officials.

Q How do they get their jobs? A. They are nominated at the primary--

Q In other words, the people select them and they spend the people's money? A. Yes, sir.

Q You are getting public funds? A. Yes, sir.

MR. GIULIANO: That is all.

BY MR. MURRAY:

Q Mr. Corcoran, when did you get this advice of counsel in writing or when was it sent to you, do you recollect?

A Mr. Doherty gave it to me Saturday afternoon.

Q Saturday afternoon. What date was that, John, do you remember? A. Just a moment.

Q This is dated-- A. The recount terminated on the 28th, if my memory serves me right, and that must be the 29th.

Q Was the recount terminated on a Friday?

A Friday, around noon.

Q And the next day, Saturday, that was the 29th, is that right? A. Yes, sir.

Q That is the date that you got this letter?

A Yes, sir.

Q And don't you think this is a true copy or duplicate?

A I don't know. I couldn't say.

Q You don't think that the County Counsel or First Assistant County Counsel would give anything up to this Committee that was not a true copy of what is purported to be the original, would you? A. I stated before I thought my name was mentioned in the original copy, but I may be mistaken; I don't know for sure.

Q But you heard Mr. Doherty say that this was a true

copy of the original that he sent you and gave you, didn't you? A. That is what he said.

Q And you believe that to be so, don't you?

A I have just stated I thought my name was mentioned in the original. I may be wrong and I may be right; I couldn't say.

Q In other words, you wouldn't say this was an exact--

A I wouldn't say it was, I wouldn't it wasn't.

Q At any rate, you got it on Saturday, the 29th, right?

A Yes, sir.

Q And the recount terminated on Friday, the 28th?

A Yes, sir.

Q What time, about, in the day? A. Around noontime.

Q And what happened to the police? Or do you know which police were there? A. The names of the police?

Q No, not necessarily the names, but from what department in Hudson County? A. The County police.

Q Only the County police? A. Well, I don't know whether they were county or boulevard. I don't know the difference, which they represented.

Q Now, John, you know the difference, don't you?

A I don't know which was the county-- only Inspector Neary, he was county, and Mr. Antonacci,-- I think that is his name,-- the Lieutenant, he was county, but that is all. They

were the ones I dealt with.

Q Don't you know you had on duty there during the recount some of the Hudson County police officers?

A They may have been there.

Q Well, don't you know they were there? A. I didn't question whether they came from the Boulevard or from the county; I had no occasion to.

Q You didn't? A. No, sir.

Q Do you know whether or not there were any Boulevard policemen there on Friday after the termination of the recount? A. I couldn't say whether they were Boulevard or county.

Q Were you there? A. I was there Friday, yes, until about twenty minutes past twelve, I should judge, when I left there, and I came back at 4:30.

Q Was there any meeting of the County Board of Elections there on Friday? A. At the termination of the recount--

Q Was there any meeting? A. Let me answer the question.

Q You can answer it "yes" or "no". A. Don't get three or four questions. At the termination of the recount I requested the commissioners to come into the County Board of Elections' office--

Q Did they go in? A. I had a matter to take up with

them. Yes, sir. Including Miss Seglie.

Q What time was that? A. At the termination of the recount.

Q What time? A. About twelve o'clock, or a little after twelve.

Q Was there a meeting of the Board? A. That was the meeting that time.

Q Was there a meeting? A. Yes.

Q Who called the meeting to order? A. I asked them to come in, I wanted to call this to their attention.

Q Who called the meeting-- A. Of this paper I have received.

Q Who called the meeting to order? A. I am telling you I asked them to come in.

Q I am not asking you that, I am asking you who called the meeting to order, if there was a meeting? A. Well--

Q I thought you testified before there wasn't.

A Oh, no, I did not.

Q You know I didn't testify there was no meeting.

A On Friday?

Q You testify. Go ahead, please. A. No, no, that is wrong. At the termination on Friday we went in, as I requested the Board to come in as I had a matter of very great importance to take up with them.

MR. OSMERS: Was it a meeting?

THE WITNESS: If you would call it.

MR. OSMERS: You call it. Don't have me call it.

THE WITNESS: If it was a meeting, I called them together so I could read to them this communication I had received.

MR. OSMERS: Which communication was that?

THE WITNESS: A summons from the Prosecutor of Hudson County to produce certain records, and I refused to take those records out before bringing it to the attention of the Board. And I have that summons here, gentlemen.

MR. YOUNG: What is it?

(The witness produced a summons.)

MR. OSMERS: In this case, Mr. Corcoran, you wouldn't act without the Board, would you?

THE WITNESS: No, sir.

MR. OSMERS: I just want to make it clear, when it came to putting policemen in front of the vault--

THE WITNESS: That was taking records out of the office.

MR. YOUNG: "State of New Jersey, County of Hudson." Addressed to "John J. Corcoran, Chairman,

Hudson County Board of Elections, Jersey City, New Jersey." Of course, that was a misnomer; you were not Chairman.

THE WITNESS: No, sir.

MR. YOUNG: "You are hereby required and commanded to be and appear at the court house in Jersey City, in the County aforesaid, on Friday, the 28th day of January"-- that was that very day-- "1938, at two o'clock p.m., to give evidence in behalf of the said state to the grand jury now sitting, and herein fail not at your peril. Dated the 26th day of January, 1938. By order of the Court. Signed, Gustave Bach, Clerk.

"And you are also commanded to produce at the same time and place all records, memorandum, official recount return and the re-tabulations of the official recount in Republican primary election contest held in this county on September 21, 1937, for the office of member of the Republican state committee of New Jersey; also, original minute book of the Hudson County Board of Elections showing the minutes of meeting held of said Hudson County Board of Elections on April 1, 1937."

That was served on you when?

THE WITNESS: I was called out of the recount

right before the termination of the recount, and was handed it.

MR. OSMERS: On Friday.

THE WITNESS: Friday morning, that is right.

MR. YOUNG: What did you want to take up with the other members of the Board?

THE WITNESS: On the bottom there, removing those records from the office.

MR. YOUNG: What were those records?

THE WITNESS: The tally sheets, the minutes, and all the paraphernalia you use in the recount, of the Ziegner-Stoebling recount in the primary.

MR. YOUNG: So what was your meeting about?

THE WITNESS: Just to call it to their attention about those records going out of the office. I didn't want to take it upon myself to remove those records without calling it to their attention.

MR. YOUNG: Did you go down in response to this subpoena?

THE WITNESS: I did, your Honor.

MR. YOUNG: Did you appear before the Grand Jury?

THE WITNESS: I did. I was there about 4:30.

MR. YOUNG: With those records?

THE WITNESS: Yes, sir.

MR. YOUNG: Just what were those records?
Can you specify them particularly?

THE WITNESS: The tally sheets used in the recount in all the 200 districts, which made quite a bundle, and the minutes of the County Board of Elections from April 1 on.

MR. YOUNG: Any poll books?

THE WITNESS: No, sir.

MR. YOUNG: Any signature copy registers?

THE WITNESS: No, sir. Just only what was used in the tally sheets.

MR. YOUNG: I suppose it was as a result of your appearance before the Grand Jury that all of these people were indicted, is that so?

THE WITNESS: That I would not want to say.
My testimony was there.

BY MR. PALESE:

Q Mr. Corcoran, going back to this opinion, again, of Mr. Doherty. What do you say as to the manner in which this opinion finally got back to your office on the 31st of January? That would be the Monday following the Saturday that you say you received it from Mr. Doherty. A. I received it Saturday, and I filed it in our office Monday morning first thing.

Q Where did you file it? A. With Miss Seglie.

Q Did you give it to her? A. Yes, sir.

Q Personally? A. Yes, sir.

Q You are sure about that? A. Yes, sir.

Q Would you be surprised to know that Miss Seglie said that is not the way in which she received this letter?

A I don't know what she said, but I handed it to her personally.

Q Here is what Miss Seglie says about this same letter, page 170 of Miss Seglie's testimony: "How did that letter get in your possession?" And here is her answer: "It was delivered to the office.

"Question: How did it get in your possession?

"Answer: Well, it was left at the window outside and the telephone girl gave it to me."

A She was mistaken.

Q She was mistaken about it, was she? A. Yes, sir. I walked right in the office and handed it to her.

Q "All the mail comes through the outside office. It is left at the window outside." A. That is right.

Q "So she, in turn, gave it to me." Now, she is not right if she says you gave it to her? A. It is right for all the mail to be delivered at the window, but I walked into her office and handed it to her.

Q It must have been that same morning-- A. Yes.

Q Because she came here and testified on Tuesday,

February 1st. That was the day following? A. Yes.

Q So that your memory is better than hers was the following day? A. Were you at the Committee meeting on Tuesday in the County Board of Elections?

Q No, I was not. A. Well, I called Mr. Wiener's attention to the fact that I had received that communication from the County Counsel, and he asked me where was it. I said, "I filed it with Miss Seglie." He asked me when. I said, "Yesterday morning."

Q What I am trying to get at -- A. Do you recall that, Mr. Wiener?

Q Your recollection today is different than Miss Seglie's was on the day following the receipt of that letter. She said she obtained that letter from the telephone girl. She is mistaken about that, is she?

A Yes, sir, she is.

Q You gave it to her personally? A. Yes, sir. Would you let me have that summons if you are through with it?

MR. YOUNG: Certainly.

BY MR. MURRAY:

Q Was that letter opened when you gave it to Miss Seglie?

A Yes, sir.

Q Did you tell her what was in it, the contents of the letter? A. No, I just handed it to her and said, "File this, Alice, stamp it."

Q Did you always find Miss Seglie had a very good or pretty good or pretty poor memory about things around your office? A. She has got a pretty good memory.

Q Do you think she deliberately lied when she was on the stand here testifying under oath?

A No, I don't think she did.

Q Are you lying now? A. No, sir.

Q Then if you are not lying now, what she said under oath was not true, was it? A. She might have made a mistake.

Q It wasn't true, was it? A. No, sir.

Q Did you ever find Miss Seglie to be a liar?

A No, sir.

Q Did you ever find her to be in any lies pertaining to any matters around the office? A. No, sir.

Q Do you know why she lied here that day when she gave that testimony? A. She might have been laboring under excitement.

MR. PALESE: The following day?

THE WITNESS: Yes.

Q Are you laboring under excitement now? A. No, sir.

Q Then you are not lying? A. No, sir.

Q You haven't got an excuse to lie? A. No, sir.

Q At least, you haven't got that excuse, have you?

A No, sir.

Q All right, then. On the 28th, Friday, the 28th, was there a meeting of the County Board of Elections of Hudson County? A. I just stated that.

Q Well, I didn't hear you state it. A. That I requested the members to come into the office--

Q I didn't ask you what you requested the members. Was there a meeting -- A. If you want to call it a meeting, it is a meeting. If it is not a meeting it is not a meeting.

Q What do you term a meeting of the County Board of Elections? A. When the four members get together.

Q Don't you often get together for a meal or a drink or a talk? A. No, sir, not for a meal or a drink. I don't drink.

Q You don't drink? A. No, sir.

Q Not pure aqua? A. Oh, I drink water, yes, but not the kind --

Q Don't the four members or the three other members and yourself ever get together, the four of you?

A Not unless --

Q Weren't you ever together at any place at any time with the other three men? A. At the recount, yes.

Q Was that a meeting? A. That was a meeting from day to day. We closed it that day, the minutes. We had them open all during the recount. Evidently it must have been a meeting, because that is where we terminated them.

Q All right. After your meetings any day, and the four of you walked out together, outside to the hall, did you have a meeting then when the four of you were together?

A Not in the hall, no.

Q Then when the four of you got together it didn't necessarily mean there was a meeting?

A It certainly did that day, because I requested them to come in.

Q Who called the meeting? A. I did, to bring this to their attention about the records going out of the office.

Q Who called the meeting to order?

A I don't know as there was any meeting called to order. They all went in there, and I took out this, and I said, "Gentlemen, here is a matter I wish to call to your attention."

Q Suppose you met the three of them on the street and you pulled something out and you said, "Here is something I want to call to your attention," would you call that a meeting? A. We never did it.

Q I am not asking you if you ever did it or not. If you did do it, would you term such an occurrence a meeting of the Board of Elections? A. I have never done it and would not do it.

Q I am not asking you that. Wasn't what you say you did tantamount to the same thing? A. No, sir, because we were in our office.

Q You were in your office? A. Yes.

Q So the place where you do a thing makes all the difference in the world? A. Positively.

Q So if there was something illegal and something wrong in itself, you could get a place where it might be all right to do it, is that your reasoning? A. Oh, no.

Q So just simply because the four of you might be together there you would not term that a meeting of the Board?

A I asked them to come there.

Q Even if you did. If you wanted a meeting of the Board today, and you were still secretary of that Board, what procedure would you go through? A. Ask the Chairman to call a meeting.

Q Did you ask the Chairman that day? A. Yes, sir.

Q Did he call a meeting? A. He said, "Will you call them in, John"? And I called them in.

Q Did the Chairman call a meeting that day?

A He didn't. He asked me to tell them to come in. I brought it to his attention; he was sitting alongside of me.

Q So the Chairman did not call the meeting to order?

A I don't say whether he did, I don't say whether he didn't.

Q Was there a meeting of the County Board of Elections on Friday, January 28, in the Spingarn Building, after the termination of the recount? A. If you want to call it, I

will say that was a meeting.

Q Never mind what I want. You didn't care what I wanted when you had me put out over there illegally.

A Illegally?

Q Yes, illegally, and I will prove it to you in a minute or two. You are going on illegally, you know you are, and you are going on orders --

MR. YOUNG: Mr. Murray, does it make much difference?

MR. MURRAY: Yes, it makes a lot of difference.

MR. YOUNG: Whether there was a meeting of four people in a room?

MR. MURRAY: It makes a lot of difference. We have the testimony of Mr. Scheetz and we have the testimony of Mr. Wittreich that there wasn't any meeting, and we have the testimony of another man that there was a meeting, another member of the Board that there was a meeting and something different was done, and we have the testimony of this gentleman that there was four in the room there.

THE WITNESS: That is right, they were there.

MR. MURRAY: And that he had something he wanted to say to them. That is much different than if there was a meeting.

Q Was there any resolution passed there authorizing you

or any other member of the Board to put policemen at that vault over there? A. No, sir, no resolution.

Q Was there any talk about putting policemen at the vault? A. There was no talk about it. There might have been. There might have been something said about the policemen staying there, I don't recall.

Q You are pretty well acquainted with the Election Law, I think you demonstrated that today very conclusively, and you said that from custom years back that it was generally in your hands to have police there at a recount, right?

A Yes.

Q Do you know where you get any such authority under the law? A. We always had police there.

Q Why? A. And we had them there on your recount.

Q Why? A. And you know it.

Q Why? A. Because that was always left for me to get them there to preserve order.

Q That is right? A. Correct.

Q And that is the only authority that you have for the Board to have police there to preserve order, isn't that so? A. To preserve order and to guard the vault.

Q Will you show me in this section, and I believe that is the section that you get the authority from,- if you will read it, please,- you show me where that gives you or the Board any authority to put police there to guard that vault.

You can read it out loud, if you don't mind.

A Paragraph 79, Section 30.

Q Isn't that your authority for having police there?

A That is the authority.

Q That is the authority? A. Yes, sir.

MR. YOUNG: Read it out loud. I don't know it by heart.

THE WITNESS: It is quite lengthy.

Q No, it isn't long.

A "The district board in each election district, the county board, and the clerk thereof, the board of county canvassers and the board of state canvassers and the Court of Common Pleas shall, respectively, possess full power and authority to direct the police on duty to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions respectively; and if any person shall refuse to obey the lawful command of any such board, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may by an order in writing, signed by the chairman and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding three days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered; or if a sheriff or constable shall

not be present or shall refuse to act, by any other person who shall be deputed by such board in writing, and the keeper of such jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment."

MR. OSMERS: Mr. Corcoran, did I hear the words there "during their sessions"?

THE WITNESS: Yes, sir.

MR. OSMERS: I mean, in other words, it does not say at all times, just during their sessions?

THE WITNESS: Yes, sir.

MR. OSMERS: In other words, you have under that section no authority to order police there except when you are in session?

THE WITNESS: According to that, in regards to the canvass.

MR. OSMERS: In other words, when you are not meeting you have no authority?

Q Now, that is your authority for having police there, isn't it? A. According to that, yes.

Q And this is very specific what their duty there is, to preserve order, right, during your sessions?

A Right.

Q You knew that before, didn't you?

A I never read that section, to be candid with you.

Q I didn't ask you -- A. Before I ever went on the Board the police were always there.

Q You told me when I presented it to you, yes, that is your authority, before you ever read it through, right?

A (No answer.)

Q At any rate, this doesn't give you personally, and it doesn't give the Board of Elections of Hudson County, any authority to place armed policemen at that vault in Hudson County? A. No.

Q Does it? A. In the opinion of County Counsel --

Q I am not asking you about the opinion of the County Counsel. I think if you read the opinion of the County Counsel in the way it is written, it very plainly tells you you had no authority to do it. Very plainly. That is my opinion. A. Yes, sir, your opinion.

Q You are not taking my opinion, and, evidently, you are not taking your first Assistant County Counsel's opinion. But you do admit that you had no authority to place police at that vault, right, under this section of the Election Law? A. There has been a precedent established before I went in the Board and has been maintained for years.

MR. PALESE: Please answer the questions.

That question was perfectly clear and plain. We are not interested in custom. He has read the law to you.

Do you believe it is right or do you think it is wrong?

THE WITNESS: I am just trying to explain to you--

MR. PALESE: We are not interested.

THE WITNESS: I am trying to bring out about the police being there. It has been the custom --

MR. PALESE: We are not interested in the custom, we are interested in the law.

Q If you will just answer my questions we will get the real truth of why the police were there.

MR. OSMERS: Mr. Corcoran, speaking of customs, the design of this Committee is to break up a lot of customs, and if the law had been observed by you and everyone else connected with the conduct of that election there, we would not be sitting here this afternoon in Newark. That is why we are here, because you have been following a lot of peculiar old customs. I just wanted to explain the Committee is not interested in customs. We would like to hear you say sometime this afternoon that you obeyed the law, not custom.

THE WITNESS: I have obeyed the law.

MR. OSMERS: Only where it fitted in with custom.

Q Do you consider that you obeyed the law on Friday, the 28th of January, at the termination of the recount, before you got this opinion, which you testified you got the following day? Do you believe you followed the law when you

placed police there, armed guards to prevent people from getting into that vault? A. I believe I done the proper thing by allowing those police to stay there to guard those boxes. They are still in our custody.

Q Do you believe you did the legal thing? A. Yes, sir.

Q Well, where did you get your authority from to do it?

A As I said before, from custom before I ever went in the Board, the police being there at all times guarding the boxes.

BY MR. PALESE:

Q Now, Mr. Corcoran, please. Now, was that custom the law or you did it because it was the custom there?

A I done it because it was the custom.

Q Did you look up the law to see whether or not the custom which has been going on in Jersey City --

A No, sir.

Q (Continuing)-- was the law? A. I did not.

Q Why didn't you look it up? A. I didn't think it was necessary. They were there before I went in the Board.

Q Is that the way you conduct your office of the County Board of Elections, by customs? A. No, sir.

MR. YOUNG: You know how it works out: they get a legal opinion when they are asked to do something they don't want to do, and they don't get a legal opinion when they want to do something they shouldn't

do.

Q I am very much interested in this opinion of Mr. Doherty's. Either you are very, very much mistaken about it or Miss Seglie is very, very much mistaken, and I make a lot of emphasis on it --

A Yes, sir.

Q We have the testimony here of Miss Seglie under oath the day after this letter is supposed to have been written, that this letter was in her possession on Saturday, January 29. Now, is that correct? A. It was incorrect, because I only received it late in the afternoon, and Miss Seglie had closed the office around twelve-thirty or one o'clock Saturday, and I could not file it Saturday. It was filed and it was dated on the back of that by the time-clock when it was received there, and she punched it right away.

Q You are testifying to an incident that happened on January 29? A. That is Saturday.

Q And Miss Seglie testified about the same incident about three days afterwards, and you say that your recollection of what happened concerning this letter is better than Miss Seglie's was two or three days afterwards?

A I also gave that same testimony to Mr. Wiener when the Committee met in our office, that it was filed yesterday morning. To Mr. Wiener.

Q I want to read to you what Miss Seglie said to you about

this letter. A. You did read it.

Q This is some more. When she presented that letter or the opinion at the hearing which we held on Tuesday, February 1st, here is what she says: the question was, "On Saturday you gave us your reason for refusing to open the vault, simply contrary instructions by Mr. Stoebling, and made no mention of this," -- referring to the letter. She says, "No," because we were there on Saturday and she made no mention of this letter.

A She didn't receive it.

Q Then I asked her this question: "Did you have that letter in your possession Saturday morning when you were in your office?" And what do you suppose her answer was?

A I couldn't say.

Q Here is what her answer was, "In the afternoon? Yes, sure." She had that letter in her possession Saturday afternoon. The other question was, "Where was the letter at that time?" Her answer was, "In the office." So that either you are very much mistaken or she was very much mistaken. The next question was, "Where?" And her answer, she says, "In my files." And the question was, "Had you read it?" And her answer was, "Yes, I read it and I just laid it aside. Between all the excitement, I just put it on the desk there, and yesterday when I came out I picked up those two subpoenas I brought down with me, and I picked up that envelope and left.

"Question: Where did you leave the letter after you received it? Answer: On my desk." Now, there is surely a great deal of difference between your testimony here today respecting a very, very important piece of paper, as to whether Miss Seglie had that in her possession on Saturday, January 29, or whether you had it in your possession on Saturday and Sunday and left it in the office on Monday?

A I did, and it would be stamped on the back when received.

Q I am not interested in the stamp, I am interested in where it was on Saturday afternoon. A. In my possession when Mr. Doherty gave it to me, and Sunday it was in my possession, and Monday I gave it to her to file and she is supposed to stamp it, and gentlemen, you will see the stamp if you get it.

Q I cannot reconcile your testimony here today with this letter, because here it is almost a month after the incident and Miss Seglie's testimony was two days afterwards.

A Mine was two days after also when Mr. Wiener asked me on Tuesday in Jersey City in the Commissioner's office.

MR. OSMERS: Mr. Chairman, there are so many differences of testimony between what Mr. Corcoran is testifying and what Miss Seglie has testified on a previous occasion, that I think it would be better to have Mr. Corcoran come back here Monday morning at

ten o'clock when we will continue with the investigation.

MR. YOUNG: Do you want to adjourn now?

MR. OSMERS: I would like to suggest that we adjourn now and come back on Monday morning and have Mr. Corcoran back at that time, and we will have an opportunity to go over his testimony in the meantime.

THE WITNESS: I would like to be excused.

(Discussion off the record.)

MR. YOUNG: Let us have a recess for ten minutes.

(At this time a recess of ten minutes was taken.)

BY MR. WIENER:

Q Now, Mr. Corcoran, this opinion that you received was dated January 29, 1938? A. Yes, sir.

Q You say that was delivered to you? A. Yes, sir.

Q By mail or by messenger? A. Mr. Doherty himself personally.

Q And he brought it to you when? A. Saturday afternoon.

Q Saturday afternoon? A. Yes, sir.

Q And you testified that you had it in your possession until Monday? A. Morning.

Q At what time? A. Until the office opened, and I brought it up the very first thing. It must have been nine or a little after nine when I got there. I ain't sure just

about the hour, but as soon as I got there I brought it in and gave it to Miss Seglie. And if you will get that original you will see the stamp right on the back of it.

MR. PALESE: Why do you insist on saying that?

We want the testimony what that letter shows. There is a difference. We have the letter and we noted the stamp on it.

THE WITNESS: Well, you will see it there.

MR. PALESE: It couldn't be stamped if it was in Miss Seglie's possession, could it?

THE WITNESS: Just a moment, please. She generally stamps them as she receives them.

MR. PALESE: If it was in her possession Saturday it couldn't be stamped as you say?

THE WITNESS: No. I didn't give it to her until Monday morning.

Q Now, I want to read some testimony to you. I want you to listen very carefully, because we want to be sure of the steps that we take as a result of what you tell us today. On page 173 of Volume 3 of the testimony, taken on February 1st, 1938, that was Tuesday, that was one day after you turned that letter over to Miss Seglie. A. Yes, sir. February 1st, right.

Q Question by Mr. Palese to Miss Seglie, "Did you have

that letter in your possession Saturday morning when you were in your office? Answer: In the afternoon? Yes, sure.

"Question: Where was the letter at that time? Answer: In the office.

"Question: Where? Answer: In my files.

"Question: Had you read it? Answer: Yes, I read it and I just laid it aside. Between all the excitement, I just put it on the desk there, and yesterday" -- meaning January 31, Monday -- "when I came out I picked up those two subpoenas I brought down with me, and I picked up that envelope and left."

Now, Miss Seglie clearly states that this letter was in her possession on Saturday afternoon, January 29, 1938. Is her testimony true or untrue? A. Untrue.

Q As a matter of fact, you didn't have any discussion with her concerning this letter or you didn't turn this letter over to her until Monday? A. Right. How could I? I didn't receive it until five o'clock.

MR. PALESE: You have answered the question.

He asked you whether you did or not, and you could have said "No."

Q In order to make doubly sure that you remember clearly, did you have any conversation with Miss Seglie at the time you turned this letter over to her? A. I said, "Here, Alice, file this."

Q Did you state what it was? A. I don't recall whether I stated that or not. I couldn't say for sure.

Q And you are absolutely certain that it was not until Monday morning, January 31, 1938, that you turned this over?

A Positive.

Q Now, this letter was addressed to the Hudson County Board of Elections, 591 Summit Avenue, Jersey City, New Jersey, attention of secretary. A. Well, I stated before I thought in the original that it was addressed to me.

Q All right. A. If my memory serves me right.

BY MR. OSMERS:

Q Would that have affected your activities, Mr. Corcoran? You have made considerable point about your name appearing, you thought, in the original document. Would that make any difference in what you did?

A No.

Q Then what is the use of making that point? A. He has called it to my attention just now.

Q Called what to your attention? A. About the letter to me.

Q What difference does it make? You were going to put the police there whether it was addressed to somebody else, as it was.

MR. PALESE: Mr. Corcoran, do you get the significance of Mr. Osmers' question? Did it make any

difference to you whether that letter says, "Dear Mr. Corcoran, you do this and that," or as the letter was addressed, to the County Board of Elections, in what you were going to do with the ballot boxes?

THE WITNESS: Well, I requested it from the County Counsel.

Q You didn't request individual advice, you requested advice as secretary of the Board? A. I asked him to give me an opinion where I stood in regards to the ballots.

MR. OSMERS: He didn't give you that, though; he gave an opinion, as he should, to the Board of Elections.

BY MR. YOUNG:

Q Why did you want an opinion as to where you stood?

A Because of what was transpiring there Saturday when Miss Seglie refused to open the vault.

Q What particularly transpired, the police were ordered to stay there by you before Miss Seglie refused to open the vault; the opinion was requested by you before Miss Seglie refused to open the vault -- A. Oh, no. I beg your pardon. It was not requested until the afternoon of Saturday afternoon. She refused to open the vault Saturday morning.

Q The police were there already? A. They were there. I told them to stay there until I got an opinion.

Q Did the police want to go away at the end of the recount?

A No, they didn't say whether they wanted to go away or not.

Q Did they come to you for instructions? A. Mr. Antonacci did.

Q I thought you said this morning you spoke to Inspector Neary? A. Inspector Neary and Antonacci.

Q What about Chief Clossey? A. No.

Q Was he there? A. No, sir.

Q Do you know him? A. I know him, yes, sir.

Q What police is he connected with? A. Chief of the Boulevard Police.

Q What is Inspector Neary? A. He is of the County Police.

Q Didn't you say sometime ago you didn't know what police force was on duty when you ordered them to stay there?

A I knew that Inspector Neary and Inspector Antonacci was the County Police.

Q You knew that? A. I said that in my testimony. But who the patrolmen were, I don't know whether they were Boulevard or not; I never questioned them.

BY MR. MURRAY:

Q Oh, you knew there were Boulevard and County Police there? A. I didn't know, to be candid with you, whether they were Boulevard or County. I thought they were all County.

Q During the recount you didn't know there were some Boulevard police? A. I never questioned them.

Q Were you there at the recount when there was a great big fellow that weighed over 200 pounds, put a small fellow out during the recount, at your direction, illegally, from that section that you read? A. I ordered the policeman to remove a man that created the disturbance out among the spectators when we were in the recount.

Q Did you know who he was? A. I didn't at the time, no, sir.

Q That was the first one that happened to say something at the recount, wasn't it? Was that the first what you call a disturbance? A. I don't know.

Q There were a few disturbances after that, right, as you term them, at the recount? A. There was only two.

Q Only two? A. That is all, I think.

Q Did you know the second one that caused a disturbance?

A No, sir, I didn't know anyone. I didn't know whether it was you or anyone else, I didn't look up. I just ordered the policeman to remove the man that is creating the disturbance.

Q Do you know whether the party refused or resisted and didn't want to go? A. No, I don't know.

Q You know Chief Dolan of the Hudson County Police?

A Yes, sir.

Q You know Chief Clossey of the Boulevard Police?

A Yes, sir.

Q And you don't know this big policeman that was there that weighed over 200 pounds? A. I never saw him.

Q Did you know the policeman that shoved me out of there one day? A. No.

Q You didn't know him? A. I didn't know who the policeman you are referring to.

MR. MURRAY: Well, I will get his name. However, I would like to get something on this, Mr. Chairman, and I would request that Mr. Corcoran be kept under subpoena and come back here next week whatever day you are going to sit.

MR. YOUNG: Well, we will ask you to come back on Monday, Mr. Corcoran, at ten o'clock in the morning.

THE WITNESS: Is this adjourned?

MR. YOUNG: No. Are you through with Mr. Corcoran?

MR. MURRAY: I am for today. I would like him to come back next week.

MR. YOUNG: Do you want Miss Seglie this afternoon?

MR. MURRAY: Yes.

A L I C E S E G L I E F I L A, recalled.

EXAMINATION BY MR. WIENER:

Q Miss Seglie, you heard Mr. Corcoran's testimony?

A I did, Mr. Wiener.

Q And you heard--

MR. DOHERTY: May I have it noted on the record
that I am also appearing for Miss Seglie.

MR. WIENER: Personally?

MR. DOHERTY: Personally.

MR. YOUNG: You are already on the record.

MR. PALESE: All I am worried about is your pay.

MR. DOHERTY: I will have to worry about that.

Q Miss Seglie, did you receive at your office a copy
of a letter from the Law Department of the County of Hudson,
dated January 29 and addressed to the Hudson County Board of
Elections, attention of the secretary? A. Yes, I believe
I did.

Q I believe it is Exhibit 2 in the previous minutes.
And is that a copy of the letter (showing paper to witness)?

A I think it is, yes.

Q When did you receive that letter? A. As I remember,
I think I received it on Saturday --

Q Not as you remember. This is very important.

A Well, as I remember it I received it on Saturday.

Q Where? A. At the office. In my office.

Q From who? A. I think I got it through the girl at the desk. You see, that morning with all that confusion and excitement going on-- you were there you remember-- there was so much of the other mail and everything else coming in, and it is the usual custom for the girl at the telephone to take the mail and stamp it and hand it over to me, and I think that came in the same way. I might be mistaken, but that is the way I remember it.

Q Did Mr. Doherty hand it to you at that time?

A No.

Q Had you seen him around? A. Who?

Q Mr. Doherty? A. No. I didn't see Mr. Doherty until Saturday afternoon when I went out of the building and the Committee was coming up into the building, and when they asked me to go upstairs we stood there for a while, and the first I saw Mr. Doherty was then.

Q Did you see Mr. Doherty in the office of the Board of Elections on Monday, Monday morning? A. Monday? Let us see. Not in my office, I don't think so.

Q Did you see him around the building at all?

A Not that I remember.

Q That is the time Mr. Corcoran claims that Mr. Doherty came into his office personally on Monday morning and handed him this letter. A. Mr. Corcoran, as you know, his office is in the back in the recount room. I am in the front office

and I would not see him if he was there, anyway.

Q You had that letter in your possession on Saturday afternoon? A. As I remember, I think I did.

Q And you read that letter when it was given to you?

A Yes, I read it over quickly and I threw it on the desk.

Q Did you have any conversation with anybody concerning the letter? A. No.

Q Why not? A. As I said before, between people around there and the excitement going on, I think I just threw it on the desk.

Q You were in charge of the office. Wasn't this letter important to you? A. It was important, but there was nothing that came up --

Q Did you call up Mr. Stoebling's home about the letter?

A No, I did not.

Q Did you talk with counselor Mr. Miller about this letter? A. No, I did not.

Q Well, what did you intend to do about the letter?

A I just received it and I filed it. I was going to keep it as a matter of record.

Q Wasn't your action based on what you had read in the letter? By "action" I mean your refusal to open the vault?

A No. The reason I refused to open the vault was on account of the orders I got through Mr. Stoebling.

Q Now, what have you to say about Mr. Corcoran's statement

that he personally handed this letter to you on January 31, 1938, and asked you to file it? A. The only thing I could say is, as I remember, it came through the mail.

Q Which statement do you think is true?

A Well, I know I am not lying. I might be mistaken.

Q You say Mr. Corcoran is not telling the truth?

A I wouldn't say that.

Q Well, one of you is not telling the truth.

A One of us might be mistaken. But I know I am not lying intentionally.

Q Well, it is a very important thing to be mistaken on, particularly when it happened on the day when you say you refused to open the vault for the Committee.

A I still say in the excitement, I might be wrong, but I certainly don't intend to lie about anything. I honestly feel I am telling you the truth. As I remember, I think it was Saturday.

Q Was I in the office when that letter came in?

A I don't remember who was around. You know the way that office was all Saturday morning, it was one call after another, and people coming in, and mail coming in.

Q You got it Saturday afternoon? A. I don't just remember what time I got it.

Q You stated very clearly in your testimony on February 1, 1938, which was the next day after Mr. Corcoran claims you

received it, or three days after you admit you received it, that you received this letter on Saturday afternoon. Now, you did not put any qualifications as to the time that you received it in your testimony at that time.

A I don't remember just what time I got it.

Q Would you say that you were lying on February 1st?

A Positively not. I didn't lie then and I am not lying now.

Q Then your testimony, in answer to a question by Mr. Palese, found on page 173 of Volume 3, "Did you have that letter in your possession Saturday morning when you were in your office? Answer: In the afternoon? Yes, sure.

"Question: Where was the letter at that time? Answer: In the office.

"Question: Where? Answer: In my files." Now, you remember clearly filing that letter. A. Not in the files. I just filed it -- I generally keep a basket on my desk and as mail comes in I open it up and read it, and if it doesn't have to be answered right away --

Q You mean in the desk file? A. In the file basket.

Q You remember reading it quickly and throwing it in that basket? A. That I remember, yes.

Q Was that before or after you left the building to go to Mr. Stoebling's apartment? A. I don't remember just when I got that letter.

BY MR. PALESE:

Q Miss Seglie, did you get it before or after you were asked questions in your office on January 29? You can answer that, can't you? Did you have the letter in your possession when we were asking you questions in your office on Saturday, January 29? A. I think I had. I am pretty sure I did.

Q You say you think you had? A. As I remember, I think I had.

Q You had it when we were asking you questions?

A I didn't have it in my possession.

Q But had it been delivered to you or did you have knowledge of the existence of that letter when we were asking you questions in your office or the office of the Commissioner, on that Saturday? A. As I say, I think I got it in the morning and I just read it over quickly. I didn't remember the contents. I just threw it there.

Q Then you must have had it in your possession or knew of its contents when we were there? A. I suppose I did.

Q Well, now, you know whether or not that letter was in your possession or whether it was not in your possession at that particular time? A. I don't know. The only thing I can say that between all the excitement -- Mr. Wiener knows, he was there -- it was one person coming in, another one going out; I don't just remember everything that happened that morning.

Q I appreciate that; but you did not seem to be excited when we were there in the afternoon, and you said the reason you would not open the vault was because you didn't have orders from Mr. Stoebling? A. That is right.

Q Why didn't you tell us then that there was a letter also, given by Mr. Doherty, as to what was to be done with that vault? A. Well, you people asked me why I would not open the vault, and I told you that Mr. Stoebling, through Mrs. Stoebling, told me that under no circumstances should I let that vault be opened.

Q And yet you had the letter there and knew about it and said nothing about it? A. Regardless of the letter, I don't remember, but the reason I would not open the vault was on account of the orders I got from Mr. Stoebling.

BY MR. OSMERS:

Q Miss Seglie, Mr. Corcoran didn't hand you the letter, did he? A. As I remember, it came through the telephone girl the same as the other mail came. See, that wasn't the only mail I got that day. I don't just remember now.

Q It has been testified this letter was not mailed.

A No, it was not mailed. If I remember right, it was not even sealed.

Q You have heard your testimony of February 1st read here about six or eight times this afternoon. A. Yes.

Q That was within about forty-eight hours of the time that

all these things happened? A. Yes.

Q You would absolutely rely on your memory at that time, wouldn't you? A. As I say, I might have been mistaken.

BY MR. WIENER:

Q Do you suffer from lapses of memory? A. No.

Q Would your mind be clear on a matter, say seventy-two hours after it happened? A. As a rule, yes.

Q Do you remember, for example, what happened on Wednesday, this last Wednesday? A. I think I do.

Q If you received a letter of this type last Wednesday and read it, even hurriedly, would you today, Friday, remember having received it on Wednesday? A. As a rule, I do, but I might have had other things on my mind and got mixed up on it.

Q But you, approximately, seventy-two hours after receiving this letter, came here and testified that you had received that letter on Saturday afternoon and you had filed it?

A I laid it on the desk.

Q Laid it in the basket, as you will have it?

A Yes.

Q Now, is there any reason why your memory cannot be relied upon as to that time? A. No. The only reason is --

Q You certainly would remember if Mr. Corcoran handed it to you personally, would you not? A. I imagine I would.

Q Would you remember today if he handed it to you personally?

A I imagine I would.

Q Would you remember today if he handed it to you personally? A. It is according. I told you before, between all the excitement I might have gotten mixed up.

Q But on that day, February 1st, you would have remembered whether or not he had handed it to you personally?

A February 1st. That was the Tuesday I was here?

Q Yes, seventy-two hours later. Why is it, in the beginning of your testimony today you were sure Mr. Corcoran did not hand the letter to you, and now you are becoming shaky about it? A. I am not becoming shaky about it.

Q When you testified here -- A. As I said, I got all this other mail, everything else we had, and I don't remember whether it was handed to me or whether it came through the girl outside with the other mail.

BY MR. PALESE:

Q That would be on Saturday, whether it was in the mail or whether it was handed to you or what methods may have been used to deliver that letter to you, you say it was on Saturday?

A I think it was.

Q Would it be stamped on Saturday if it is true that you received it on Saturday? A. It should be stamped.

Q What stamp do you think is on the letter? A. To tell you the truth, I don't know.

Q From your recollection it was received on Saturday.

Would it be stamped on Saturday, January 29? A. It should have been, but that morning whatever mail and everything else that came in that morning --

MR. OSMERS: May I interrupt you? You testified on the first of February that you received this letter in the afternoon of that Saturday, and I think it would be in the interest of brevity if you will stop telling the Committee about the confusion in the morning, because you received it in the afternoon, according to the testimony.

THE WITNESS: Whenever I received it, I don't think I even stamped it right away. I think I read it over in a hurry and laid it there.

BY MR. WIENER:

Q Do you know? A. No, I don't remember when I stamped it.

Q Are you certain as to whether or not you stamped it?

A Yes, it was stamped, but whether I stamped it that Saturday or whether I stamped it the following Monday, I don't remember.

Q But the one thing you are certain of is that you received it on Saturday and that Mr. Corcoran did not hand you this letter, is that right? A. As I remember, it came through the regular way, but whether it was stamped that day or not, I don't know, because everything I got in that

Saturday, with my regular work and all, just lay aside. You were there, Mr. Wiener. So when I opened that mail up Monday, whether that letter was in with it or not, I don't remember whether I stamped it or not.

BY MR. PALESE:

Q Do you remember seeing Mr. Corcoran on Monday?

A Monday morning?

Q Yes. A. Yes, he was around, I think, all day.

Q What time did he come in the office? A. I don't know just what time he came in. Sometimes he goes back in the Commissioners' room.

Q After you came in Monday, and if the letter was handed to you or came to you through the mail, did you talk to Mr. Corcoran concerning that letter? A. No, I did not.

Q Did Mr. Corcoran, to your knowledge, see that letter on Monday, January 31? A. I didn't talk to him about it, unless he saw it on my desk. I don't know.

Q Did you hand it to him or discuss that letter with him on Monday, January 31? A. No.

Q So that the only way he could have had any knowledge concerning that letter was to have picked it up off your desk? A. He wouldn't have to pick it up. He could come in the office and see it there.

Q Now, where was the letter when you got it on Tuesday morning when you came here to testify? A. Where was the

letter on Tuesday morning?

Q Yes. A. In my pocketbook.

Q Where did you get it to put it in your pocketbook?

A Monday afternoon I was served with a subpoena to go down to Trenton, and on my desk I had the subpoena that Mr. Wiener gave me Saturday afternoon, so I put them together, and this letter was right on the desk there with it.

Q Did you put it in your pocketbook then?

A No, I picked up the two subpoenas with the letter, and I used this envelope that this letter came from the County Counsel. I put the three things in together in a hurry and threw them in my bag and left for Trenton.

Q Then you say you got this letter sometime Saturday and you put it in the file sometime Saturday --

A Not in the file, in the basket.

Q And when you came back Monday was it in the same place where you had put it on Saturday? A. As I get in in the morning I take my file basket out and I lay the things on the desk.

Q Was it in the same place you had put it on Saturday?

A No, I lock my work away on Saturday.

Q You put it in the basket? A. Yes, on top of the basket.

Q Then you file your basket away in the safe?

A I locked the basket up.

Q That letter was in that basket? A. Yes, sir.

Q When you came back Monday morning you again saw that letter in the basket? A. I must have taken the letter out in order to get to the work in the basket.

Q Did it remain on your desk all day until you picked it up to put it in your pocketbook to come to Trenton?

A It must have.

Q During that day, did you see Mr. Corcoran reading the letter? Did you tell him about that letter?

A No, I didn't see him.

Q On Tuesday morning when you came here with that letter, did you talk to Mr. Corcoran about that letter before you came here? A. No.

Q When was the first time that you said anything to Mr. Corcoran about the contents of that letter? A. I never said anything to Mr. Corcoran about it.

Q Well, what happened to the letter after Tuesday morning? You left it here? A. Right here.

Q So that Mr. Corcoran, so far as you know, has never seen that letter? So far as you know?

A I never showed it to him.

Q Did Mr. Corcoran ever say anything to you about that letter? A. No.

Q Has he said anything to you up until today about that letter? A. No.

Q You would say today that from the information you have, Mr. Corcoran, if it was delivered to you on Saturday, never saw that letter? A. Not through me.

Q And he never said anything to you about it?

A No.

MR. YOUNG: Will you come back Monday?

THE WITNESS: Whatever you want.

BY MR. WIENER:

Q Miss Seglie, who signs the payroll for the Commissioner of Registrations' office? A. You mean while Mr. Stoebling is ill?

Q Yes. A. I do.

Q You sign it? A. Yes, sir.

Q How long have you been signing it? A. Let us see. He took sick the end of January. I signed two payrolls for the month of February and I think the last half of January I signed.

Q Two for February and one for January? A. Whenever he was not able to sign them, I signed them. I might have even signed the one before that, because he had been sick on and off before that time, and if he did not come in at the time that the payroll had to get in, he always told me to sign it.

Q Did you sign the payroll for March 1st? A. March 1 to 15?

Q No, the 15th to 28th of February. A. You mean 16th to

the 28th of February? Yes, I signed it.

Q Did you put your initials under his name?

A Yes, I generally do.

Q Did you put your initials under his name last time?

A I think I did. I generally just write the name in a hurry and I put a small "AS" at the bottom of it.

Q Did you consult him as to this payroll?

A Which payroll?

Q This one between the 16th and the 28th? A. No.

Q Didn't consult him at all? A. No, sir.

Q Did you make the change on this payroll without his permission? A. What change?

Q You know what change. A. You mean the change of the name?

Q You make up the payroll. Don't you know the change there? A. Yes.

Q Did you make that change without his permission?

A No. It was about the last week in January, I think it was around the 22nd or 23rd, Mr. Stoebling told me to take out the name of Marjorie Stoebling and put Carl Stoebling in her place.

Q Did he tell you why? A. No, there is no reason why he should tell me why he changes a name.

Q This Marjorie Stoebling, what did she do in your office?

A She must have been out in one of the other departments.

Q As a matter of fact, she never was in any department, was she? Did you ever give her any instructions?

A I don't give instructions to the girls outside.

MR. YOUNG: Under whose department was she?

THE WITNESS: I don't know whether she was in Mr. Gumaer's department as an investigator or whether she was out in Spitznagle's department.

Q How long is it since you have seen Mrs. Stoebling?

A It is quite a while since I have seen her.

Q Who used to pick up her check on the 16th, the first or 15th? A. Sometimes her husband did.

Q When was the last time you saw her around that office?

A Quite a while, I guess.

Q How many months: two months, three months, four months?

A *About that, I guess.*

MR. YOUNG: About what, four months?

THE WITNESS: About four or five months.

Q That is the last time you saw her? A. Yes.

Q How many other people are there in your department, or, that is, in Mr. Stoebling's department that you have not seen in five months?

A Well, you see --

Q Answer the question. A. Wait until I explain the way it is. There are some of the clerks that we use as investigators --

Q Let me interrupt you. Do you have a time-sheet in your office? A. For the people that work inside, yes.

Q And what classification did Mrs. Stoebling have?

A They are all classified as temporary clerks.

Q Did she sign a time-sheet? A. No.

Q Was she ill, to your knowledge? Was she sick for those five months? A. If she was working with the investigating department --

Q Do you know Mr. Spitznagle? A. Of course.

Q Do you know Mr. Gumaer? A. Yes.

Q Do you know Mr. Toohey? A. Yes.

Q Do you know Mrs. Wicks? A. Never heard of her.

Q Do you know Mrs. Worcester? A. Yes, I do.

Q When was the last time you saw Mrs. Worcester?

A Mrs. Worcester? I saw her --

Q Yesterday? A. I saw her yesterday, yes.

Q When was the last time you saw the other people I mentioned? A. Some of the people I wouldn't see --

Q Answer my question. A. Which other people?

Q Mr. Gumaer and Mr. Spitznagle. A. I saw them all yesterday. They work inside.

Q But you haven't seen Mrs. Stoebling for five months, and you, the lady who makes up the payroll and admittedly takes charge of this office while Mr. Stoebling is out, you don't even have to ask Mr. Stoebling if the payroll is O.K., - you

haven't since he has been ill, as you say, - don't know the duties of Mrs. Stoebling, Jr., if you want to have it that way, do you? A. I think she is working as an investigator on the outside.

Q Is she working now? A. She is not on the payroll now.

Q Did you ever see any reports she turned in?

A I wouldn't have occasion to see them. The department heads take care of that.

Q Do you know of any other person who has been away from the office for five months the way she has?

A No. I didn't say --

Q As a matter of fact, she is on the payroll conveniently, isn't she? A. I didn't say she was away, I just said I hadn't seen her. Whether she reported every day or every other day or whatever time --

Q You know she is one of the many on this padded payroll, don't you? A. I wouldn't say that.

Q There are a number of them you don't see for months?

A The investigators I hardly ever see unless they come in to see me for something special.

Q What do they do? A. They work in Monty Gumaer's department. He assigns these investigations they have to take care of and they report to him.

Q They report to him every morning and afternoon? A. I

don't know whether it is morning or afternoon, but they do report to him.

Q Mr. Stoebling has been out of the office since some time in November, and you are in charge of the office, you are taking Mr. Stoebling's place, although not officially his deputy, and you supervise for him, and if anything went wrong it would certainly be your responsibility, wouldn't it? If Mr. Gumaer didn't show up for two months and his department went to smash, you would be concerned about it, wouldn't you? A. Yes.

Q You wouldn't stand by and let Mr. Gumaer's department go to smash, would you? A. No.

Q You would assign one of the other men in the department to take up where Mr. Gumaer left off, is that right?

A Well, if Mr. Gumaer happened to be out or something, I would consult with Mr. Stoebling.

Q You would consult when with Stoebling? A. If that had happened.

Q Would you have been able to consult with him?

A Not lately.

Q If you were not able to consult with him you would have taken it upon your responsibility to see that Mr. Gumaer's department was run properly, is that right?

A Well, it has never happened.

Q Well -- I am going to all you Alice -- I know you well

enough to know that you are not as dumb as you are pretending to be. You know everything that goes on there as well as I do.

A Most everything.

Q These other names I have on this payroll could be read to you and they would have the same repercussion that Mrs. Stoebling's name has had, and you know it.

MR. PALESE: Do I understand that this payroll on which this name appears is the payroll that Miss Seglie has signed?

MR. WIENER: Yes.

MR. PALESE: So that they could be paid, is that right?

MR. WIENER: Certainly.

BY MR. PALESE:

Q Where do you get the information, Miss Seglie, if you haven't seen this person for five months? Where do you get the information as to whether or not that person may have worked in some other department? A. Well, it is up to the department heads to tell me if people don't show in.

Q Did any other department head within the last five months tell you that this person was working in their department? A. They didn't tell me, but I take it for granted that they keep working. Otherwise, the department heads would tell me.

Q And you certify to a payroll which you don't know whether or not those individuals are working?

A Well, they should be working, otherwise I would be told about it.

Q Don't you make any inquiry? If you assume the responsibility of certifying to that payroll, don't you try to find out whether or not John Jones or Bill Smith are working that month or that week? A. I depend on the department heads to tell me anything different.

Q What department is this individual assigned to?

A I think she was with Monty Gumaer's department.

Q Have you at any time within the past five months talked to Monty Gumaer or anyone in his department to find out whether or not this individual has been working for Jersey City? A. No, because if she had not been working he would tell me.

Q That is all you take for granted, that some other person is going to tell you something and you certify to a payroll. How many people are there on that payroll? How many are there on that payroll that you certify to?

MR. WIENER: More than 200.

THE WITNESS: No.

MR. WIENER: About 180.

THE WITNESS: About 160.

Q 160 employees, and you don't know any more about

whether they are working than I do? A. I do know they are working. I don't go around every day checking everybody up, but I do know if they didn't report in these department heads would tell me about it.

MR. WIENER: You know that is not true.

Q You hadn't seen this person for five months?

A I hadn't seen her.

Q But you have been certifying, during the absence of Mr. Stoebling, to an individual that you have not seen there for five months, so that person could be paid each month.

MR. YOUNG: Do they have to sign the payroll when they get their checks?

THE WITNESS: Yes, unless they are ill or something.

Q Did you ever see this person ever sign the payroll so that they could get the check, in the past five months?

A In the last four or five months I think her husband signed for her.

MR. YOUNG: Now, there has been a change in the payroll and her husband's name has taken her place. On whose orders was that done?

THE WITNESS: On Mr. Stoebling's.

MR. YOUNG: What did he do and when did he do it?

THE WITNESS: Around the 22nd, I think it was, of January, Mr. Stoebling at that time -- I don't know

whether he was in the office -- sometimes I would go to his home and talk about the work -- and he said I should make the change. So it happens that the payroll always goes in about seven days before payday, so I told him at the time, I said, "Well, it is too late on this payroll to make the change." I said, "Do you want me to let it ride over until the next one?" He says, "Yes." So the next period was from February 1st to 15th. So I drew up the usual form letter making the change.

Q Did that person or do you have any knowledge of that person working since February 1st? A. Yes, I have seen him, I think, every day.

BY MR. WIENER:

Q You see him every day and he has taken the place of his wife on the payroll? A. Yes.

Q Is that right? A. Yes.

Q How long was she in your office? How many years has she been on the payroll? A. I don't remember offhand.

Q Since they have been married, is that right?

A I don't know when they were married.

Q Well, approximately how many years had Mrs. Stoebling, Jr. been on the payroll? A. I would say about two years, I think.

Q Three years? A. I think two.

Q What department is her husband assigned to now?

THE WITNESS: He is in the Investigating
Department.

Q The same job she had, the same classification?

A I don't know whether it is the same territory.

Q The same department head? A. Yes.

BY MR. GIULIANO:

Q Who certifies to the correctness of the payroll?

A What correctness?

Q I mean the amounts. How do you know that the amounts
are right certified to the Treasurer?

A The amounts are always the same; it is an annual
salary.

Q How is Charlie? A. I don't know.

Q And you are running the office without good old
Charlie? A. I tried to run it as best as I could.

Q Hasn't anybody complained about a raise in the office?

A No.

Q All satisfied at receiving their check? A. I
imagine so.

Q What employees sign the payroll, everyone of them?
Sure about that, now? A. Yes, unless they are sick or
something.

Q Who signs for them when they are sick? A. Well, if
a man is married sometimes his wife comes up and signs for

him, sometimes some of the clerks.

Q Isn't there an affidavit on the payroll as to the correctness of the payroll? A. Yes, there is.

Q And you take that affidavit? A. I sign Mr. Stoebling's name to it.

Q Who takes the affidavit? A. No, there is no affidavit on it.

Q There is no affidavit on it? A. I mean, it is just signed by the one person.

Q Doesn't it say, "I hereby certify to the correctness or genuineness of the payroll?" A. Yes.

Q How can you do that without discussing it with Mr. Stoebling? A. Just through his orders.

Q Oh, he is giving orders? A. No.

MR. YOUNG: Where do you get the authority to sign that payroll?

THE WITNESS: The only authority I have is that when Mr. Stoebling was away on vacation, or he happened to be sick, he always told me to sign it.

MR. YOUNG: Where does he get the authority to tell you to sign the payroll?

THE WITNESS: That I don't know. I merely did what I was told.

BY MR. PALESE:

Q Do I understand every employee, before the check is delivered to them, must sign the payroll? A. Yes.

Q What has happened to Mr. Stoebling's checks since January 22? A. I sent them over to his wife.

Q Who has signed the payroll for him? A. I signed his name and I put my name on it.

Q Who gave you the authority to sign for him?

A He told me to.

Q When? A. When he was away on his vacation I would do the same thing, so I merely --

Q You follow customs, too, like Mr. Corcoran. When was the first time that he told you that in the event that he was ever away and payday came around, that you could sign his name to these payrolls so you could get his check? How long has that been? A. Well, he has been sick different times.

Q Is that a standing order you have, whenever he is out or away you have a right to sign the payroll and get his check?

A Well, the few times he was out --

MR. PALESE: He has been out a long time, hasn't he?

BY MR. WIENER:

Q Did you sign Mr. Corcoran's check while he was out ill?

A No, I did not.

Q Did you sign the payroll for the County Board of Elections while Mr. Sullivan was under cover and Mr. Corcoran was ill? A. Mr. Corcoran's daughter took his check and signed for it.

Q Did you make up the payroll for the County Board of Elections? A. For what period?

Q Any period within the last few months. A. Yes, I have.

Q Did you certify it? A. Yes.

Q You signed -- A. I signed Mr. Stoebling's name and I put my initials.

BY MR. GIULIANO:

Q Did you ever get a written power of attorney?

A From who?

Q Mr. Stoebling, to do this. A. No.

Q To your knowledge he never advised the Treasurer of the county that you were to do what you are doing?

A I don't know whether he advised them; I merely did as I was told.

Q And you have not spoken to Mr. Stoebling since he has been under the sedative about six weeks, have you?

A No.

Q The office is being run by you? A. Well, we are just doing the same as we have been doing.

Q Doing nothing, in other words? A. I wouldn't say

that.

Q You haven't got the registration books there? You are not putting registrations in, are you?

A They are putting them in, but I don't believe anything is being touched.

MR. GIULIANO: Nothing is being touched.

BY MR. PALESE:

Q Have you delivered any of the checks to Mr. Stoebling since January 22? A. Have I delivered them?

Q Yes. A. I sent them over.

Q By whom? A. His son.

Q And you permitted his son to sign the payroll?

A No, I signed for him.

Q You signed it and then turned it over to the son and he delivered the checks? A. Yes.

BY MR. WIENER:

Q Miss Seglie, in the two years that Mrs. Stoebling, Jr. has worked, about how many times have you seen her in the office? A. Well, I used to see her pretty often before.

Q And how often was that? A. Well, say every day or every other day. You see, I work inside and I never bother much with the girls outside. I wouldn't know who was in every day and not.

Q You wouldn't know who was in? A. No. I don't go out there and check up on everybody every day.

Q In the last five months that she was there, about how many times did you see her? A. I just saw her a few times.

Q Two or three times, would you say? A. I guess about that.

MR. WIENER: About two or three times in about four or five months.

BY MR. MURRAY:

Q Has Mr. Corcoran got a daughter that is on your payroll?

A Yes, sir.

Q What does she do? A. She works outside in Spitznagle's department, a file clerk.

Q How much does she get a year? A. \$2400.

Q Who hands out those checks every payday? A. I do.

Q Always? A. Yes.

Q How long is it since you saw -- is her name Miss Corcoran? A. Marjorie Corcoran, yes.

Q How long is it since you saw her up there doing any work? A. I saw her there yesterday.

Q How long has she been up there? A. Let us see. I think she is up there about a year or so.

Q About a year? A. Maybe a little more. I don't remember offhand.

Q Has she always signed herself for her checks?

A Yes, she has been in. She works out in Spitznagle's

department. Of course, her work requires her to be inside every day. With the investigators, of course, it is different.

Q Did you write a letter to the County Clerk of the County of Hudson in reference to taking Mrs. Stoebling, Jr., off and putting Mr. Stoebling, Jr. on your payroll?

A To the Board of Freeholders, and the Treasurer.

Q I mean to the Clerk of the Board of Freeholders of Hudson County. A. Yes.

Q Do you remember was that letter dictated to you by Mr. Stoebling? A. No, it was just a form letter that I generally write in case of a change or something.

Q Did you sign the letter? A. I signed "Charles F. Stoebling per A.S," I believe.

Q Do you know whether you signed "per A.S."?

A I must have, because I always do.

Q Would you say that you positively did? A. As a rule I always do.

Q If Mr. Stoebling doesn't dictate a letter to you and you type it, how do you send that letter out in reference to any designation so that you would know whether or not you wrote it and he dictated it to you? A. Well, any letters of that kind Mr. Stoebling never dictates them to me, but as a rule I just put his initials and mine down.

Q Oh, you put his initials and yours down? A. Yes.

Q Even though he doesn't dictate it, even though he is not

present to tell you to write a letter? A. On a form letter like that I do.

Q Do you call that a form letter? A. Well, it is merely a change and it is always made up the same way.

MR. PALESE: Do you have much more, Mr. Murray?

MR. MURRAY: No, not much more.

Q I show you this letter, Miss Seglie. Is that what you would call a form letter?

A I mean it is just a letter that requires more or less the same answer all the time, understand what I mean? It is not anything special that has to be dictated. Is that what I wrote yesterday?

Q Is that the way you sign a form letter? A. No. I generally put "CFS" here and "AS," but since all this trouble and everything, I just thought it would be better to put it that way.

MR. GIULIANO: That is the way you sign the payroll, "Charles F. Stoebling, Commissioner of Registrations, per Alice Seglie."

THE WITNESS: I just put "AS" down.

Q Do you know what you have testified you are doing is a crime? A. I don't think it is.

Q I ask you, do you know whether it is or not?

A I don't think it is.

Q I didn't ask you what you thought, I asked what you know,

if you do know? A. I don't think it is. That is all.

Q Do you know whether or not it is a crime?

A I don't see any crime in it, no.

Q You don't see any crime in your signing a piece of paper which we call a certification of the payroll, on which you give the money of the people of Hudson County to people who do no work for it. Would you say that is a crime?

A I can't say.

Q Would you give your own money out that way?

A The people do work.

Q Would you give your own money out that way?

A I haven't got any.

Q I think you will have shortly, won't you?

A The people are doing the work. I don't see where it is a crime.

BY MR. PALESE:

Q This Stoebling woman has not been working?

A I didn't say she has not been working. If she was investigating I wouldn't see her.

Q What do you know of your own knowledge that she has been doing for the last five months?

A Investigating on the outside.

Q Who told you that? A. Well, that is where she was assigned.

Q Who has told you or where have you obtained any

information at all in the past five months that this woman has been working, other than you think she started five months ago and has continued to do some work?

A If she hadn't been there I would have been told.

Q I am not asking you or guessing, I am asking you if you have any information from any departmental head or whether you have ever seen this woman do any work in the past five months? A. As I said, ^{if} she had not been there I would have been told.

Q I am not asking you what other people may do. Have you yourself any knowledge about this woman doing any work for the City of Jersey City in the past five months?

A Yes, I think I have.

Q What have you seen her do? A. I haven't seen her do the work, but if she has been doing some investigating the cards will show that.

Q Have you examined the cards? A. No, I have not.

MR. YOUNG: We are asking Miss Seglie to come back on Monday at ten, and we are going to give you a subpoena to produce the payrolls for this year, or copies of them.

We will adjourn now until Monday at ten.

(At this time the hearing was adjourned to Monday, March 7, 1938, at ten a.m.)

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ASSEMBLY INVESTIGATION OF :
ALLEGED FRAUDULENT AND ILLEGAL :
CONDUCT AT THE GENERAL ELECTION :
ON NOVEMBER 2, 1937, etc. :
- - - - -

Transcript of stenographer's notes of
hearing held in the above matter at Room 301, Essex County
Court House, Newark, New Jersey, on March 7, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman,
Frank C. Osmer

- - - - -

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO,
Esq., and JAMES F. MURRAY, Esq.,
Counsel to the Committee

MR. WIENER: Mr. Doherty informs me that there is a question in his mind as to whether or not two members of the Committee constitute a quorum. I informed him that in accordance with my own knowledge of the Legislative Statutes, there is no question as to that. If he wants an objection noted on the record--

MR. ROBERT H. DOHERTY: There is no objection to that.

MR. YOUNG: As a matter of fact, I think, perhaps, you are right, Mr. Doherty, but I don't think that you are going to object to the taking of testimony which the other members of the Committee will be able to read. Mr. Palese said he couldn't be here today and Mrs. Sanford is ill in bed.

MR. DOHERTY: The only reason why I raised an objection was that I didn't want them to state that I sat idly by and consented to it.

MR. YOUNG: We could wait until we had a quorum, as a matter of fact, but it would mean that we would have to bring back these witnesses and go all through the testimony again.

MR. DOHERTY: I was wondering whether, in view of the fact that Mr. Sullivan is coming back again it

would be better to defer it. I understand that he is coming back.

MR. WIENER: No, not today.

MR. DOHERTY: I mean at some subsequent time.

MR. WIENER: On Wednesday, I believe.

MR. DOHERTY: Do I understand that the Committee wants to get away early to Trenton?

MR. WIENER: Yes.

A L I C E S E G L I E, having previously been sworn,
was recalled and testified as follows:

EXAMINATION BY MR. WIENER:

Q There are four different payrolls? A. That is
the County Board (indicating).

Q There are four different payrolls which have been produced by you; the first one for the period between January 1 and January 15? A. That is right.

Q The second one for the period from January 15 to February 1st? A. Right.

Q The third one is for the period from February 1 to February 15, and the last one is for the period February 15 to February 28? A. The sixteenth to the twenty-eighth.

Q While we are examining these payrolls, Miss Seglie, I will ask you some questions. Are you familiar with the amount of the budget of your department for 1938? A. I would have

to refer to the payrolls. Oh, you mean the budget? No, I am not.

Q Do you know the prospective amount of salaries for employees of your department? A. No, I don't.

Q For 1938? A. No, I don't.

Q I show you the "Hudson Dispatch" dated March 7, 1938, without any side remarks concerning my opinion of that newspaper.

MR. OSMERS: I think we might note on the record, Mr. Wiener, that the Hudson Dispatch-- just for the sake of posterity-- on March 7 advertised a public hearing to be held on March 4.

MR. WIENER: The budget hearing which was supposed to be held on March 4 is advertised today, March 7, in the Hudson Dispatch.

MR. DOHERTY: I don't want to interject myself into the proceedings. I do not think it is proper matter for the Committee to go into. The best evidence is the original resolution, and this lady will produce it if she has it in her possession. It is now in the opening remark and it was stated that there was a gross error in the printing of the advertisement itself, so why not take that as the record in this case?

MR. WIENER: It is part of the record.

Q I want you to look at this article and just refresh your memory as to the amount of salary which your department expects to pay employees this year.

MR. YOUNG: I would prefer to have her own recollection, Mr. Wiener.

MR. WIENER: She said she didn't know.

THE WITNESS: No, I don't.

Q And the prospective budget of your department for the County of Hudson, is apparently \$372,000 for salaries, is that what it says? A. Yes, it does.

Q Does your recollection show you that this is a figure that is most likely? A. Well, I never even bothered to check up on the amount of any budgets or anything like that because I never had anything to do with them.

Q Do you know the total amount of salaries paid in your department during any one of the periods covered by these payroll sheets? A. I have an idea, but I would have to refer to that for the exact amount.

BY MR. YOUNG:

Q Miss Seglie, when did Mrs. Stoebling, Jr. take her husband's place as an employee? A. When did she take her husband's place?

Q Yes, when did she take her husband's place? His name is Carl Stoebling. A. Yes, he took her place.

Q Just recently? A. It is, say, a month ago.

Q And she held that position for two years, didn't she; about that? A. About that; perhaps a little more.

Q Before that he had the position, didn't he?

A I am not sure. I would have to refer to my records.

Q I have your 1932 payroll which shows his name down there as one of the employees. Do you recall that?

A I don't remember that far back, no. There are so many names on there. I would have to refer to my records.

Q If he were perhaps you would remember that, being that he is the son of your boss? A. He may have; I don't remember, though.

Q Would your lack of memory on that be due to the fact that you didn't see him around the office during the time that he was on the payroll? A. It is just that I don't remember if he was on the payroll in 1932.

Q You have no recollection at all as to whether this is the first time he had been on the payroll?

A He may have been on before, in 1932, but I don't remember now.

Q How long have you been there? A. I have been there since 1927.

Q You know Carl Stoebling personally? A. I beg your pardon.

Q Do you know Carl Stoebling personally? A. Oh, positively.

Q For how long have you known him? A. I have known him since I have been up in the office there.

Q Did you know him when you first met him, as an employee of the department? A. Oh, no. I met him first through Mrs. Stoebling. His wife at that time was living. More of a friendly meeting. It had nothing to do with the office.

Q You don't recollect whether or not Mr. Carl Stoebling was employed in the office before his wife?

A He may have been. Yes, he was. I remember now something; yes, he was an employee.

Q In the same capacity, temporary clerk? A. Yes.

Q Assigned to what office; do you recollect?

A He was assigned-- I think he was out in Spitznagle's department at that time.

Q What was Mr. Spitznagle's department? A. Master file department, and, of course, the typists are always in his department. I think he was out there as a file clerk.

Q When he was married then his wife took^{over} his position?

A I don't know when he was married. I don't remember now whether that was the change. I couldn't say on that.

Q You have been pretty well acquainted with Mr. Carl Stoebling, have you not? A. I know him from coming up to the office and seeing him at different affairs but I don't know

anything about his personal life.

Q Do you happen to know what his business is?

A I don't know what his business is.

Q Or, at least, what his business was until he got a job?

A. He was in the real estate business, I think.

Q He needed a job. A. I beg your pardon?

Q He needed a job. A. I don't know.

Q This payroll that I have before me runs from January 1 to January 15; is that your ordinary payroll?

A That is a copy of the original that goes to the the Hudson County Treasurer's office, besides the other two copies. I think they give one to the Freeholders and one to the Civil Service Commissioner.

Q The Civil Service has nothing to do with the operation of the office of the Commissioner of Registrations?

A You will notice also there is a top sheet, the County Board's payroll. That, of course, would be-- I don't know whether it is for that reason that they require two additional copies ;besides the original. What they do with them, I don't know.

Q You and Mr. Stobbling are the only two people in the office under Civil Service? A. Yes.

Q All your people are just temporary? A. The people are just temporary, reappointed every month for thirty days.

Q In what form is that done? A. At the end of every

month if there is no change we reappoint them.

Q How do you do it? A. We notify the Freeholders' office, the Treasurer's office, and the Civil Service Commissioner. That has been the form ever since I have been there.

Q If there are any changes you notify the Civil Service Commission and the Treasurer? A. They notify every department, regardless of what the change is, whether it is a change in name or a change in address.

Q What I really was trying to find out, Miss Seglie, your office has pretty steady work throughout the year?

A These records are kept throughout the year, of course.

Q Your payroll is not a contracting and expanding payroll? A. There are changes made at times.

Q I mean-- let us say, May or June; do you lay off people? A. No.

Q Do you add people before the Primaries? A. There is no general rule. When they are added or removed, Mr. Stoebling took care. Of course, I merely send it in. I never bothered to find out whether it is for the Primary or General or what it was. That was entirely up to him, of course.

Q What I am trying to get at, perhaps you can tell me whether I am correct or not. This payroll here, for the two weeks between the first and fifteenth of January, is about

\$17,118? A. The total of the Commissioner of Registrations, of course, Mr. Young, is \$16,383.65. That is the total of the Commissioner of Registrations. That is with the deduction.

Q Your payroll will run about \$16,000 every two weeks throughout the year? A. Every two weeks for the office of the Commissioner of Registrations.

Q That is throughout the year? A. Yes.

Q Is there any time throughout the year when it may drop down to \$5,000? A. Not down to five, I wouldn't say.

Q To what point will it drop? A. I believe that amount has been on there-- it would go back about six months. Prior to that it was less. I think that there were about-- There may have been about twenty less. I am going back about six months or seven months.

Q Why did you put on the additional twenty?

A I don't know why Mr. Stoebling put them on. Of course, as I say, that is up to him.

Q On account of a little money in the Freeholders' pot, is that it? A. You will have to ask him that; I don't know.

Q You found that there was an election coming?

A You will have to ask him that; I don't know.

Q He doesn't seem to be available to answer questions and that is why we have to ask you. A. Why he did things, I don't know. I merely did as I was told.

Q If my count is correct, supposing the members of the Committee take this list, aside from yourself and Mr. Stoebling, and begin with Gumaer and run through Grimm, whom, I suppose, are department heads.

A. The first ten are, and George Rubianni is the man who is stationed as you come in the door, where the registration is taken. He is the Information Clerk and he takes whatever registration comes in, transfers, things like that, and Mr. Grimm is there and works with him.

Q Of course, Mr. Dowden and Mr. Pass are not department heads?

A. They are classified as department heads at the salary but they are used as counsel, whatever special assignments they can get.

Q Then, in breaking down this payroll, you have four members of the Board of Elections--

A We did have up until the end of February. I have not made up the March payroll.

Q You don't know the names?

A. I won't be able to put them on unless I know them, because the payroll list goes down about a week ahead of time.

Q In other words, Mr. John Corcoran and others are not on there; whether they will get a salary for the first two weeks of the year you don't know?

A. No.

Q The next two are yourself and Mr. --

A Still the Board of Elections, yes.

Q Then we swing over into the office of the Commissioner

of Registrations, and of the twelve, two are classified as department heads, namely, Dowden and Pass, and they are actually attorneys? A. They act as counsel, and whatever special assignments they may have.

Q How often are they in the office? A. They are in every day.

Q What do they do in the special assignments?

A When Mr. Stoebling is in, of course, he would give them whatever assignments he has, and at times even if there is a question in my mind as to the right of a voter or citizen, as it was, different things that may come up, then I refer to them for advice.

Q And Rubianni and Grimm, you say, are--

A In the front office where people come in to register or transfer, or, if they seek any information they look it up for them.

Q That leaves eight others who are heads of departments, out of the twelve. If you take out the two lawyers and the two receptionists, you have eight left. A. You have Max Miller, who is classified as a temporary departmental clerk, and he has been doing different work for Mr. Stoebling, and whenever I need help on anything he helps me out on it.

Q What do you mean by "different work for Mr. Stoebling"?

A When Mr. Stoebling was there there were things he would take care of for him, and when I have things that I want

checked over or gone over he goes over it.

Q Lamont Gumaer has charge of-- A. Lamont Gumaer has charge of the original records, permanent registration records, the whites, and he also has charge of all the investigators.

Q And Montelli? A. Montelli has his own department, with the duplicate registry binders, a certain section. I think he told you that before.

Q And McDonald? A. Thomas McDonald works in the same department with Rotherham.

Q What does Rotherham have? A. They are in the same department.

Q What department? A. The voter registry binders. He told you what section. I just don't remember.

Q McDonald has a different section from Rotherham?

A It is in the same section.

Q Then they have two departments for one section, the voter binders? A. They are working altogether. What each handles, I don't know.

Q And Spitznagle is in charge of the master file department and the typists.

Q Toohey? A. He has charge of the voter binders of his own section.

Q And Meehan? A. Johnny Meehan is used as counsel, and different assignments that Mr. Stoebling gives him.

Q Three lawyers? A. Yes.

Q You had less temporary clerks on the payroll from January 1 to January 15; 163 people, as I count them.

A That might be right. Yes, I think there are 170 odd names, including the department heads.

Q And the payroll for the commissioners of elections is \$390 bi-weekly? A. Yes.

Q Stoebling gets \$233.74 bi-weekly? A. Yes. That is the deduction for pension, and insurance is taken out.

Q Then his amount due is \$286.45, and that is what he actually gets, after deduction for pension and insurance?

A Yes. The amount he actually gets is \$233.74.

Q That is over two weeks? A. That is right.

Q And putting it this way, you usually get \$112.50 every two weeks, but temporary reduction and pension brings it down to \$97.88? A. \$97.88.

Q And in these divisional managers everybody is supposed to get \$166.66, but actually get \$149.99? A. Yes.

Q Except that Rubianni and Grimm get paid somewhat less?

A Yes.

Q And all of these others get \$100 bi-weekly or \$2400 a year, less ten per cent. deduction, or \$90 every two weeks?

A \$90 every two weeks.

Q You have 163 of these people. What do they all do?

A Well, as I said, the master file department has thirty

people in there, and they are in charge of the cards and street indexes, and there is another alphabetical index. Each one of those clerks have a certain section that they handle, a few letters that they have, and then the rest of the girls are typists. They take care of all those records that were certified to Mr. Ferguson, and that is form letters that go out, notifications in reference to transfers and registrations and whatever records are kept in the department, of course.

Q Is each one of these employees temporary? They are all listed as temporary? A. They are all classified as temporary clerks, regardless.

Q They all get \$2400 a year, regardless? A. Yes.

Q And each one of them, I suppose, is assigned to one or the other of the department heads as their immediate superior? A. Yes, that is right.

Q You couldn't tell how many clerks or which clerks were in which department? A. Pretty near I think I could, especially those that have been there for any length of time. I mean I would remember the faces.

Q How about Franklin Murphy. I understood he used to be governor. A. He is in Spitznagle's department, file clerk.

Q Here you have Mildred Edge? You seem to have quite a lot of Republicans. You have no supervision over their duties? A. No. The department head strictly is responsible

for their work.

Q Do you know what your turnover in a year would be; how many registrations are there, registered voters? That is the only thing that your office is interested in?

A I beg your pardon?

Q Your office is interested only in registered voters?

A Well, election records, Yes.

Q The only thing that you deal with in your office is the permanent registration? A. Permanent registration, yes.

Q Therefore, all you have to do is to deal with those who are voters and are permanently registered?

A Of course, we have three municipalities that are not under permanent registration. We handle them as well, but there is no permanent record in the office. Of course, around election time we take care of all their needs, as well as the others.

Q What are their needs from your point? A. We furnish bills and records for election boards, take care of what instructions the election officers need.

Q Those functions that you perform in places where they do not have permanent registration are done as the agent of the County Board of Elections and not as Commissioner of Registrations? A. The election boards, of course, are in

the hands of the County Board. Those places, of course, would be under their supervision. There are other things

that Mr. Stoebling takes care of. The usual instructions, of course, go out to these municipalities as well as the others.

Q You don't know how many there are permanently registered in Hudson County? A. I wouldn't know, no. I would have to refer to them.

Q Offhand, could you give us an idea? A. I might be wrong now, but I think about 350,000.

Q Throughout the county? A. I think so. That may be wrong now; I am not sure.

Q I suppose you couldn't even give the faintest kind of guess as to how many there are registered in Essex?

A No, that I couldn't.

Q Essex is a slightly more popular county than Hudson?

A I understand it is.

Q They do not vote quite as well. They are not so much for getting registered. A. No.

Q In the absence of the information which I have suggested to you, Miss Seglie, you would not have any means of saying whether 37 temporary clerks employed in Essex County, as against 163 employed in Hudson County, showed that Essex County was under-manned or that Hudson County was over-manned?

A I couldn't say anything on that.

Q How many of those employees are there that you do not see regularly, Miss Seglie? A. Well, as I said, the

departments are in the outer offices and unless I have occasion to really go out and want something special, I don't see them, and the investigating clerks I very seldom see them. They do not report in every day, as the other clerks do. They do different work that is assigned to them. In fact, sometimes they come in after working hours and report to Mr. Gumaer their investigations, in order to make it easier.

During the regular hours Mr. Gumaer takes care of the clerks who handle books and all, and after four o'clock, if I am still around after four I notice these investigators with come in^A their report about whatever work they are assigned to, and report to them.

Q You are pretty sure that you could name or point out to us which department they were in, in a few minutes?

A I think I know most of them.

Q Who checks the signature on the payroll? I take it this being a copy, that you have no signatures?

A What do you mean, "Who checks the signature"?

Q We have here, for example, getting back to the temporary clerks as the most interesting; you have the top name on this sheet which I have before me, which is number three, William Osterlo, listed as temporary clerk? A. That is right.

Q He has a salary of \$2400? A. That is right.

Q "Term of service, 1/15." What does that mean?

A From January 1 to 15.

Q That does not mean that his employment terminates on the 15th? A. No.

Q That is simply the payroll period? A. That is all.

Q (Reading from sheet) "Amount due, \$100, temporary deduction \$10, no deduction for insurance or pension, amount received, \$90." A. Yes.

Q Then a heading "signature"? A. Yes.

Q I suppose all the temporary employees sign when they get the checks? A. Yes, they sign when they get the checks.

Q Who is responsible to see to it that they sign the payroll, and who gives them the checks, in your office?

A I give them the checks and I generally have Mr. Grimm there to help pick out the people as they come in and sign.

Q Under your direct supervision that check is delivered to the person entitled to receive it or someone that you know is entitled to receive it and bring it to the person on the payroll? A. In case they are ill.

Q So that in case Mrs. Walter Osterlo says, "Walter is ill in bed and I want the check," you give it?

A Oh, no. It is a general rule, if the clerk himself cannot come in he either calls me or sends me a note and tells me he is unable to come in on that day. If I know the person he sends over I give it to him. Generally they all report and

sign for their checks.

Q They don't call Mr. Stoebling when he is there?

A Yes, sometimes they do. At times, before he was ill, he used to give the payroll out sometimes. When he is there, of course, he and I would work together. Since he has been out Mr. Grimm helps me to see that they sign on the right list.

Q On the bottom you say, "I hereby certify, from personal knowledge, that the above services have been performed by the employees named for the dates stated," and that has been signed by you in the absence of Mr. Stoebling?

A On Mr. Stoebling's absence.

Q By what authority, Miss Seglie? A. The only authority I have is Mr. Stoebling telling me to sign the payroll, when he wasn't able to do it.

BY MR. WIENER:

Q Did you read it before you signed it? A. Yes.

Q "I hereby certify from personal knowledge that the above services have been performed by the employees named for the dates stated." A. Yes.

Q You personally know whether all these people were on the job? A. Through the department heads, yes.

Q Do they make reports? A. Yes.

Q Written reports? A. No.

Q You mean that you have verbal reports as to the conduct

of 160 people? A. Yes.

Q Nothing written? A. No, there is nothing written.

Q In other words, if a department head wanted to cover up a man there is no way that you would know as to whether the man actually worked? A. What do you mean?

Q If there are ten people in Gumaer's department who never came in, and you relied on Gumaer's verbal statement as to whether or not these people came in--

A Yes, I rely on the department heads.

Q You never have any reports, signed? A. I haven't, no.

Q Mr. Stoebling has? A. I don't know. When Mr. Stoebling is there the department heads would always come in to him and take up the matters with him.

Q I want to know whether or not you depend on the word of somebody under you or under Mr. Stoebling, as to whether or not these people are working? A. Yes.

Q You take his word for it? A. Yes.

Q There is no countercheck as to whether or not these people have reported, is there? A. I depend on the department heads to tell me.

Q You depend on the department heads absolutely?

A That is right.

Q And if a man does not come in for work and the department head covers him up, you would take his word?

A I depend on the department head.

Q So, when you signed this and said that you knew of your own personal knowledge that these people were performing their duties, you really did not know personally?

A Yes, because I know I could depend on them.

Q Let us be fair about these things. Did you personally see these people doing their duties?

A Not all of them; I couldn't.

Q Did you personally check their investigations?

A No, I couldn't.

Q You don't know, personally, whether they were doing their jobs, do you? A. As I said--

Q Answer the question. You either see them do the work or you don't.

A It would be impossible for me to see all of them working.

Q You don't know whether or not they do their work?

A No.

Q In spite of thatfact that you signed this, not only on the face of it but on the back of it, where it again says, "I hereby certify that the persons named in the within payroll are employed solely in the proper duties of the positions and employment indicated"? Now, let us, for example, point to Mr. John Meehan, temporary department clerk, a lawyer in Hudson County. He gets \$4000. Do you know personally whether he did any work last month? A. Yes, I do.

Q What did he do? A. Well, there are things that come up.

Q Tell us what he did. Don't tell us about things. What did he do? A. There were legal questions that came up at times that I had to speak to him about.

Q As a matter of fact, I was in consultation with Mr. Miller, Mr. Dowden and Mr. Pass for about three days?

A Yes.

Q I think it was the 25th, 26th, 27th and 28th, four days in January, that I mentioned; was Mr. John Meehan called on the phone once, or present, during one of those legal consultations? A. No, not on that work, no.

Q I was present at the recount about eleven weeks. I didn't see him once. Was he ever in the office while the recount was going on? A. If I believe he was there?

Q What is his job? A. What do you mean "what is his job"?

Q What is his job? What does he do? A. I told you, when there are different legal questions that come up we get in touch with him.

Q Is it the custom for these lawyers to give legal opinions? A. If there is any doubt in our minds about voters and different things like that, we ask their advice on them.

Q How many written legal opinions has John Meehan made

in the last year, that have come into your hands?

A Nonethat I have seen.

Q How many have come into your hands since Mr. Stoebling has been ill? A. None, no written opinion.

Q Does he come in more than twice a month, other than to get his check? A. Yes, he sometimes does.

Q Does he sign for his check? A. Yes, sometimes he does.

Q Mr. Meehan is a brother of the Democratic Assistant County Counsel of Hudson County? A. I don't know whether it is his brother.

Q Do you know whether there is a Mr. Meehan on the County Counsel's staff? A. I have heard.

MR. YOUNG: I just want to interject. Mr. Giuliano has been in touch with Mr. Hermann concerning this payroll on Essex County that I have before me, and Mr. Hermann says that while it is true there are 37 temporary clerks shown by him on the payroll as temporary clerks, they are really regarded as the permanent office staff with the other employees in the office, making the total number of employees at about 60, so there was a misapprehension on that.

Q Do you know Mr. James Toohey? A. Yes, I do.

Q Is he a brother of the Labor Commissioner?

A Yes, he is.

Q He is the Democratic Commissioner of Labor of the State of New Jersey? A. I believe he is.

Q And he gets \$4000 a year? A. Toohey does?

Q Yes. A. Yes.

MR. YOUNG: We have here on the bottom of page four a James McGovern.

MR. WIENER: I was going to get all of those.

MR. YOUNG: Who is he, Miss Seglie?

THE WITNESS: There is a McGovern--

MR. WIENER: There is a William and a James. One is a cousin or brother of the Commissioner.

THE WITNESS: One McGovern is in Rotherham's department and the other McGovern is in Gumaer's department.

BY MR. OSMERS:

Q Are they related in any way to the Commissioner of Jersey City? A. That I don't know. There are two men there that I never spoke to very much.

Q What department is Theodore Brassell in?

A Theodore Brassell is in Montelli's department, I am pretty sure.

Q Do you know why he resigned? A. Yes, he is in West New York.

BY MR. WIENER:

Q How many lawyers have you got on your payroll, altogether?

About eighteen, is it? A. I don't know.

Q How many? A. I think there is five there.

Q Which five are they? A. Pass, Dowden, Meehan, and then you have Bernard Solomon and John Grossi.

BY MR. YOUNG:

Q Where do they appear on here? A. They are on there as temporary clerks, and then I know there is a Sylvan Cohen.

BY MR. WIENER:

Q How about Feinberg? Is he a lawyer? A. I don't know whether he is a lawyer. He is in Marty Gumaer's department. They are in with the investigators.

Q How about the former Democratic counsel to the City of Bayonne? A. Who is he?

BY MR. YOUNG:

Q Mr. Stoebling seems to know of only one sum for paying these people, and that is \$2400. How is that based, do you know? A. No, I don't know.

Q Are they all worth \$2400? A. I don't know how he figures it. That is the way he gives it to me.

Q There is no statutory limitation on the amount that he can pay them, is there? A. I don't believe there is.

Q There is no maximum or minimum fixed by the statute?

A Not that I know of. I don't know the law on that, of course.

Q The sum paid, if you want to put it one way, as set by

Mr. Stoebling-- or, if you want to put it, perhaps, a kinder way, he thinks that everybody is worth \$2400?

A I don't know what he thinks.

MR. YOUNG: He must have been reading up on

Dr. Townsend.

BY MR. WIENER:

Q He starts them at \$2400? A. Yes.

Q He hires some girls who are eighteen or nineteen years old and pays them \$2400 to start with? A. I don't know. That is up to him.

Q You know that in several cases girls not twenty years of age were started in that department at \$2400, about \$42 a week? A. I don't know their ages.

Q Don't you take their ages on the applications?

A No, I don't.

Q Don't you find out whether they are citizens or voters?

A I don't know whether Mr. Stoebling does. He merely gives me the name and I send it in.

Q How many people have you hired since Mr. Stoebling is ill? A. I have no right to hire anybody.

Q Mr. Stoebling has been out since the last General Election? A. Whom?

Q Mr. Stoebling has been out since the last General Election? A. Well, he was in and out up until the end of January.

Q And this payroll has remained practically intact for the whole year of 1937? A. No. I would say it has been that way-- I think, for about six months, perhaps before that it was--

Q How many outside investigators are used in your office?

A Well, I would have to check back to see how many we have in the other departments.

Q I think Mr. Gumaer testified about forty, if I remember correctly. A. I would have to refer to the payroll.

Q (Handing papers to the witness): You refer to the payroll and tell us how many outside investigators there are.

MR. YOUNG: Before we do that, Mr. Wiener, this payroll from January 1 to the 15th is identical in amount and names of employees as on every other payroll that you produced before.

THE WITNESS: No, I think the January payroll has a John Manion that had been appointed. That is the only difference there was in that one name, if I remember correctly. On the last sheet you will see a notation.

Q In other words, that is only one change? A. There is just the difference of one name.

Q Let us for the moment forget about how many there might be. I just want to put this into the record. I believe that

Mr. Gumaer testified that he had about forty investigators, and if I am wrong it can be only as to five or ten, at the most, or maybe I am short five, on the people who did the investigating of registrations. All of these investigators are hired at a salary of \$2400 a year, and it seems as though it is necessary to retain them all year round. In other words, the slowing up of investigations during the summer months, for example, when you have practically no investigations, seems to make no difference. Although the original statute made their hire temporary, so that in the dull seasons they could be taken off the payroll and not become pure political sinecures, there is no lay-off or lull in the work of that office, is that so, Miss Seglie?

A So far as I know.

Q There is no lay-off, so far as you know?

A Sometimes after election he would lay some off.

Q That has not been done lately? A. It could not have been done. Mr. Stoebling has been away.

Q Is the work as heavy now, for example, as it would be--

A You mean in regard to investigations?

Q Yes, and registrations. A. Of course, after each election, as I understand, from Mr. Gumaer, at times when he speaks about different things, he investigates all the challenge lists and the permanent voter lists, and he checks up on all the lists of deceased people.

Q How long does that take? A. I don't know. You would have to ask Mr. Gumaer about that. I never go into details about that.

Q Is your office busy each month of the year? In other words, is it as busy this month as it would be in August, July or June? A. There is always a certain amount of work that has to be done, but, of course, the month before election, naturally the registration is heavier and the transients are heavier, and the books have to be prepared for the elections.

Q There are no new employees needed a month before election? This complete force can handle everything a month or two months before the election, the new registrations and transfers? In other words, this same force handles the busy season without any new or added assistance? In other words, you reach your maximum of work either a month, two months or months three prior to the election, and this force is able to cope with the situation? A. They have always been able to handle everything.

Q And that same force is kept on in the dull seasons?

A It has been.

Q Do you know Reginald Billington? A. Yes, I know him.

Q Do you know him? A. Yes. I have spoken to him.

Q Is he the son of the Democratic National Committeewoman from Hudson County? A. That, I don't know. I merely know

him through the office. I don't know what ward he works in. I know he is from Jersey City; that is all.

Q Do you know Frank Botti? A. Yes, I know him.

Q A relative of the judge in Jersey City, the Democratic Judge? A. I don't know.

BY MR. YOUNG:

Q William A. Sullivan; who is he? A. He is an investigator in Marty Gumaer's department.

Q Is he any relation to the Ward Chairman? A. I don't know.

Q He is not the Ward Chairman? A. I don't know who he is. I only know him from coming in and checking and seeing him around.

MR. WIENER: What I would like to do, Mr. Chairman; I recognize some of the names. I recognize a member of Freeholder Kenny's family, and, as you no doubt see, this seems to be an office where a Republican Commissioner seems to have hired, in fact, more Democratic politicians. It is all right for a man to be non-partisan and hire people of both political faiths, but when people on the payroll are members of the family of certain known politicians in Hudson County of the opposite political faith, it certainly shows us why he refuses to have the vault open.

I would say this, Mr. Chairman; I would have my

investigators make a thorough investigation of this payroll, of the names and addresses of these people, where they live and who they are, and so forth.

MR. YOUNG: I think that is proper, and I think that asking Miss Seglie questions about it is more or less shooting in the dark.

MR. WIENER: I was going to suggest that. This is the first opportunity I have had to examine them. I personally did have some idea of certain people on it, but in order to present a proper and complete picture I would like to have the opportunity of having my investigators work on this.

MR. YOUNG: Which ones shall we keep?

MISS SEGLIE: I would rather you would keep January because I have to make up my new payroll, and I generally take it from the last. How long will you keep that? That is the only record in my office. There is no other copy.

MR. YOUNG: I can't promise how long we will keep it, but we will return it to you. This is your office copy?

MISS SEGLIE: That is the only copy I have. The other three go down to the Court House.

MR. WIENER: This man, Botti, I understand, is not related to Judge Botti.

BY MR. OSMERS:

Q This Daisy Douglas, is she the lady who ran with Mr. Stoebling for State Committee? A. Yes, she is.

Mr. YOUNG: Miss Seglie, you will come back at our request, without further subpoena.

MISS SEGLIE: Yes, whenever you call me.

MR. YOUNG: We will call Mr. Corcoran now.

MR. DOHERTY: May I have the same objection appear on the record, and the same ruling as to this witness?

MR. YOUNG: He is a private citizen now.

MR. DOHERTY: My objection goes to the legality of the functioning of the Committee this morning, in view of the fact that you haven't a quorum.

MR. YOUNG: If ^{you} are really going to make a point out of it we will get another member and go through all the same questions.

MR. DOHERTY: I must do it.

J O H N J. C O R C O R A N, having previously been
sworn, was recalled and testified as follows:

BY MR. YOUNG:

Q Mr. Corcoran, your Board is the Board that appoints
the district election boards in Hudson County?

A Yes, sir.

Q How does it operate in making those appointments?

Can you tell us that? A. The election board member has
got to sign an application. The applications are sent in to
the Board. We have to, on or before April 1st-- if a
resignation takes place or a man is sick we appoint a new
member to fill the unexpired term.

MR. DOHERTY: Mr. Corcoran, will you talk a
little louder, please. I can't hear you.

Q You just get those applications from people who are
anxious to serve on election boards, do you?

A Yes, and from executive leaders.

Q I suppose by that you mean ward leaders, district
leaders, who have names to suggest? A. Yes. Both sides.

Q Both sides? A. Yes.

Q Is it your general practise to accept the recommendation
of the district leader or ward leader? A. Yes, sir.

Q Specifically whose recommendations do you accept, the
ward leaders or the district leaders, if there is any conflict?

A The ward leaders.

Q And that applies in both parties? A. Yes, sir.

Q The recommendations, let us say, from the Republican Chairman of the First Ward, Jersey City, would carry as much weight as the recommendation of the Democrat?

A That goes to the Republican members of the board.

Q For this purpose you divide your Board into two, so to speak? A. The Republicans get their election officers and the Democrats get their election officers.

Q They are appointed by the-- A. The entire Board, on or about April 1st.

Q The application for Republican members of the district board go to the two Republican members, Mr. Scheetz and Wittreich? A. Yes.

Q They make their own selections and bring them back before the whole Board? A. Yes. They bring in the applications and they vote on them.

Q In other words, the two Democratic members take the word of the two Republican members and the two Republican members take the word of the two Democratic members?

A Yes, they do. They generally get together, the Republicans and the Democrats.

Q And the appointment, of course, is an appointment by the whole Board? A. Yes.

Q But the names to be appointed are determined by the members of the respective parties making the appointments?

A Yes, sir.

Q How do you remove people from these district boards?

A Well, if they have committed any errors in the performance of their duties, or at the suggestion of the courts.

Q Or at the suggestion of the courts? A. At the suggestion of the courts.

Q Are they appointed again by the ruling of that Board, or how? A. There is also a section of the law-- I would like to qualify the previous question-- which gives you the right to remove them with or without any cause.

Q When you do remove them, with or without cause, how is it done? What is the machinery?

A Well, if it is during Election Day we just go down and remove them and swear in a new election officer. Each party has got the right to do it. I can't swear in a Republican unless asked to do so by everyone of the Republican members, while I am in the vicinity. Sometimes I ^{am} way down at Bayonne and they have got to go up to the northern end of the county, and they say, "Commissioner, please swear in a Republican while you are down there." That is the only time, I think, in my term of office, that I swore in more than two.

Q Of the opposite political party? A. Right.

Q In removing them, do you follow that same method?

A Yes, sir.

Q In other words, do you remove Democrats only?

A Yes, sir.

Q And the Republicans remove Republicans only?

A Yes.

Q Of course, in the event of a court order you have no choice? A. The whole Board then removes.

Q You had a very sad experience with the boards last year?

A We surely did.

Q How do you account for that? A. I don't know.

Q You are an administrative officer, and you are responsible for the election of these boards. Do you make any other examination of the applicant for membership to these boards, than the recommendation of the County Chairman?

A We just take the recommendations.

Q I have here a list, Mr. Corcoran, of those throughout your county. I don't know how accurate it may be. It is a list of those who were both indicted and had warrants issued for them after the Primary Election. A. Yes, sir.

Q I wish you would just cast your eye over it and tell me whether you know -- let us take the First Ward, Fifth District, which shows at the top that the names of those four members of that election board are what? A. Albert Nitto, Stanley Dunha, James C. Gleason, Andrew Murray.

Q Which is Republican and which is Democratic?

A Nitto and Dunha are Republicans; Gleason and Murray are Democrats.

Q If the information on that thing is correct, all four of the members of that Board had warrants issued for their arrest after the Primary, and all four have been indicted as a result of the Primary? A. The warrants were issued and recalled.

Q What was the cause of the issuance of the warrants?

A On account of the recount, which showed up more than ten per cent. of the district, more than ten per cent. of the votes cast.

Q That had been miscounted? A. Yes, by the local board.

Q It is mandatory, in the face of that, that the Board be removed, isn't it? A. Yes, sir.

Q Do you happen to know on what grounds these fellows were indicted? You appeared before the Grand Jury?

A I did.

Q Do you happen to know on what grounds they were indicted? A. That I don't know, unless it is the testimony before that Grand Jury.

Q That was with reference to the Primary Election, wasn't it? A. Yes, sir.

Q When were the members of that board removed? Do you know? A. As soon as we completed the recount.

Q The Primary recount? A. The Primary recount, on Stoebling and Ziegner.

Q The recount of that district or the whole recount?

A When we completed the whole recount.

Q Then you went back over your records and you said, "These fellows have not lived up to it," and they were removed? A. Yes, the whole board.

Q And you appointed a new board consisting of Mr. Balas and Mr. Tem? A. I don't recall their names.

Q They were here the other day? A. Yes.

Q You were here, too? A. Yes.

Q How did you get the members of that board?

A They were sent in by the leaders.

Q And you accepted them as you had the other members?

A Yes. Mr. Wittreich appointed one of them and Mr. Scheetz one, and Mr. Sullivan and I appointed the other Democrats.

Q That is the district from which one member testified?

A Yes, sir.

Q Balas? A. Yes.

Q Do you remember who appointed him? A. If my memory serves me right I think it was Mr. Wittreich.

Q Do you know on whose recommendation? A. No, I don't know.

Q And the other two members who were appointed, which one

did you appoint? A. The Democrats.

Q I mean you, personally? A. Not personally; Mr. Sullivan and I reappointed those.

Q On whose recommendation? A. On the executive member's.

Q Who is-- A. Commissioner McGovern is the executive member.

Q That is, he is the Ward Chairman of that ward?

A Yes.

Q Were you down on Election Day, at any time?

A No, sir. Commissioner Scheetz was there with Senator Clee. I happened to be on some other assignment at the time.

MR. YOUNG: Mr. Wiener, have you got the notes of the testimony concerning the count in that district?

MR. WIENER: No, I don't have any testimony. Do you want the result of the recount?

MR. YOUNG: Yes, what was the result of the recount?

MR. GIULIANO: Forty-three difference.

MR. YOUNG: What was the total number of votes cast?

MR. WIENER: The total number of votes cast was 535.

MR. YOUNG: There was a difference of forty-three?

MR. OSMERS: That was in the General Election.

Q In other words, the additional difference in the recount, of ten, that made it mandatory for you members to throw out all the members of this board, is that right?

A Yes.

Q I suppose you, much better than the members of the district board, are acquainted with the requirements of the Election Law. You have been at it long and have a more general view of it, don't you?

A Yes.

Q Does your Board take any part in the instruction of members of the district boards in their duties?

A Yes, sir.

Q What is it? A. We get them pamphlet forms, or Mr. Stoebling gets that up before every Primary Election, and it is mailed out to the district boards. Each individual receives a copy of it calling their attention on who to vote and who not to vote, and all that sort of instruction is sent to the local board.

Q So that, as far as you are able, the members of the local board know that they have to take an affidavit from a person whose name appears on the challenge list? A. They should.

Q As far as your Board is concerned, the people on the local board know that when people come in and ask for

assistance, because they are illiterate and cannot read the ballot, that certain questions have to be asked of them and the information found must be written in the poll book?

A That is what he is supposed to do, but you know how few of these election officers pay attention to those instructions. It shows it up on the recount.

Q Has it, in the past, been your policy-- I suppose you get the information, don't you, as to the result of an election, the information as to the number of affidavits taken and the number of people on the challenge list?

A Mr. Stoebling receives a copy of the challenge list from Mr. Ferguson, also a copy of the so-called black list.

Q He is the clerk of your Board? A. Yes.

Q So that that information is within the purview, possibly, of you? A. No, it is for him, as Commissioner of Registrations, not the County Board. We get no results.

Q To whom are the affidavits taken, in response to challenges? A. Affidavits on challenges?

Q Yes. A. That is supposed to be right in back of the poll book.

Q They are separate affidavits, aren't they?

A It is right in the poll book, all the affidavits.

Q Those are in regard to people unable to vote because of disability or illiteracy? A. Yes.

Q And the people whose names appear on the challenge

sheets sign a different affidavit, which is loose-leaf?

A That, I believe, goes to Mr. Stoebling. It does not come to the County Board.

Q Did your Board ever make any check to determine whether the local boards have fulfilled their duties under the statute? A. No. It only comes up under a recount or unless the attention is brought to the County Board by the courts or a complaint is made. Any complaint that is made to the County Board on Election Day, we go right down to see what the trouble is.

Q You have been on this Board for twelve years, and it looks as though you will be on again. A. Thank you.

Q And you have never bothered or your Board has never bothered as to whether your district election boards have fulfilled their duties under the statutes, unless a complaint is made from some outside sources? A. That is correct.

Q You give your instructions when a man's name appears on the challenge list? They have got to take an affidavit from them and if they don't take that affidavit you never bother to inquire whether they have or have not?

A I have never done it.

Q You have available to you, in the hands of your clerk, challenge lists showing all the names of those who should not vote? A. Yes.

Q And if, in the course of the General Election, it turns

out that more people voted than were registered in the district, by reason of the subtraction of names on the challenge lists from the total registration, you never bother to inquire on that? A. No. That is related to the Commissioner of Registration or the Superintendent of Elections.

Q Here is a concrete example which I would like to direct your attention to. In one district that we examined we found 556 registered votes. We found 50 people on the challenge list, 6 people that voted without taking affidavits. We found 7 people had taken affidavits, which left 517 eligible voters. We found 504 people who had voted in that district. There is a discrepancy of 21 illegal voters somewhere. That appeared, of course, on your election records and it appeared, I believe, in the papers, and your Board did not put their heads together to find out why the members of the election board had not done their job better?

A Isn't that the function of Mr. Ferguson? Why should we interfere with his investigation. It was up to him to investigate and bring it to the attention of the court.

Q You, apparently, have no interest in the honesty of the members of the board that you appoint? You appoint them at the will of the Ward Chairmen and never check up to see whether they are doing their duties? You do not make an inquiry independent of challenges? A. No. Only on

Election Day, we go to different polling places to see whether or not they are functioning properly. We don't make an investigation.

Q Even after the Election Day results make it self-evident that there must be some fraud? A. That just came out that way.

Q I have no desire to pay tribute to Mr. Reilly down there, but in Essex County, I believe, when they find that the total number of votes for each party's candidates is the same we open up the boxes and have a recount to find out what was wrong. You never think of doing that in Hudson, do you? A. No, sir.

Q In other words, your Board is just an appointive board, is that so? A. That is what we are. The 1930 Revision took all our powers that we had prior thereto and placed them in the hands of Mr. Stoebling, the clerk of the Board.

Q And these fellows whom you appoint are the agents of the Board for tallying the votes, for taking the affidavits, for seeing to it that people who are not qualified to vote do not vote, and, as I say, you never trouble your heads about it, as to whether they perform their duties?

A I say that we go from board to board on Election Day.

Q Unless someone hits your Board on the head with a court order, saying, "You are going to do this," if you have got to do it you do it, otherwise you don't do it? A. That is

true.

Q Your Board is also the Board that picks out polling places? A. Yes, sir.

Q How do you determine that? A. The four members of the Board come in with recommendations for changes, and the city clerks file their lists. We don't have to go by that list if we don't care to. We just make our own selection. Mr. Scheetz and Mr. Wittreich can file theirs, and we generally work it out amongst ourselves. They get some and we get some.

If we receive a complaint that the place is too small they investigate it and take it out of there and give it proper light. Sometimes in the public schools they don't put in proper light, which we had quite a number of complaints in the past General Election, that quite a few of the rooms were improperly lighted. That is a matter that has to come before the Board on the selection of the polling places.

Q Let us bring it close to home. We have had plenty of people here who have refused to testify. I don't know why or what the original reason was, that they were afraid they would incriminate themselves, although they were public officials in a public election held on November 2, 1937. Do you regard that attitude and method of doing business as being justifiable, on the part of public officials charged with the

duty of honest elections? A. Of course, that is kind of a legal question, Mr. Chairman.

Q I thought we had not talked to lawyers. That is why I asked you. A. I am not familiar with that end of the law, why they should testify and why they shouldn't testify.

Q Now, we find in this very first ward I have spoken about, that there are 21 people more who voted than were eligible to vote, because there were not that many names on the registration books. Do you regard those people as being fit members, people who let 21 more vote than are registered?

A Oh, no, not on the face of it.

Q Not on the face of it? A. No.

Q Assuming, because it has not been denied, although the people were here and could have denied it, that floaters were allowed to vote in the Fifth District of the First Ward; would you say those people should be continued as members of that election board? A. That was only the testimony of one.

Q There were three other members of the board here and they could have gotten up and said that he was a liar.

A They wouldn't answer. They wouldn't do it.

Q So that, in regard to these people, you intend to take notice when they are reappointed? A. I will have to cross that bridge when I come to it. I don't know whether I will be on or not.

BY MR. GIULIANO:

Q Didn't you think that it was quite unusual, in the First District of the First Ward, when over a hundred people voted in the Republican Primaries, that the Republican candidates in the General Election should receive one vote?

A I don't know anything about that.

Q Didn't you think that it was peculiar, and that something should be done to investigate it?

A That should be investigated, I should think, by Mr. Ferguson's office. He is an investigating bureau.

Q And I suppose in the next Primaries, if the bureau does not investigate this peculiar vote in that district, and you are a member of the Board, then you will reappoint the men on the Board? A. That I can't say at the present time, no, sir.

Q I suppose you have been on many recounts?

A I have been on quite a number.

Q What is the usual run of ballots that came out in districts with erasures on? A. Well, it is hard to say, Jim.

Q What was the usual return? A. That is hard to say, just the same as this past recount. Some districts, you had six; some you had eight; other districts none. One district, I think, we had twenty-two, and so on like that.

Q In another district we had thirty-seven? A. Yes.

Q Do you remember that district? Didn't you think that that was quite unusual? A. Yes.

Q What do you say of the people who had voted, first, for the full Republican ticket, and then went over and voted for the Democratic ticket? Didn't you think it was peculiar that thirty-seven people should be making the same mistake, first voting for the Republican ticket and then erasing the full Republican ticket and voting the straight Democratic ticket? A. Well, I didn't give it any thought at all.

Q I suppose those men are going to be appointed unless somebody gets a court order or makes some objection?

A That I can't say at this time.

Q But you know, Mr. Corcoran, that out of only 800 ballots every one that was erased was erased from the Republican column? They had been marked originally for the Republican column and then went over to the Democratic column?

A Just a moment, not all Republican. Democrats were erased, too, James.

Q How many? A. I don't recall.

Q Suppose that I tell you, Mr. Corcoran, that there was one or two? A. Only Democrats?

Q Yes, that was originally marked Democrats, out of 800 ballots, and I was one of the counsel? A. I myself was there and you were not there one day when we had three Democrats.

Q All right, let us say ten. I will go along at ten.

Why is it? I want to know, from your experience, can you give any reason why about 800 people should make mistakes, first voting the Republican ticket and then having them erase the full Republican ticket and voting the straight Democratic ticket, whereas there are only ten who first voted the Democratic ticket and then erased the Democratic ticket and then voted the straight Republican ticket?

A I can't answer that.

Q I suppose in all these districts where they have made many erasures, all those men are going to be reappointed?

A That I couldn't say.

Q Are there any erasers in the booths in Hudson County?

A No, sir.

Q This district where we have thirty-seven people who erased their ballots, I think it is the Eleventh Ward, Twentieth District. Where is that district, Mr. Corcoran, do you know? A. Offhand, No, sir, I couldn't tell you that.

Q I take it that you are interested, as a member of the Board, in the assignment of board members and the polling places, and to see that the election is run, and when it is over, you have no reason to investigate any irregularities, even though they come to your attention?

A If they come to our attention we investigate them, but any investigation that is to be done is really the function of

Mr. Ferguson's office.

Q Mr. Corcoran, don't you honestly believe that a district that has got thirty-seven erasures from top to bottom on the Republican side, and not one on the Democratic side, should be investigated?

A There is nothing in the law stating that we should investigate that.

Q As a public official, do you think they could possibly be-- A. Well, you say thirty-seven in that district.

It must be, when you say so. I haven't got the records.

Q Don't you think that that ought to be investigated?

A By the County Board of Elections?

Q Yes. A. I don't know. At the present time I am not a member.

Q I am always assuming that you are going to be re-appointed. A. Thank you, Jim.

Q I am always assuming. Don't you think that that should have been investigated? A. In a way. How could we investigate erasures?

MR. YOUNG: The same way that Mr. Reilly did, call in the members of the Board and question them.

THE WITNESS: We did have the Board in.

Q We couldn't question them unless we did it through you.

A You questioned them.

Q When we started we had to do it through you. Isn't it

a practise that no city or county employee should serve on the election board? Isn't that your practise over there?

A That they shouldn't?

Q Yes. A. They do.

Q And most of the district boards have city employees and county employees? A. No.

Q A great many of them? A. There is quite a few, not all.

Q Every board that we have had here, the Democratic members have been on the city or county payroll.

A That I don't know. I was only here the other day.

Q The ones that you heard were on the county or city payroll? The two Democratic members who were here the other day, were they on the county or city payroll?

A I couldn't say.

Q Isn't it the practise on your Board to try to give some of these people who have got jobs, the right to serve, so that they can make a few dollars on Election Day; as long as they are qualified, of course?

A Yes.

Q And there are very few who are employed by the Board who are not on the city or county payroll? A. They are not all employed by the city or county.

Q I didn't say "all".

BY MR. WIENER:

Q Ex-commissioner, that Primary Election that we are hearing so much about; in your opinion as a former expert on elections-- you are an expert on elections?

A I don't set myself up as an expert.

Q I consider you an expert. A. Thank you.

Q Do you think that the elections in these election districts were conducted in a fair and honest manner?

A The recount proved it wasn't.

Q And it wasn't a fair and honest election, so that we finally have come across a public official, you, who admits that elections in Hudson County are sometimes crooked?

A Oh, now-- there you go. That would be pretty, Mr. Chairman. David! David! David!

Q Is there any doubt in your mind that the Primary Election, as held in September, 1937, resulted in a judicial opinion which said that there was fraud and corruption in that election? A. Well, on the face of it, the Grand Jury indicted thirty-four board members.

Q And that all was as a result of certain facts and testimony which was presented to the Grand Jury?

A Yes.

Q So that, we have a situation where there was a General Election held in Hudson County in November, 1937, and as a

result of the results in that election 102 election district officials were indicted and one of the offices contested for, the election as to that office was thrown out?

A Yes, that is in the Primary; not the General.

Q In other words, you might not think it is practising fraud in the Primaries? A. On the face of it it shows that.

Q Or do they just do Spring training in the Primaries and shoot the works in the winter.

A I can't answer that.

Q Mr. Corcoran, I had the pleasure of serving with you for ten or eleven weeks in the recount. A. Yes, sir, and I took it on the chin in them ten weeks from you.

MR. YOUNG: Mr. Wiener seems to be of a different opinion.

THE WITNESS: Giuliano and Mr. Wiener do certainly know different.

MR. GIULIANO: The only difference between us is that you got paid and we didn't.

MR. WIENER: And I had to approve your bill. That is the irony of it.

THE WITNESS: I thank you for that, too.

Q Mr. Corcoran, during those ten or eleven weeks, while you were taking it on the chin, you heard a great number of objections concerning erasures? A. That is right.

Q You also heard a great number of objections concerning

similar markings? A. Yes, sir.

Q You also heard a great number of objections concerning the names in the poll books? A. Yes, sir.

Q You also heard a great number of objections as to the similarity of names in the poll books? A. Not about similarity of names, no.

Q Didn't you hear me on a number of occasions say, "Here is a whole batch of them that look alike?" I said it.

A The signatures or names?

Q The signatures, names written by the same people.

A Yes, you made that remark.

Q And you also were acquainted with the fact that there were a majority of the districts where no affidavits were taken? A. And I always called that to the attention of the Board.

Q You were also acquainted with the fact that identification statements were missing, and that is where people had voted by means of an "X"? A. Yes, you called that to the attention of the Board.

Q In other words, those conditions which the other counsel and myself brought to the attention of your Board were similar to those set forth in a petition asking for an investigation by the Supreme Court, as you probably know?

A Yes, I know.

Q Did you know that some of the grounds requesting relief

from the Supreme Court were those grounds which were found in the recount? A. No, sir, I knew nothing about the grounds of the investigation.

Q However, you admit that all of these conditions which were brought to your attention were heard by the Hudson County Board of Elections? A. Yes, sir, although the Commissioners were there at the time.

Q Were you at any time present during the investigation into the Primary Election by Circuit Court Judge Brown?

A No, sir. When the recount was on, if you will recall, Dave--

MR. WIENER: If the members of the Committee please, I have before me a pamphlet which purports to be that of the Hudson County Circuit Court, in the matter of contest of election of Charles F. Stoebling to the office of member of the Republican State Committee of Hudson County, August Ziegner, petitioner, and a similar matter concerning the contest of the election of Daisy Douglas to the office of member of the Republican State Committee from Hudson County, Jennie C. Smith, petitioner. It is a finding of facts and conclusions of law.

I would like, to, in reading from this decision, point out to you that the elections in this petition on which the election of Charles Stoebling and Daisy

Douglas was declared no contest, were facts which were similar to the facts and disclosures claimed in the Moore-Clee recount, in spite of the fact that Senator Clee was not permitted to be heard by the Supreme Court; that is, his evidence was thrown out before it could be heard.

If the Committee please, before I read certain excerpts which I think should be read into the record, to draw an analogy between conditions in the Primary and the General Election, I suggest that this opinion, handed down by Circuit Court Judge Thomas Brown be transcribed completely in the minutes.

MR. YOUNG: I don't think so. It costs too much money.

MR. WIENER: It is very important.

MR. YOUNG: Mr. Osmer has to go, and I am sorry to interrupt Mr. Corcoran. Perhaps he will come back some day and answer a question, and we will congratulate him on his reappointment. So long as that is the case we will adjourn now.

MR. WIENER: I will have to reframe my question over, that I asked of an Ex-commissioner.

THE WITNESS: I will come back.

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ASSEMBLY INVESTIGATION OF :
ALLEGED FRAUDULENT AND ILLEGAL :
CONDUCT AT THE GENERAL ELECTION :
ON NOVEMBER 2, 1937, etc. :
- - - - -

Transcript of stenographer's notes of
hearing held in the above matter at Room 301, Essex County
Court House, Newark, New Jersey, on March 10, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford (only in the morning)
Rocco Palese
Frank C. Osmer

- - - -

ROBERT H. McCarter, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO,
Esq., and JAMES R. MURRAY, Esq.
Counsel to the Committee

MR. YOUNG: We want to read into the record the result of the recheck of the vote for the Third Ward, Tenth District. The result of the recount on Governor Moore and Senator Clee were as follows:

There were 32 originally for Clee, and the recount showed 44 for him. The original count in that district was Moore 525 and the recount showed 506. We have gone through these ballots, and the first number that I give will be the original count and the number after that will be the number shown by our recheck.

Miles	26	32
Hassard	26	33
Weber	26	32
Spaldi	27	36
Thomas	26	29
Law	26	32
Brennan	26	34
Witzgall	26	32
Stuhr	26	32
Feinberg	26	34
Woolsey	26	30
Ahlers	26	33
Moorecraft	25	29
Ruggles	25	31

Taft	26	34
Watson	25	31

On the Democratic side the vote was as follows,
the first figure being the original count and the
second figure being the recount figure:

Stout	526	499
Walker	526	515
Maloney	526	515
Bischoff	526	512
Artaserse	526	515
Beronio	526	516
Pesin	525	512
Szadowski	525	517
Ajamian	525	512
Wilson	525	512
Cohen	525	516
Heffron	526	516
Fleming	526	513
McDonough	525	514
Sweeney	526	509
Vanderbach	526	509
Kleffmann	525	508
Gordon	525	502

Not even by accident did the Board count a

greater number of votes for any single candidate.

A N N A W A L K E R, being duly sworn according to
law, testified as follows:

MR. WIENER: Before we go ahead with Miss Walker's testimony I want to go back to these results. I believe you included in there sixteen erasures in the Republican ticket.

MR. YOUNG: Found in the recount?

MR. WIENER: Yes. The recount of the offices other than governor, as conducted by this Committee this morning, that is, the results of your recount this morning are those that actually and physically appear on the face of all the ballots, including the erased ballots, so that these sixteen straight Republican ballots that were erased-- in fact, making a total of thirty-two ballots-- are votes that were taken from all the Republican candidates. For example, if you take the Governor, there is a discrepancy of thirty-one in the actual count and thirty-two as the result of ballots which were erased, making a discrepancy in this one district of sixty-three votes on the count alone. That does not include floaters or fraudulent voters or any other type.

MR. YOUNG: You mean to tell us that if these

ballots had not been erased there would be another difference, in favor of Senator Clee, of thirty-two?

MR. WIENER: The whole Republican ticket, all the way down the line, there were sixteen erased. In other words, there is an actual physical discrepancy on the ballots alone of sixty-three votes, without counting illegal voting by floaters and so forth, which may have taken place at the polling place.

EXAMINATION BY MR. WIENER:

Q Miss Walker, where do you live? A. 76 Sussex Street.

Q You served as a Republican election official in the Third Ward, Tenth District, on Election Day? A. Yes.

Q As such official you reported for work in the morning in this district? A. Yes.

Q You do not live in this district, do you? A. No.

Q What were your duties on this election board? Were you clerk or inspector? A. Clerk.

Q As clerk what was your job? A. To write the names in the book.

Q You wrote the names in the poll books when the people came in and gave you the name and address?

A Yes.

Q Did you compare signatures? A. Yes, sir.

Q That was your job? A. Yes, sir.

Q Now, I show you a challenge list and ask you if the signature purporting to be that of one Anna Walker, 76 Sussex Street, on the first sheet, is your signature?

A It is.

Q You signed that? A. Yes.

Q You signed the other three sheets, I take it? A. Yes.

Q Were these challenge sheets used on Election Day?

A On and off.

Q On and off? A. Yes.

Q Well, I notice that there is ^{not} one notation, although there are forty names of voters on this challenge sheet; there is not one notation as to whether anybody applied to vote, whether anybody did vote, whether anybody was refused the opportunity to vote, or whether anybody made an affidavit, so it really was not used so much.

A I don't know. The people down at that district-- I picked it up a couple of times.

Q Do you know of anybody that came in and gave a name that was on this list? A. No.

Q Who had physical possession of this challenge sheet; the Judge of the Board? A. Yes.

Q What is his name? A. I don't know.

Q Peter Cucorullo? A. I don't remember the name.

Q You don't live in that district, do you?

A No, I don't.

Q You never attended to any voter whose name was on this challenge list, did you? A. No.

Q You mean that it just happened that the people that you took care of when they voted, were not on this challenge list? A. Right.

Q Do you know whether or not any of the people on this list were permitted to vote? A. I don't know.

Q Could you look at it and refresh your memory? Can't you tell by examining the list? Look at the names.

BY MR. YOUNG:

Q Miss Walker, which book did you have, the A to K or the L to Z? A. I just put the names in the poll book.

Q There are two poll books. A. I didn't have either one of the poll books.

Q You didn't have either one of the signature copy registers? A. No.

Q Was this your first time on the election board?

A No.

Q Did you serve in this district before? A. No.

Q Where did you serve before? A. The First Ward, First District.

Q The First Ward, First District? A. Right.

Q When did you serve? Did you serve in the Primary?

A No.

Q Did you serve in this district in the Primary?

A The General.

Q Just in the General, not in the Primary? A. Not in the Primary.

Q Can you give us some idea of just how this Board operated in taking the votes? What was the system of going about it? Did you say that you didn't have the signature copy registers? You had the poll book?

A Yes.

Q Which one did you have, A to K or L to Z? A. I had the both.

Q You had both poll books? A. Yes.

Q So that whenever any voter presented himself to vote all you did was to write his name in the poll book and present it to him for his signature? A. Right.

Q You didn't have the signature copy register under your scrutiny, did you? A. No.

Q At any time during the day? A. I don't remember.

Q Some members of the board went out to lunch or supper, didn't they? A. Yes.

Q During that time there were only three members left? Were there always three members there? A. There was always three members there.

Q When the other members of the board would be out, you

would still have charge of the poll books? You never did take over the signature copy registers, is that so?

A No.

Q You never did have a chance to compare the signature which the voter signed in the poll book with the signature on the signature copy register, did you?

A I did.

Q Just how was that worked? Could you tell us that?

A What do you call the poll books? The books that you write in?

Q Yes. A. The other two are binders?

Q You didn't have the binders at all? A. No, the other fellow. I didn't have the binders.

Q Who did have the binders? A. The other clerk.

Q Both of them? A. Yes.

Q You had a pretty big district there, didn't you?

A Yes.

Q As the voters would come in, they would give their names, of course, to the person in charge of the binders?

A Yes.

Q And the person in charge of the binders, what would he do? A. Classify their signatures.

quite

Q I don't know what you mean by "classify their signatures".

A He has got me all upset.

MR. WIENER (To the witness): You are nervous.

There is no reason why you should be.

BY MR. OSMERS:

Q Would it be any easier if you told us in your own words what happened, when a voter would come in, what directions he went through?

A Just asked for their names and addresses and signed in the book.

Q The person with the binder would look up in the binder to see if the name and address was there? A. Yes.

Q Then you would write the information on the poll book, his name and address? A. Yes.

Q Then I suppose you would write the ballot number in the book which was called off by the judge or the inspector, wouldn't you? A. Yes.

Q Then you would give the poll book to the voter to sign?

A Yes.

Q That is what happened? A. Yes.

Q After he had signed, what did you do? A. Then I got his ballot.

Q You went and got the ballot? A. The voter did.

Q What did the voter do with respect to comparing his signature which he had signed before, with the one in the binder? A. If I saw he was all right, I would let him go.

Q Did you ever see any that were not all right?

A No.

BY MRS. SANFORD:

Q You did compare the signature with that in the book?

A I did, at times.

BY MR. YOUNG:

Q You did, at times? A. Yes, if I had a chance.

Q It was pretty hard? There was generally a line?

A Yes.

Q You only had one ballot box and you had over 500 people voting on Election Day? A. That is right.

Q You were handling the signatures for all the voters, isn't that so? A. Until I went out for lunch.

Q When you came back from lunch did you resume that job?

A Yes.

Q Even though there was a line of voters they didn't take the poll books out of your possession? You still continued? A. Yes.

Q They didn't divide them up so that one group could go to the A to K? A. No.

Q No matter what your name was they stood in the same line of voters and all signed in your presence? A. Yes.

Q Who was the other clerk, with the binder?

A I don't know his name. I don't know none of the officials' names.

Q When you had a chance, you compared the signatures?

A Yes.

Q You didn't always have a chance? When you had a chance you didn't find anybody signing a signature that didn't look like the one in the binder? A. No.

Q You don't know as to what the signatures may have been that were put there when you didn't have a chance to compare them? A. They was there.

BY MR. WIENER:

Q What were the other three members of the board doing while you were doing all the work? Were they out?

A No, they were there.

Q If you were taking care of the poll books, comparing signatures, writing the names, what were the other three people doing? Did they do any work at all?

A One took care of the books.

Q What books? A. The binders.

Q If he took care of the binders then he would be the one to make the comparison of the signatures? A. Yes. Well, I did that too. I looked at it, too.

Q How many times during the day did you look at it?

A I don't remember.

Q Four times, five times? 557 people voted. How many times did you look at the books? A. (There was no answer)

Q Is it the clerk's job to compare the signatures?

A Yes.

Q Is that why you are saying that you did it, whether you did it or not, because you feel that should have been your job?

Is that the truth? A. Yes.

Q In other words, you thought you should have done it and because you didn't do it that is why you are now saying you did it, is that right? A. Yes.

Q As a matter of fact, you know you didn't compare any signatures? You know that is not the practise there? You were not the Judge of the Board? A. No.

Q And those districts are usually run as the district judge says they are to be run? He gives the instructions in those districts? A. Yes.

Q Your instructions were to write the names and addresses of people in the books as they came in, is that right?

A No.

Q What were your instructions? A. Gee, I don't remember.

Q Were you given any instructions at all? Were you threatened before you came here today? A. No.

Q Why are you afraid to tell us what your instructions were? A. Referring to what instructions?

Q As to what your duties were on Election Day in the polling place. A. (There was no answer.)

Q All we want is the truth. We are not seeking to harm you or anybody else. We would like to know what happened in this district on Election Day. We would like to know the truth. You don't have to be nervous and fearful. Nobody is going to harm you. If you are assigned to a certain job, I

assume that you did it. You appear to be a perfectly honest and reasonable person. I am not asking you to imagine things. Your job was to take the names and addresses of people as they came in, and we want to know if those were your instructions? A. That is all I got instructions, the names and addresses.

Q You were not told to compare signatures? A. No.

Q In reference to this other man who had control of the signature copy register books, he didn't permit you to come over with the poll books and compare the signatures, did he?

A No.

Q He just asked you for the name and address of the person and made a notation as to the ballot number being given that person, is that right? A. Right.

Q Nobody compared signatures, did they? A. I told you I did for a while. I don't know the details of it.

Q How many names did you compare? A. I don't know.

Q What part of the day was it when you did compare signatures; in the morning, afternoon or night?

A In the early part of the afternoon.

Q Say, from about one to two or twelve to two?

A About that.

Q During the course of two hours the signatures were compared by you? A. Yes.

Q And how many voters would you say came into the polling

place during the hours of twelve to two?

A I couldn't tell you; I don't remember.

Q The polling booth is open about twelve hours, is that right? A. Yes.

Q And if you had 557 voters that means the average would run about 45 an hour, is that right? A. That is right.

Q Considering that twelve to two is not the busiest time of the day for voters, it would be reasonable to say that there were 30 or 40 people coming in during that time of the day? A. Yes.

Q You say that you compared the signatures of approximately 30 or 40 people? A. Yes.

Q Did anybody else compare the signatures there, that you know of? Did you see anybody else comparing signatures?

A I didn't see anybody.

Q Did you see anybody at all comparing signatures?

A No.

Q How many people came in and claimed that they were illiterate voters? A. I don't remember.

Q Was there a large number of people who voted by means of "X's"? A. I don't remember.

Q If I say to you that the poll books disclose that there were 27 people who claimed that they could not read or write, would that refresh your memory? A. I couldn't tell you.

Q There were some, were there not? A. There were some,

but I don't remember how many.

Q Were these people asked if they were citizens?

A No.

Q Was anybody who could not read or write asked if he or she was a citizen? A. No.

Q Did anybody ask them to produce their citizenship papers? A. No.

Q Did anybody ask them to identify themselves as being illiterate people? A. No.

Q Did anybody make an affidavit that they were assisting people to vote? A. Not that I remember.

Q How many people were assisted in voting in this district during Election Day? A. Quite a few.

Q A great number? A. Yes.

Q Would you say that 150, one out of every three that came in? A. That I couldn't say.

Q Would you say it was a hundred? A. I don't know.

Q What is your thought, as to a great number? What do you think would be a great number? A hundred?

A I didn't say a great number. I said, "Quite a few."

Q Excuse me. I don't want to change your words.

What would you say quite a few people meant to you, in numbers?

I am not trying to tie you down. I would like to get a thought as to what you feel to be a reasonable number; what a reasonable number, in your mind, is. Would you say a hundred?

A No.

Q About seventy-five? A. About twenty.

Q There must have been more than twenty if twenty-seven people voted by means of "X's." The poll books show that twenty-seven people voted by means of "X's", claiming they couldn't read or write. They must have had assistance. Were there any people who were given assistance who did write their names? A. Yes.

Q So that there must have been more than twenty-seven, is that right? If a man came in and wrote his name he was given assistance? A. Yes.

Q How did that happen? Did he ask for assistance?

A He asked for assistance.

Q What did he say? Did he say, "I want help to mark my ballot?" A. Yes.

Q Who would usually go in and vote with him? A. The inspector of the board.

Q The inspector of the board? A. The Judge of the Board.

Q You mean the Judge? A. Yes.

Q Who would go in when he wasn't there or was he there all day? A. He was there all day.

Q Who would go in and mark the ballot? A. One Democratic worker and one Republican worker.

Q How many times during the day did you go in and help or assist? A. None.

Q You never went in? A. No.

Q Was there any assistance asked for while the other Republican was out for lunch or dinner? A. He stayed there all day.

Q He never even went out? A. No.

Q He didn't eat? A. He ate but he didn't go out.

Q He went in every time? A. Yes.

Q With Cucorullo? A. Yes.

Q Did you notice some of these people who could read or write, who asked for assistance? A. Yes.

Q Did you look them over? Do you recall any of them by face, or recall what type of people? A. No.

Q Were there any people whom you would say were Americans, who looked like Americans? A. New voters, first voters.

Q How many first voters do you think you had in your district? How many first voters do you think you had; fifteen, twenty? A. About twenty.

Q If you had twenty first voters who wanted assistance, it means that you had twenty-seven illiterate and twenty first voters, which makes forty-seven people who got assistance. Now, did any of these first voters claim that they couldn't read or write? A. They didn't know how to vote.

Q They didn't claim they couldn't read or write?

A No.

Q Most of them were young people twenty-one years of age,

who had never voted before? A. Yes.

Q In other words, that is a separate classification from these twenty-seven people who were illiterate, is that so?

A Yes.

Q All those voters were given assistance, is that right?

A Right.

Q You say that you never went in the booth? A. No.

Q Did you ask if you could go into the booth at any time? A. The other fellows were there. I didn't have to go in.

Q You took it for granted that they would take care of everything? Right? A. Yes.

Q To get back to this challenge sheet a minute, did you hear the vote of any person challenged in the district on that day? A. I don't remember.

Q Did you challenge anybody's vote? A. No.

Q Did any other members of the board challenge anybody's vote? A. No.

Q There wasn't one challenge by any member of the board?

A No.

Q Did you see any voter make an affidavit of residence?

A No.

Q That he lived at any certain address? A. No.

Q In other words, anybody that voted and gave a name and address that could be found in the book was permitted to vote,

is that right? Isn't that true? A. Right.

Q Nobody was denied a ballot in that district on Election Day, is that right? A. No.

Q Did you receive any instructions from anybody as to permitting everybody to vote? A. No.

Q Did you, yourself, at any time suggest that the challenge sheet be used? A. Yes.

Q What was told to you? A. I can't talk.

Q Take a drink of water. A. (The witness drank some water.)

Q I will add to that question. What was told to you, when you suggested that the challenge sheet be used?

A Nothing was told to me.

Q Didn't you receive an answer to your suggestion?

A (There was no answer.)

MR. WIENER: Mr. Stenographer, will you please read the previous question to her.

(The last question was read by the stenographer.)

THE WITNESS: No.

Q Nobody paid any attention to you? A. No. I didn't even see this.

Q You never saw it, is that right, except when you were asked to sign it? A. No.

Q You never saw it all day long? It wasn't on the table?

A It was on the table but I didn't look at it.

Q What did you mean when you said that you never saw it?

A Because I don't know the people who voted down there.

Q What did you mean when you said that you never saw it?

MR. YOUNG: What did you mean before?

Q Did you mean that you personally did not use it?

A I didn't use it.

Q Did you mean that the other members of the board did not use it? A. They looked at it every now and then.
heard

Q You never ^{heard} them challenge a voter, did you?

A No.

Q You never heard them ask anybody if they lived at a certain address? A. No.

Q You are sure of that? A. Yes.

Q Where was this challenge sheet during the day?

A It was on the table.

Q On the table where the books were? A. Yes.

Q Facing upwards like that (indicating)? A. Yes.

Q Who do you remember seeing, picking it up?

A I don't remember now.

Q Was it picked up while a voter was registering the vote?

A Yes.

BY MR. YOUNG:

Q By whom, Miss Walker? Who had charge of the challenges?

A One of the board workers.

Q Which one? A. The Judge of the Board.

BY MR. WIENER:

Q In other words, the Judge of the Board had control of it? A. And a few of the other workers, too.

Q He would pick it up and look at it and say nothing to the voter? A. No.

Q You never heard him say anything to any voter whose name might have been or might not have been on this challenge list? A. No.

Q In other words, this challenge list was not used for the purpose that it was intended for? Is that right?

A No.

Q Do you know what a challenge list is? A. Yes.

Q Did you ever read what it said on the back of a challenge list? A. No.

BY MR. YOUNG:

Q Miss Walker, when did you first go to work on an election board? A. About four or five years ago.

Q When? A. Five years ago.

Q Five years ago? A. Yes.

Q Were you always down in the First Ward before this year?

A Yes-- no, I was not in the First. I was in the Second.

Q In the Second Ward? A. No.

Q Where were you in this last Primary? A. I wasn't working on the board at the Primary.

BY MR. PALESE:

Q I understand that you didn't live in this district where you were working on Election Day? A. No, I don't.

Q How far do you live from the polling place?

A The First Ward, Second District.

Q You live in the Second District? A. Yes.

Q Where were you working on November 2nd? A. The Tenth Ward, Third District.

BY MR. OSMERS:

Q The Tenth District, Third Ward? A. The Tenth District, Third Ward.

BY MR. PALESE:

Q Is that some distance from where you live?

A Yes.

Q Did you know any of the people who lived in the district where you were working on November 2nd? A. I don't know nobody.

Q Had you ever been an election officer in that precinct where you were working last November? A. I had not.

Q When did you know that you were to work in that district last November? When did you get your orders to go there? A. Two days before.

Q Who gave you instructions that you were to report to that district for Election Day? A. Benjamin Zelinski.

Q Who is he? A. The committeeman from the First Ward.

Q He is the committeeman from the First Ward, the Republican committeeman? A. Yes, sir.

Q Did he come to your home or did he write you that you were to be there on Election Day? A. He just came to my home.

Q He just came to your home? A. Yes.

Q Had you told him that you wanted to work on Election Day? I understood that you did not work at the Primary last year, is that correct? A. Yes.

Q How did he know that you were desirous of wanting to work in the General Election? A. He didn't know. He just asked me if I wanted to work.

Q You didn't know ahead of time that you were going to be asked to work? A. No.

BY MR. YOUNG:

Q Had you made an application for a position as a member of the election board? A. What was the question?

Q Had you made an application for a position as a member of the district election board? A. Yes.

Q When did you make that application? A. I don't remember.

Q Did you make it for this General Election or was it years before? In other words, what I am asking you, Miss Walker, did Mr. Zelinski know that you wanted to work at the General Election last year? A. He had asked me. I gave him my

answer.

Q When? Two days before? A. No, before that.

Q How long before? A. I don't remember.

Q You don't remember how long before you had spoken to him about trying to get on the election board?

A No.

Q Is that your signature (indicating)? A. Right.

Q But you do know that he came to see you two days before, for this position? A. Right.

Q Did he tell you where to go? A. Yes.

Q Where did he tell you to go? A. To 32 School.

Q You knew where it was, did you? A. Yes.

Q Had you ever been there before as an election officer?

A No.

Q And I presume you were paid for your work on Election day, were you not? A. Yes.

Q Who paid you? A. Did I get paid?

Q Yes. A. I didn't get paid yet.

Q You mean that you have not been paid for working on November 2nd? A. No.

BY MR. WIENER:

Q Are they holding up your pay to see how you testify?

A I don't know.

BY MR. PALESE:

Q Have you made any demands for it? A. No.

Q In other years when you worked, did you have to wait from November 2nd, to March 8th before you could get your money; in other years when you worked as an election officer how long did you have to wait for your money, after the General Election? A. Not as long as this.

Q When was it when you usually got your money in other elections, not last year? How long did you have to wait? A month? A. Right.

Q Have you been^{to} see Mr. Zelinski about your pay?

A No.

Q Why haven't you? If you had been accustomed to getting your pay within a month after the General Election, why haven't you been around to see him to ascertain why you have not been paid up to the present time? You didn't need the money? A. No.

Q You don't need money? A. No, I don't.

Q Is that the reason why you have not been around to see him? A. (There was no answer.)

BY MR. YOUNG:

Q Do you have a job, Miss Walker? A. No.

BY MR. PALESE:

Q Why haven't you been around to see Mr. Zelinski about your pay for working on November 2nd? A. I usually wait until I get word.

Q You usually wait until you get word, and if you never

get word you will never go and ask about it?

A I will ask for it, don't worry.

Q When do you expect to ask for it, tomorrow?

MR. WIENER: Tonight. She earned it today.

THE WITNESS: How long do I have to stay here?

MRS. SANFORD: You will stay until you answer the questions.

MR. PALESE: You make it just that much longer by trying to evade questions. When do you expect to ask Mr. Zelinski for your pay for November 2nd?

THE WITNESS: After I get out of here.

BY MR. WIENER:

Q Miss Walker, will you please read the instructions on the back of this challenge sheet (handing the witness a paper).

A (The witness looks at paper.)

Q Now, Miss Walker, you have read the instructions?

A Yes.

Q And these instructions, which are excerpts from the Election Laws of the State of New Jersey, say that the chairman or the acting chairman of the local election boards shall challenge the vote of any person whose name is on any of these challenge sheets, and if the person, after being challenged, insists that he or she lives at the address appearing in the signature copy registry book, it then becomes the duty of the Judge to have this person make an affidavit and

swear to an affidavit that he or she resides at the address where their vote has been challenged; and if the person makes the affidavit and votes it is the duty of the Judge to enter into the column on the challenge sheet which says, "Remarks," that they voted by affidavit. In the event that they refuse to vote they put, "Refused to vote," and if they are not permitted to vote because they would not sign the affidavit, such remarks may be made in that column. You understand that as the law? A. Yes.

Q After reading and hearing my analysis of what a challenge is, do you still say that these instructions were not carried out in this district? A. Right.

Q By any member of the election board, is that so?

A Right.

BY MR. YOUNG:

Q Do you think you could be more competent to testify if we went into the other room, without any of the newspaper men or spectators? A. I haven't got much to say.

Q We would like to get along and perhaps we would be more comfortable and it would go faster, and we will do that.

MR. YOUNG: Suppose, Mr. Wiener, you let Miss Walker step down and we will hear her in the other room.

MR. WIENER: Do you want to have Miss Walker come back at two o'clock?

MR. YOUNG: If she will wait.

MR. WIENER: Do I take it that you are going to adjourn for lunch?

MR. YOUNG: No, we are not going to adjourn for lunch. I am not going to adjourn for lunch. You can put your other witnesses on the stand now and we expect to go into the other room with Miss Walker, where she won't be embarrassed by everybody.

MR. WIENER: I will call Mr. Weiss.

MR. BENNETT A. ROBBINS: I would like to have it noted on the record that I appear for Mr. Weiss.

W I L L I A M W E I S S, being duly sworn according to
law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. William Weiss.

Q Where do you live? A. 308 Fifth Street, Jersey City.

Q That is right in this election district?

A That is right.

Q Mr. Weiss, did you serve as a member of the district
election board of the Third Ward, Tenth District, on November
2, 1937? A. I did.

Q In what capacity did you serve on this election board?

A I refuse to answer the question, sir.

Q You refuse to answer the question? A. I refuse to
answer the question.

Q Why? A. By advice of counsel.

MR. PALESE: Maybe he doesn't understand the
word "capacity." Ask him if he worked there.

BY MR. PALESE:

Q Mr. Weiss, did you work there in that district on that
day? A. I refuse to answer.

BY MR. WIENER:

Q Who did the work that day? A. I refuse to answer.

Q Mr. Weiss, do you understand that this is a committee
of the New Jersey Assembly, a branch of the Legislature, and
this Committee, in its functions, is endeavoring to ascertain

facts and circumstances surrounding the General Election of November 2, 1937, and that this Committee is interested in these facts and circumstances so that it may make a report to the Legislature of the State of New Jersey, in order that proper remedial legislation might be passed during any circumstances which are brought about as a result of the Election Law as it exists today, and this Committee is not interested in persecuting or prosecuting you or any other election officer; that we are not interested in making any criminal charges against anybody as a result of any findings we make? Do you understand that?

A I refuse to answer.

Q You refuse to answer as to whether or not you understand it? A. I refuse to answer any questions.

Q You therefore refuse to answer any questions that I may put to you concerning your conduct as an election officer in the Third Ward, Tenth District, on November 2, 1937?

A I refuse to answer all questions on advice of counsel.

Q Did you tell your counsel what happened on Election Day?

A I refuse to answer.

BY MR. YOUNG:

Q You did say that you were a member of the election board on that day, didn't you? A. I refuse to answer.

Q You refuse to answer as to whether or not you had testified that way? A. (There was no answer.)

BY MR. WIENER:

Q On December 24, 1937, at nine a.m. you appeared before where you the Hudson County Board of Elections, were summoned as a result of certain frauds and illegalities which a certain recount of your district disclosed, at which time you gave certain testimony, did you not? A. I refuse to answer.

Q And in your testimony, amongst other things, you were asked a question, "At any time did you and the lady who was tallying get to a point where your tally did not agree?" Your answer was yes. A. I refuse to answer.

Q You were then asked a question, "What did you do?" And you said, "We checked it up. She probably would have one or two ahead of me or I would be one ahead of her, and we would even it up."

Did you so testify? A. I refuse to answer the question.

Q The question was put to you, "You would add up and bring it to her total or your total without going over the ballots again?" And your answer was, "Yes, to make it even."

Did you not so testify? A. I refuse to answer by advice of counsel.

Q And then you were asked a question, "Did you at any time in the course of the counting, disagree?" And your answer was yes. Then you were asked a question, "How many times?" And your answer was "Four or five times, maybe six."

Then you were asked a question, "To what extent did you disagree? And the answer is "One or two or three, and one time it was about seven votes." Is that true?

A I refuse to answer.

Q Then you were asked a question, "At the end of the tally did you at any time fix upon any amount which each one was going to get; in other words, 'We will give Clee so many and Moore so many?'" And your answer was no, and you also said, "Well, at the final count we even had one out and we straightened that out and balanced that out. I don't remember whether it was taken off or put on." Is that correct?

A I refuse to answer any questions.

Q And then you were asked a question, "As a matter of fact, the tallying was very bad," and your answer was, "I was mixed up all night. Nobody showed me how to tally. I didn't know the first thing how to tally." Was that your answer? A. I refuse to answer.

BY MR. PALESE:

Q Mr. Weiss, are you employed at the present time?

A Am I employed?

Q Yes. A. I am in business.

Q What kind of business? A. Tavern business.

Q Is that what they call them in Jersey City? We call them saloons down in South Jersey.

BY MR. WIENER:

Q You were asked this question, "At that time you did the best you possibly could under the circumstances, because of your inexperience, being with other members of the board, who, like yourself, were inexperienced," which question was asked by Commissioner Sullivan, one of your true Democrats, to which you answered, "There was a lot of commotion and a lot of trouble concerning the tally. We had to go back and add and subtract; at the end, when it wasn't even, we subtracted enough to make the total come out even."

Is that correct? A. I refuse to answer.

Q By that, did you mean that you had a greater number of votes tallied than there were ballots? A. I refuse to answer.

MR. YOUNG: Ask him about the challenge list and let us get rid of him.

MR. WIENER: Just a minute, please. It might be interesting for him to know that under the State Liquor Act a man convicted of crime won't have a license later on.

BY MR. PALESE:

Q Mr. Weiss, have you been paid for your work on November 2nd? A. I refuse to answer.

Q Is Mr. Robbins your attorney? A. He is.

Q You didn't refuse to answer that question, did you?

BY MR. WIENER:

Q Are you married? A. I am, yes, sir.

Q You have a family? A. I have a family.

Q And you are willing to be fingerprinted, "mugged," your picture taken, given a number, charged with a crime, to protect somebody under instructions from somebody higher up?

A I refuse to answer.

Q You have no respect for your wife and family.

MR. YOUNG: I don't think that is necessary, Mr. Wiener.

THE WITNESS: I don't think so, either.

MR. WIENER: If you had any brains you would talk.

Q Is that your signature on that (handing the witness a paper)? A. That is right.

Q Signatures on all of these? A. Yes.

BY MR. YOUNG:

Q These are your signatures and not forgeries? A. That is right, that is my signature.

MR. WIENER: This says, "William Weiss, 308 Fifth Street, clerk."

MR. YOUNG: Then he wrote his name and said that he was the clerk, but he refuses to say that he was the clerk.

THE WITNESS: I said I was clerk.

MR. YOUNG: Were you serving as a Republican or Democrat on that board?

THE WITNESS: Democrat.

BY MR. WIENER:

Q Did you use this challenge list on Election Day?

A I refuse to answer.

Q Did you challenge the vote of anybody, personally?

A I refuse to answer.

Q Did you demand that any person on the challenge list sign an affidavit before they were given a ballot?

A I refuse to answer.

MR. MURRAY: May I ask one question.

BY MR. MURRAY:

Q Is the license of the tavern which you say you have, in your name, Mr. Weiss? A. I refuse to answer.

Q Is that the reason why you are refusing to answer the question, because the City of Jersey City has paid you in this way by giving you a license to run a tavern, when they want to cut down the number of taverns in Jersey City? Is that your reason for not answering? A. I refuse to answer any questions.

MR. MURRAY: That is all.

MR. ROBBINS: Step down, Mr. Weiss.

MR. WIENER: I ask that the Committee pass upon the propriety of these questions pertaining to this man's

conduct as an election official on Election Day, and I also ask that he be instructed to remain until the formal complaint and warrant can be drawn.

MR. ROBBINS: I will go along with the Committee with pleasure. I will see that he remains.

MR. YOUNG: As far as any questions relating to him are concerned, I think they are proper.

(At this point a recess for lunch was taken.)

AFTERNOON SESSION

M I C H A E L A M O R O S O , being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Michael.

Q Michael Amoroso? A. Michael Amoroso.

Q You live at 464 Monmouth Street, Jersey City?

A Yes, sir.

Q I show you a challenge sheet and point to the name of Michael Amoroso, 464 Monmouth Street, inspector, Republican.

Is that your signature (indicating)? A. Yes.

Q Where do you work? A. Whitlock Cordage Company.

Q Where is that? A. Lafayette Street.

Q Did you serve as a district election boardmember in the Third Ward, Tenth District, on November 2, 1937?

A Yes.

Q You did? A. Yes.

BY MR. OSMERS:

Q A Republican member of a Democratic member?

A Republican.

BY MR. WIENER:

Q And you were the inspector, is that right? A. Yes, sir.

Q What was your job as inspector, Mr. Amoroso?

A Well, I was looking after the binders. I had to look after the recount.

Q You mean the count? A. Yes.

Q You mean that at night your job was to take the ballots out of the box and hand them to the Judge so he could read them? A. Yes.

Q And number them and string them? A. Well, I didn't do that.

BY MR. YOUNG:

Q Who did that? A. I think the deputies, they strung them.

BY MR. OSMERS:

Q Do you remember the name of the person who did it?

A Yes, Louis Avoglia.

Q Was he a member of the board? A. He was a deputy.

BY MR. YOUNG:

Q Who were the members of that board? Yourself?

A Yes.

Q Miss Walker, who was here this morning? A. Yes.

Q She worked there? A. Yes.

Q And this fellow whose name is Avoglia? A. Yes.

Q And Mr. Weiss? A. Yes.

Q At the count none of those people strung the ballots and numbered them? A. Yes. At the count we had some fellow who was a deputy.

BY MR. WIENER:

Q You mean Louis Avoglia, the man who has a job in Charles Stoebling's office? A. Yes.

Q He was not a member of this election board?

A No, but he was working there.

Q He was helping you fellows string the ballots?

A Yes.

Q Was he the fellow who erased the ballots? A. No. I didn't see it.

Q Now, this challenge list here; you know what a challenge list is? A. Yes.

Q Where was that all day? A. Well, we had it on the table.

Q Did the Judge of the Board use it? A. Well, we didn't exactly use it. We only looked at it so somebody would not be registered.

Q Do you live in this district? A. Yes, sir.

Q Do you know a lot of these people? A. Well, I don't bother with nobody.

Q Look at it and see if there are any that you know there?

A No, I don't.

Q You don't know anyone of them? A. No.

Q How long have you lived in that district?

A Oh, about ten years.

MR. YOUNG: How long? I can't hear you over

here. I wish you would talk up louder, please.

THE WITNESS: I got a soft voice.

Q You live at 464 Monmouth Street for about ten years?

A Yes, sir.

Q Do you know a person by the name of Petti, who lives at 434 Monmouth Street, a little ways down the street from your house? A. No. I don't bother with them.

Q Do you know Dominick Agrego of 434 Monmouth Street?

A I don't bother with anybody.

Q Do you remember whether or not any people on the challenge list voted on Election Day? A. I will tell you the truth, when a person did come along, and that I seen was in the binder without looking at this, the first thing I knew I would say, "Go to the Court House."

Q Do you remember anybody coming in and asking for a ballot, whose name was on this challenge list?

A No, we didn't find anything.

Q You don't know whether or not any of the people on this list voted? A. No, I don't.

BY MR. YOUNG:

Q Who had charge of that, Mr. Amoroso? A. I will tell you, it was on the table, and that is about all. Nobody else would look at it.

Q During the day who had charge of the binders?

A Well, I did.

Q Both binders? A. Yes, both books.

Q And Miss Walker had the poll books, both books?

A She had only one book.

Q She had only one book? A. Yes.

Q Who had the other? A. The other clerk.

Q The other clerk? A. Yes.

Q That was-- what was his name-- William Weiss?

A Yes.

Q He had the other book? A. Yes.

Q And during the day, what did you do? A. I just had the binders.

Q Both of them? A. Yes. I used to look up the names. When they gave me the names and addresses, if it was all right I would give it to the clerk.

Q Then Miss Walker was mistaken when she said that she had both poll books? A. Sure. I had one.

Q You had one and she had the other? A. Yes.

Q Which one did you have? A. I just had them two binders, them two books, to look up the name and address.

Q You had both binders? A. Yes. That is what I was doing all day.

Q Did you leave the place at all during the day?

A Yes, sir. When someone came in to vote, that they wanted assistance, I would have to go in the booth.

Q Did you leave the polling place at all during the day?

A No.

Q You didn't even go out to lunch? A. We had lunch in the place.

Q Is this your first experience on an election board?

A This is the first time.

Q How did you get on this board? A. The only thing I know, the committeeman finds my name was on the board.

Q Who is that? A. Louis Avoglia. He said to me that my name was on the board of elections, and then I received a letter in a few days' time.

Q Then you received a letter from the County Board of Elections? A. Yes.

BY MR. OSMERS:

Q Is that Louis Avoglia who told you that your name was in, the same man that was stringing the ballots?

A Yes, sir.

BY MR. WIENER:

Q Now, Mr. Amoroso, did you hear any voter challenged during Election Day? A. No, sir, we didn't do no challenging.

MR. WIENER: That is an affirmative but that really is negative.

Q Whose instructions were those? A. There was nobody came in to challenge. Them names here on this list, I would

say, "Go down to the Court House."

Q Do you know how many of the people on this list voted?

A No.

Q Did you hear the Judge, Mr. Cucorullo, challenge anybody's vote from this list? A. Not that I know of.

Q Did you ever see him pick up the list when someone came in? A. No. He only picked it up once or twice in the whole day to see if the fellow's name was in.

Q Once or twice? A. Yes, if they wanted to vote.

Q Here is a challenge list with fifty names on it.

A Yes.

Q Did you memorize the names? Did you know every name on it? A. No.

Q When a voter came in would you know if the voter's name was on this challenge list without looking at the challenge list when a voter came in? A. I generally asked for the name and address and looked at my binders.

Q And the person who had control or charge of this challenge list, you say, that he or she only looked at this two or three times during the whole day? A. Yes.

Q Do you think the Judge of the Board knew the name of everybody on this list without looking at it; fifty names?

A I don't know.

Q As a matter of fact, this was not used at all on Election Day? A. No, because, as I told you before, if a

party came in and he wasn't in the binder I would look up the list.

Q What you mean is this; if they were in the binder, had the name and address in the binder, you believed that they lived in the district and you would let them vote? A. Yes.

Q And this challenge list had nothing to do with that? If they were in the books they voted? A. Yes.

BY MR. YOUNG:

Q When you did not find their names in the binder then you looked at the challenge list? A. That is the only time, about three times.

Q Three times, people whose names did not appear on the binder--A. I would tell them to go to the Court House because their names were ^{not} on there.

Q Did they go to the Court House? A. I didn't see them.

Q You didn't see them again? A. No, sir.

Q What did you do in the evening? A. Count.

BY MR. WIENER:

Q Here I show you what is known as a black-list or strike-out list. Did you ever see that? A. To tell you the truth I should have seen that because I had it in my possession.

BY MR. MURRAY:

Q When did you have it in your possession? A. This was

Monday night.

Q Did you have that in your possession on Election Day?

A On Election Day, no.

Q Did you have that in your possession on Election Day?

A No. We had them alongside the sheets.

Q You didn't have that in your possession on Election Day? A. We had--

Q You, not we. A. Yes.

Q Did you? A. Yes.

BY MR. YOUNG:

Q You mean by that that you had it on the table?

A Yes.

BY MR. WIENER:

Q Do you know what this is? A. Addresses.

Q What is it for? A. In case we see a name on there we challenge it because I didn't know nothing about it.

Q Is that why they let you hold that because you didn't know anything about it? A. No.

Q If you knew anything they would not have trusted you, would they? A. (There was no answer.)

Q This black-list was made up of names of people who cannot vote. It is a mandatory order. You have to get a court order. Was anybody sent to the court, in your district, to vote? A. Not that I know.

Q They didn't bother with this black list? A. No.

Q They didn't even ask the board to sign it?

A No.

Q The individual signatures are not on the back of this?

A No.

Q That is known as the certificate of the District Board of Registry and Elections, in which they state, under the affidavit, "We, the undersigned members of the Board of Registry and Elections of the blank district of the blank ward of the City of Jersey City, Hudson County, New Jersey, do hereby certify that the foregoing order list has been complied with according to law, and we have hereunto set our hands and seal, blank day of blank."

It is supposed to be signed under oath by the four members of the board. They did not even use this, did they?

A Not that I know of.

Q They didn't even look at it. You wouldn't know whether these people voted or not? A. I don't know.

Q In the same analogy you would not know how many people voted off this challenge sheet, would you?

A No.

Q How many people who could not read or write voted?

A There was a few that did not vote.

Q The poll books show twenty-seven. Is that about right? A. I can't prove that.

Q And those twenty-seven people who voted by means of

an "X", who gave them assistance? A. Well, me and the other officer gave them assistance.

Q Did you go in the poll booth every time?

A Yes, every time they wanted our assistance I had to go.

Q You went with who? Cucorullo? A. Yes.

Q Do you know how many people were given assistance?

A Quite a number.

Q Would you say about 150, 200? A. No. I can't judge how many.

Q About how many? A. It was going on all day.

Q How many people that could read and write were given assistance? A. The majority, the new voters.

Q The majority of the new voters? A. Yes.

Q You mean young people, twenty or twenty-one years of age? A. Yes.

Q In the great County of Hudson, with the wonderful educational institutions, new voters did not know how to vote, and they had to be assisted? A. They didn't understand what it was all about.

Q I suppose they all voted Republican, did they?

A Oh, no, I wouldn't say that.

Q They didn't really need assistance? You just told them "The left column, all the way down the line," didn't you?

A (There was no answer.)

Q Haven't you got any idea as to how many people were given

assistance? A hundred, seventy-five, two hundred, one hundred and fifty? No idea at all? A. No, because I could say 100 or say more and what good is it? I can't prove it.

Q Was assistance given all day long? A. Yes. Otherwise I can't stay on the job.

Q In other words, you couldn't stay outside with your books. You had to do it in the booths?

A That is right.

Q Assistance was given all day long? A. Yes.

Q Anybody that wanted assistance got it? A. Yes.

Q How about the people that did not want assistance?

A They didn't bother.

Q How many people do you think went in without assistance?

A Many of them.

Q As many as got assistance? A. (There was no answer.)

Q Not quite as many? In other words, more got assistance than went in without assistance? A. Yes.

Q When these people were assisted, did you make an affidavit that you were giving them assistance?

A No.

Q Did the Judge of the Board sign an affidavit of assistance? A. I don't get the question.

Q Do you know what an affidavit of assistance is?

A No.

Q Did you ever look in the back of a poll book?

A I never looked at the poll book.

Q You don't know much about these things, do you?

A No, sir, I don't know anything about that.

Q That is why they put you in the booth all day?

A No, both of us had to go in.

Q I mean you and Cucorullo? A. Yes.

Q Miss Walker, who had been on election boards for five years, was not taken in? A. No, she had charge of the poll book.

Q She knew something about this thing. When a man came in and said that he couldn't read or write was he asked for his citizenship papers? A. No.

Q Did anybody ask him if he was a citizen?

A No.

Q Did anybody challenge his right to vote? A. No.

Q Was a certificate of identification made when a man couldn't read or write? A. No.

Q Was he asked where he lived? A. I used to ask him where he lived in case he wanted to vote.

Q Was he asked whether he could read or write, when he marked with an "X"? A. No.

Q He wasn't even asked whether he could read or write when he marked with an "X"? A. No.

Q If he wanted to come in and sign with an "X" that was the end of it? A. Yes. He would tell us that he couldn't

write his name.

Q What did you do after the balloting place closed?

A I had to go down to the City Hall with the box.

Q Did you stay with the ballot box? A. Yes.

Q What were you doing during the count of the ballots?

A I was standing by the ballot box.

Q Did you look at the ballot? A. I used to open it.

Q Did you look at every one of them? A. I just opened it, just glanced at it.

Q Did you follow the way the ballots were being called off? A. I generally opened them out and glanced at them.

Q Were they being called "Straight Republican" or "Straight Democrat"? A. To tell you the truth I couldn't hear very well on account of the noise.

Q Were there any split ballots called? A. What?

Q How did they call them, "Republican" or "Democrat," or did they call each man's name out? A. He used to call it "Republican."

Q "Republican" or "Democrat"? In other words, they didn't call each man's name out? A. No, they used to say "Clee" or "Moore."

Q And they didn't bother counting the rest of the ticket That is the only one you were interested in; Clee?

BY MR. YOUNG:

Q What was your job on the count? What was your job that night? A. It was my job to take one ballot out at a time and open it up.

Q And you did that, did you? A. Yes.

Q Who read the ballot? A. The Judge.

Q After you opened the ballot up would you hand that to the Judge? A. No. I mean, I would open it and hand it to the Judge. That is what I got to do.

BY MR. WIENER:

Q Where was the Judge standing? A. Right next to me.

Q Where was that? A. About two feet.

Q Against the wall? A. I was against the wall. We had a table against the wall.

Q Where was he? Right alongside of you?

A Just about.

Q Was anybody in back of them? A. All around.

Q A lot of them in front? A. Yes.

Q Is this one of those districts where you have fifty or a hundred people hanging around the polling place all day long? A. All the people were outside.

Q Who was inside? A. The committee.

Q Did you see any floaters coming in to vote?

A I never noticed.

Q Do you know what a floater is? A. Someone that wants

to vote, and he registers--

Q Someone that wants to vote in someone else's name.

MR. YOUNG: He said that there were at least three people **who** tried to vote on someone else's name.

BY MR. YOUNG:

Q Did you open up the ballots? A. Yes.

Q You handed them to Mr. Cucorullo, who was right next to you? A. Yes.

Q When you opened up the ballots could you see how they were marked? A. I never noticed how they were marked.

Q You could see how the tallies were? A. Not very well, because I was just opening and giving them right to him.

Q You didn't look to see how they were when you opened them up? A. Not very well.

Q What do you mean? Didn't you look at them at all?

A Every once in a while; that is about all. One ballot at a time. I rushed through.

Q And you never saw how the top of the ballot was marked? A. No, sir.

Q What? A. No, sir.

Q Never? A. Only once in a while, or I would be delayed.

Q You didn't have any curiosity about this election at all? A. I didn't know anything about it.

Q You don't know anything about it? A. No, sir.

Q You didn't even care to see if they were going to be all Republican or all Democrat, is that so?

A I wasn't interested in which party got elected. I was just there for my duties.

Q Part of your duty is to see that the count is right?

A Right.

Q Part of your duty was to open up each ballot and look at that. You didn't do that, did you?

A Not all the time. I used to open them and give it to the next one.

Q You used to open them and give them to the Judge of the Board, is that right? A. Yes.

Q Did you hear how he called them? A. I wouldn't hear very well on account of the crowd.

Q On account of the crowd, and the man was sitting next to you? A. Not next to me; about two feet.

Q There was no room for anybody between you?

A No.

Q Was anybody between you? In other words, you were right next to him and nobody between you and you didn't hear how he read the ballots? A. No.

Q You didn't hear, or you would not hear? A. Now and then I would not hear.

Q Where were the people who were tallying the ballots?

A They were around the table.

Q They were on the other side of the table?

A All along the table.

Q You only had two members of your board who were tallying? A. Two clerks.

Q Weiss and Miss Walker? A. Yes.

Q What was the deputy doing? A. He was supposed to be a deputy.

Q What do you mean by a deputy? A. A deputy for the day, from the board.

Q Did he have a badge? A. I think he did. He had a blue badge.

Q What did it say on this badge?

MR. WIENER: Challenger for Moore?

Weren't the Democratic badges blue and the Republican badges red or green?

THE WITNESS: I paid no attention to them.

Q What was that man doing? Was he tallying or calling or what? You say that you opened up the ballot?

A Yes.

Q Cucorullo read them off? A. He shouted them out.

Q He shouted them out and you couldn't hear them?

Who had the tally sheets? A. The two clerks.

Q What was this deputy doing? You testified a few minutes ago that he was doing something. A. He was string-

ing the ballots.

Q He marked them and strung them after they were folded up? A. Yes.

BY MR. WIENER:

Q Now, you say that this deputy was stringing the ballots and you were taking them out of the box?

A Yes, sir.

Q Cucorullo was calling them off? A. Yes.

Q And Miss Walker was doing what? A. Tallying.

Q There was only one tallyer? A. Two.

Q Who was the other tallyer? A. Weiss.

Q So that you had a five man board? A. We had a man to help us.

BY MR. PALESE:

Q When a voter asked for assistance and you went in with the Democratic member of the board, what was said when you got in the booth with the voter? A. We used to go in the booth with the voter and ask them what assistance they want, Republican or Democrat.

Q Who asked them? A. It would be either me or the other lad.

Q If he said Republican, what would you do?

A I would tell him which side to mark.

Q If he wanted to vote Republican, who marked the ballot?

A The party, the voter.

Q The voter did? A. Yes.

Q Why did he want assistance if he could do his own marking? A. If I told him the line.

BY MR. WIENER:

Q How many were there like that? A. Not many.

Q Two? A. I don't remember.

BY MR. PALESE:

Q If he wanted to vote the Democratic ticket, what happened? Did you stay in there? A. Yes, I had to stay there in the booth.

Q If he wanted to vote Democrat, who marked the ballot? Did the voter, or the other member of the election board do that? A. I think the voter done that.

Q You were there in the booth? A. Yes, we were squeezed. I was thinking about getting out. They choose the party. What was the use of me staying in?

Q If he wanted to vote Republican you told him where to vote? A. Yes.

Q Did you stay and see that he put the crosses in the box? A. Yes. If I ever got one I had to fight like Hell.

Q You had to do what? A. I had to fight for it.

Q You had to fight for what? A. To get one.

Q Where did you have to do the fighting, in the booth or outside? A. No, no place. The thing is, when we asked them they would choose their own parties.

Q You say that you had to fight like something to get a Republican. What do you mean by that? That there were very few Republican voters? Why did you have to fight for it?

A A lot of them wanted assistance. They generally choose Democrat. They didn't bother with me at all.

Q You didn't have to fight with the man when he got into the polling booth? A. I didn't fight with them.

Q What do you mean when you say that you had to fight hard for Republican? A. There was a lot of people looking for assistance. They didn't think of looking for the Republican ticket.

Q I want to know what you mean when you said that you had to fight hard to get a Republican?

A What I mean, in other words, lots of people came in and once in a while I might get somebody.

Q When you found one then you had to fight to put his ballot in the box? A. No, no, I had no fights at all.

Q What do you mean by that? A. I had no fight. I had no quarrels during the day, no, no.

Q You said something a little while ago?

A That is what I mean. It was hard to get Republican votes.

Q You say that it is hard to get the votes there?

A Yes.

Q Did you try to get some Republican votes that day?

A All I tried to do, I asked them which party they choose, and that is all I was interested in.

Q When you found one you had to fight?

A You don't get me. I didn't fight nobody, for no one.

BY MR. YOUNG:

Q Did you give assistance to anybody who asked for the Republican ticket? A. Yes.

Q How many? A. I can't remember.

Q You helped all the voters that asked for assistance, didn't you? A. Yes.

Q You were one of those that helped? A. That is if they choose my party. If they was voting my Republican ticket I assisted.

BY MR. PALESE:

Q Do you know who was running for governor on the Republican ticket at this time? A. Yes.

Q Who was running? A. Moore and Clee.

Q How many Assemblymen were running^{on the ticket} up there?

A I think it was ten.

Q How many? A. Ten.

Q Are you sure? A. I ain't sure because I don't bother with politics.

Q You live in that district, don't you? A. Yes.

Q Did you have to have assistance to vote? A. Not me,

no, sir.

Q You didn't have to? A. No.

Q What column was the Republican ticket on?

A In the second column.

Q Did you vote for all the candidates? A. I did, sure.

Q You say that you think that there were ten Assemblymen running the last time? A. Yes, sir.

Q Was there a senator running in Hudson County?

MR. WIENER: State Senator, you mean?

MR. PALESE: Yes.

Q Who was running for State Senator? A. I don't remember.

Q Do you know who was running on the Republican ticket? for the State Senate at this time?

A I can't even think of it.

Q You were a Republican, working for the Republican party, and a Republican member of the board, and you don't even know who was running for State Senate. Who was the committeeman in your district? A. County Committee?

Q Yes. A. I didn't bother with that, even.

MR. WIENER: He means the district leader.

Q Who was the district leader? A. William Sullivan.

MR. WIENER: He is the Ward Leader, you mean?

THE WITNESS: Yes.

BY MR. YOUNG:

Q Are you a Republican or Democrat? A. Republican.

Q Did you vote in the Primary in 1937? A. Yes, sir.

Q Did you vote Republican or Democrat? A. Republican.

Q Did you vote in the Primary in 1936? A. Yes, sir.

Q You voted Republican in the Primary of 1936? A. Yes, sir.

Q And this fellow, Avoglia, that told you that you could work on that board, who is he? A. This was Louis Avoglia.

Q He told you that you could work on that board?

A He said my name was on.

Q Who is he? A. He used to be a committeeman at one time.

Q What was he? A. He was a deputy that day.

Q Is he still a committeeman? A. No.

Q Who is the committeeman in that district?

A I don't know. They are all new.

Q You don't know the Republican committeeman in that district? A. No. If you asked me his name, I wouldn't know.

BY MR. PALESE:

Q Mr. Amoroso, this man that appointed you on the board, you say, was Sullivan? Who asked you to work on Election Day? A. It was Louis Avoglia.

Q Did he know that you were a Republican? A. Sure.

Q How did he know that? You told him? A. No, because I

used to sign his petition as Republican.

Q You used to sign his petition as Republican and he knew that you were Republican? A. Yes.

Q What kind of petition did you sign for him?

A This was the petition for the committee.

BY MR. YOUNG:

Q Did you sign the petition nominating him for committee last year? A. Yes, I did. I always did.

Q You signed one in 1937 for him to be elected County Committeeman from that district? A. Yes.

Q You did? A. That is two times I signed it.

Q You signed it last year? A. I signed it the last time, but I don't think he was running.

Q You don't think he was running for committee last year?

A No.

Q You know enough to know what a petition for district committeeman is? A. I don't know much about it. All I know is to go out and get votes.

Q To go out and get ten signers? A. That is all I know.

Q Did you go out and get ten signers? A. No. I just signed for my own.

Q You knew what you were signing, didn't you?

A Yes.

Q Last year did he come around and ask you to sign his

petition for committeeman? A. If it was last year, for committeeman, I did.

Q Did you sign any kind of paper for Avoglia last year, 1937? A. The only paper I signed was for committeeman.

Q If he didn't run for committeeman you didn't sign any paper? A. No.

Q If he did run for committeeman then you signed the paper, is that right? A. Yes.

Q Who is the district leader in that district now?

A (There was no answer.)

BY MR. WIENER:

Q Who were the Republican challengers in that district or didn't you have them? A. They were, but I don't know.

Q What happened to them during the day?

A They were around.

Q Do you know who they were? A. I just told you I don't know their names.

Q Did they look at the challenge list? A. The challenge list was on the table.

Q Did they ask to have any illegal voters challenged?

A No.

Q Did they ask to have any signatures compared?

A Yes. One of the deputies told me to keep my book open.

BY MR. YOUNG:

Q What happened to them? Do you mean the one from Mr. Ferguson's office? A. He was there, but I mean my own deputy on the board.

Q Did you have deputies on the board, too?

A Yes.

BY MR. WIENER:

Q How many assistants did you have on Election Day to help you? How big is this election booth that they voted in?

A Not so big.

Q I mean just the booth where they go in with the ballots. A. About two feet.

Q And Cucorullo went in first, is that right?

A When?

Q Did you walk down to the booth? When did you ask the party whom he wanted to vote for? A. When I got into the booth.

Q The party got into the booth first? A. Yes.

Q Who got in the booth second? A. Both at the same time.

Q You both could not fit in that booth. A. I threw the curtain open.

Q Who would be in the back? A. I would be generally in the back. I always do.

Q How big is Cucorullo? A. As big as I am.

Q He is a big man? A. Yes.

Q You were in back of him? A. I had to squeeze some place to get in there.

Q Could you see much? A. No.

Q You couldn't see much, standing in back?

A All I asked was which party they wanted to vote for, and that is all.

Q And that was the whole conversation? A. I asked the party.

BY MR. PALESE:

Q When the man got in the booth, Mr. Cucorullo said, "You want to vote the Democratic ticket?" Is that what he said? A. No.

Q What would you say? A. I would say, "Which party do you choose, Republican or Democrat?"
would

Q And what Mr. Cucorullo say? A. He would do the same.

Q The voter would not say anything until he heard you say that or until he heard Mr. Cucorullo say that?

A Yes.

Q Are you sure Mr. Cucorullo didn't say, "You want to vote the Democratic ticket?" A. No.

Q You wouldn't let him do that? What would you do if he said that when he got in the booth, if he asked the man, "You are going to vote the Democratic ticket?" What

would you do? A. I wouldn't do nothing. I figured that one of us has to ask the voter which party, for assistance.

Q If he asked for assistance why wouldn't you mark the ballot for him instead of letting him do it? Why wouldn't you do it? A. I never do it.

Q Did he know where to make the crosses after you told him? A. Sure, if I told him the columns.

Q Just the columns? A. Sometimes.

Q Would you be sure that he was making the crosses in that column? A. I would look over his shoulder and give him a chance to write.

Q Give him what? A. Give him a chance to mark the ballot.

Q How many, that day, did you tell to mark in the Republican ballot? A. Oh, Christ, I don't know.

Q More than one? A. Lucky if I had five.

Q What? A. Lucky if I had five.

BY MR. YOUNG:

Q When a man would come in for assistance would you ask him his full name when he asked for assistance?

A When they came in to vote I asked their name.

Q I mean people who wanted assistance. You would ask their names and then you would ask for their address?

A Yes.

Q Would you tell them what the address was? A. No, I

would never tell them the address. I always asked them, if it was in the book.

Q Then if they said they wanted assistance would you ask where the exact location of their home was?

A What was the question?

(The last question was read by the stenographer.)

Q These people who asked you for assistance, would you ask them what apartment number they lived in? A. No.

Q Would you ask them what room number they lived in?

A I generally ask house numbers.

Q Would you ask what floor they lived on in the house?

A No, I would not be interested.

Q Would you ask whether they were over twenty-one?

A No, I didn't do that.

Q Would you ask whether they were United States citizens?

A I didn't get anything like that.

Q Did you ask them if they were citizens of New Jersey?

A No.

Q You wouldn't ask them if they lived here at least a year? A. I had nothing to do with that.

Q You would not ask them if they lived in the county for five months before General Election? A. I didn't ask them.

Q Would you ask whether they were native born or naturalized citizens? A. I didn't do anything of the kind.

Q The law requires that when a person asks for assistance you have to ask everyone of those questions and you didn't ask one of those questions from people who wanted assistance? Isn't that so?

A That is right.

Q And this Avoglia was stringing the ballots?

A Yes.

Q He was folding them up, too? A. He was folding and marking.

Q He was numbering, too? A. He was helping us along.

Q He used to be the Republican district leader in that district? A. Yes.

Q He is the fellow who got you the job on the board?

A He just put my name in. That is all I know about it.

Q Did you ever hear him say anything about the vote not being called correctly? A. No.

Q He never said anything about that? A. No.

Q Was he looking at the ballots as he folded them up; do you know? A. No. All I think he was doing, pushing them on to me and marking.

Q Did you look at them? A. He was folding them up again.

BY MR. OSMERS:

Q What time were you finished counting the votes?

A About eleven o'clock.

Q Roughly, about how many votes were in that district?

A I don't know how many were in there. I know we had five hundred and some-odd.

Q You were finished about eleven o'clock, and you started counting around nine-thirty, I suppose?

A We started counting just when the polls closed, about nine o'clock.

BY MR. MURRAY:

Q Where do you work? A. The Whitlock Cordage Company.

Q Who got you your job there? A. Myself.

Q How long have you been there? A. All my life.

Q All your life? A. Yes, sir.

Q Did you go there when you were a day old? A. No.

Q Before you went on this board, didn't you have to go up and see William Sullivan? A. I didn't go and see nobody.

Q Did he go and see you? A. I didn't see nobody.

Q Didn't you talk to him about it? A. No, sir.

BY MR. YOUNG:

Q How did you happen to mention Mr. Sullivan's name when he asked you who the leader was? A. I was getting it all twisted; the committee, the committeeman or district leader.

Q Who is the Republican ward chairman of the Third Ward?

A Kilmurray.

Q Who is the Third Ward Democratic leader? A. That is Sullivan.

Q Why did you say Sullivan when we asked you where you got the job? A. I don't know what it is all about.

BY MR. MURRAY:

Q Mr. Amoroso, I believe you testified before that the voters would ask for assistance after they got in the booth. Is that so? A. Yes. When they got in the booth we asked them what party they want.

Q You testified that they would not ask for assistance until they got in the booth, is that so? A. No. They would call for assistance and we would run to the booth.

Q Who would call out "assistance"? A. The one who voted.

Q They would ask for assistance? A. Yes.

Q Where? A. No more than they got done signing they would ask for assistance.

Q Wouldn't this Cucorullo ask them if they wanted assistance? You heard Cucorullo ask them, "Don't you want assistance," as soon as they gave their name and address?

A I didn't pay any attention. They would ask assistance.

Q Then you did pay attention? A. When they asked, sure.

Q Didn't you hear Cucorullo, as soon as they got a ballot, say, "You want assistance"? You heard him ask them?

A He was on the other end of the table. I was at this end of the table. Do you think I am afraid to talk to you?

I don't care if you were anybody. I will take you outside.
Oh, I am hot.

Q What was he doing? A. He was doing his duties.

Q Were you doing yours? A. Yes.

Q What were you doing at the count? A. Just doing
my bit, taking ballots out one by one.

Q What were you on the board? Judge? A. Inspector.

Q Is the inspector supposed to take the ballots out of
the box? A. Yes.

Q Do you know the section of the law that gives you that
permission? A. No, I don't know nothing.

Q Who told you that that was your duty? A. I only had
a card, and that is all.

Q Did you see that on the card? A. I only had a card,
and that is all.

Q Did it say that you were to take the ballots out of
a box? A. I don't know about that, and that is the reason
I was told.

Q Who told you that? A. It was just a meeting.

Q A meeting with whom? A. Hudson County.

Q Republican or Democrat? A. Republican, of course.

Q The county? A. Yes.

Q After you took the ballot out of the box, did you look
at it? A. No, I wouldn't look at it because we worked our
way through and got done quicker.

Q What do you mean, that you worked your way through and got done quicker? A. I took one ballot at a time and handed it over to the judge just as quick as he can get it off his hands.

Q What did he do with that ballot? A. He was calling it out.

Q Then what happened to the ballot? A. I think he used to turn them over to the man who would string them.

Q Did you look at it then? A. I didn't look at it any more when I give it to him.

Q You are the inspector, and you are one of these smart Alecs who know your duty and do it. A. No.

Q Wait until you get the question, wise guy. You were an inspector and you didn't inspect the ballot after the judge opened it up, is that right?

A When he opened it up I never looked at it.

Q That is the way you did your duty? A. Yes.

Q The dumb-bell who went in the box and handed the ballot folded to the Hague judge, is that right? A. I wouldn't say that.

Q Do you think you did your duty there as inspector?

A I just done my part, that is all.

Q We want to get an idea of the part you should have done and the part you didn't do. So that you never looked at the ballots, did you? A. No.

Q You didn't inspect the ballots, did you? A. Once in a while I would.

Q How would you inspect them once in a while?

A I would be holding them in my hand.

Q Folded? A. No, open.

Q Who opened them? A. I opened them.

Q When? A. When I got them out of the box.

Q I thought you just testified that you took them all out, folded, and handed them to this Cucorullo, the judge of the board. Were you lying when you testified to that a few minutes ago? A. No, I don't lie.

Q Are you telling the truth now? A. Sure.

Q You didn't tell the truth a few minutes ago?

A I am talking the truth here. I ain't got nothing to hide.

Q You said a few minutes ago that you, as inspector, took the ballots out of the box folded, and handed them to the judge. A. I said I took one at a time.

Q You said you took one at a time, folded, and handed it to the judge? A. Yes.

Q And you further testified that he would open them?

A I opened each ballot and handed it to him.

Q Did you look at it? A. I wouldn't look at them.

Q Did you ever look at them? A. (There was no answer.)

Q Are you getting dumb? A. I ain't getting dumb.
I told you before I was looking at them once in a while.

Q Before you would hand them to the judge or after?

A Before.

Q Before? A. Yes.

Q And Cucorullo let you look at them before he looked at them? A. Yes.

Q Did you hear him call the ballot out? A. I wouldn't hear very well on account of the noise.

Q There was a lot of noise there? A. Sure.

Q Who was making the noise? A. The crowd I was interested in.

Q The crowd? A. Yes.

Q Is this Cucorullo a big man? A. Yes.

Q A pretty rough fellow? A. I don't know about rough.

Q Do you know him very long? A. No, sir.

Q Did you ever serve with him before? A. No, sir.

Q About how many ballots did you look at that night? Do you remember? A. I wouldn't say how many.

Q Did you look at half a dozen? A. I would say yes.

Q How many voted there, do you remember?

A About 552.

Q You were inspector and there were 552 and you only looked at six ballots, is that so? A. Yes.

Q You think you did your duty? A. I done my part.
It was up to the judge.

Q You did your part? A. Yes.

MR. WIENER: I will call Mr. Cuccinello.

MR. ROBBINS: I would like to have it also
noted on the record that I represent Mr. Cuccinello.

MR. CUCORULLO: My name is Cucorullo.

MR. WIENER: Your client disagrees with you,
Mr. Robbins. He says that his name is Cucorullo.

MR. ROBBINS: A rose by any other name smells
just as sweet.

P E T E R C U C O R U L L O, being duly sworn according to law, on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your name, please? A. Peter Cucorullo.

Q Will you please spell your last name.

A C-u-c-o-r-u-l-l-o.

Q Where do you live? A. 21 Erie Street.

Q Jersey City? A. Yes, sir, Jersey City.

Q Where do you work? A. I work for the city.

Q The city of Jersey City? A. Yes, sir.

Q In what capacity? A. Park Department, laborer.

Q How long have you worked there? A. One year.

Q That is a civil service job? A. I refuse to answer.

Q Did you take an examination? A. I refuse to answer.

Q What is your salary? A. I refuse to answer.

Q Are you known as "Peter the Gink"? A. I refuse to answer.

BY MR. YOUNG:

Q You were acting as judge of this election board on that day, weren't you, Mr. Cucorullo? A. I refuse to answer.

BY MR. WIENER:

Q Is that your signature (showing witness a paper)?

A I refuse to answer.

MR. PALESE: You had better put in the record what that is.

MR. WIENER: Pointing to "Peter Cucorullo, 21 Erie Street, Jersey City, judge, Democrat."

Q I take it that you are refusing to answer these questions concerning your conduct as judge of the election board of the Third District, Tenth Ward, Jersey City, on advice of counsel? A. I refuse to answer.

Q Do you understand that this is a Legislative Committee which desires to compile information and circumstances concerning the General Election held on November 2, 1937, and that this Legislative Committee desires not to prosecute or persecute or make any criminal charges against you, and that it is simply trying to ascertain facts concerning that election so that it may make its report to the Legislature of the State of New Jersey in order that remedial legislation can be passed? A. I refuse to answer.

MR. YOUNG: What did you say your client's name was, Mr. Robbins?

MR. ROBBINS: Cuccinello. He pronounced it correctly. You are much better at it than I am.

MR. GIULIANO: I think Mr. Robbins gave one of the aliases.

MR. ROBBINS: I pronounced it Cuccinello. He pronounces it Cucorullo.

MR. YOUNG: I just wanted to be sure. You give a different name. A. I refuse to

MR. ROBBINS: The name is the same. The spelling is alike.

MR. PALESE: And the person is the same?

MR. ROBBINS: Is there any doubt in the minds of you gentlemen that I represent this man? It can be clarified.

MR. PALESE: Is Mr. Robbins your attorney?

THE WITNESS: Yes.

BY MR. WIENER:

Q Is that your picture (showing witness a picture)?

A I refuse to answer.

MR. ROBBINS: Mr. Young, it seems to me that it is an inquisition rather than a Legislative investigation. If you are seeking remedial legislation--

MR. GIULIANO: Hague had forty pictures.

Q I show you a picture from the official records of the Department of Public Safety, Newark, New Jersey, "Peter Cucionelli, Peter the Gink, Cocullo, Cocoullo, Rogues' Gallery, 7976." Are you one of Hague's forty thieves?

A I refuse to answer.

MR. ROBBINS: That is objectionable.

Q Were you ever convicted of a crime? A. I refuse to answer.

Q Were you arrested on May 27, 1912? A. I refuse to

answer.

Q In Jersey City, charged with disorderly conduct?

A I refuse to answer.

Q Convicted and fined five dollars? A. I refuse to answer.

Q Were you arrested on October 5, 1912, at Jersey City, New Jersey, charged with petty larceny, convicted and fined five dollars? A. I refuse to answer.

Q Were you arrested on March 3, 1913, on the charge of carrying concealed weapons? A. I still refuse to answer.

Q Convicted and sent to the County Farm for a term of one year, by Judge Sullivan? A. I refuse to answer.

Q Were you also, on the same date, arrested and charged with larceny and served the same sentence?

A I refuse to answer.

Q That is, on the County Farm, and you were sentenced by Judge Sullivan? A. I refuse to answer.

Q Were you arrested on July 19, 1915, at Jersey City, New Jersey, charged with being a disorderly person?

A I refuse to answer.

Q And discharged? Were you arrested on August 4, 1915, in Jersey City on a charge of assault and battery, and given six months in the County Penitentiary? A. I refuse to answer.

Q Were you arrested on February 13, 1918, in Jersey City, New Jersey, charged with atrocious assault and battery?

A I refuse to answer.

Q And served one and a half to three years in the New Jersey State Penitentiary? A. I refuse to answer.

Q On April 20, 1918, were you arrested in Jersey City and turned over to the Federal authorities for violation of Federal Inter-state Laws?

BY MR. PALESE:

Q Is there someone else in Jersey City who has your name or looks like you? A. I refuse to answer.

BY MR. WIENER:

Q On May 14, 1923, were you arrested in Essex County, and did you serve two terms of eighteen months in the County Penitentiary for auto larceny? A. I refuse to answer.

Q In terms to run consecutively? A. I refuse to answer.

Q Were you sentenced by Judge Flannagan? A. I refuse to answer.

Q Were you the judge of this election board on November 2, 1937? Weren't you? A. I refuse to answer.

Q Will you tell us who got you that job in Jersey City?

A I refuse to answer.

BY MR. YOUNG:

Q Who got you that job on the election board? A. I refuse to answer.

Q Who is the Democratic leader of that ward?

A I refuse to answer.

BY MR. GIULIANO:

Q Did you refuse to answer when you were charged with all these crimes? A. I refuse to answer.

Q Didn't you think it was a terrible thing to be sent to State's Prison? A. I refuse to answer.

Q Didn't you think it was a terrible thing to be sent to the County Penitentiary? A. I refuse to answer.

Q Is this Judge Sullivan anything to the Sullivan, the leader of one of the wards in Jersey City? A. I refuse to answer.

MR. ROBBINS: It is not pertinent.

MR. YOUNG: We will put it this way, Mr. Robbins, for your information, so that you will understand the law; a person who is a member of a district election board has to be a qualified voter, and this fellow is not a qualified voter.

MR. ROBBINS: But the resolution that created the Committee--

MR. YOUNG: We are not asking you for argument, so sit down.

MR. ROBBINS: I thought you presented it to me.

MR. YOUNG: No, I am just telling you.

MR. ROBBINS: I wanted to explain it for the benefit of the Press.

MR. WIENER: Will the Committee please pass upon those questions dealing with this man's conduct as an election official on November 2, 1937, so that we can take him through the usual course.

MR. OSMERS: Mr. Chairman, I would like to suggest to counsel, in presenting this matter to the court, that the record of this man be taken into consideration by the court in setting bail.

MR. WIENER: All right, if that is the wish of the Committee.

MR. OSMERS: Suppose you bring that to the attention of the judge.

MR. WIENER: Yes, sir, we will.

BY MR. MURRAY:

Q Did you take a Civil Service examination for your position? A. I refuse to answer.

Q Do you know that anyone convicted of a crime, under the Civil Service Law, cannot take such an examination and cannot be placed as a Civil Service employee?

A I refuse to answer.

Q When did you first go to work for the City of Jersey City? A. I refuse to answer.

Q Are you what they call an extra or temporary employee?

A I refuse to answer.

MR. MURRAY: That is all.

MR. ROBBINS: Step down.

(The following testimony was taken by the Committee in secret session, a representative of the Press and Mr. Eugene Ertle, City Clerk of Jersey City, being present.)

A N N A W A L K E R, was recalled and testified further as follows:

EXAMINATION BY MR. YOUNG:

Q You heard all those people who refused to testify?

A Yes.

Q You, I take it, are not unwilling to testify?

A I don't know.

Q You have served on election boards quite a number of times before, haven't you? A. Yes.

Q Generally down in the First Ward, where you live?

A Yes, sir.

Q You have been appointed generally by your district leader or your own ward leader? A. Yes.

Q Who is that? A. Ben Zelinski.

MR. BENJAMIN ZELINSKI: It is my ward. How she got to be appointed, there was a vacancy, and I submitted her name.

MR. YOUNG: Wait a minute.

Q You went up to the Third Ward? A. Yes, Sir.

Q The Tenth District of the Third Ward? A. Yes, sir.

Q That whole board had been removed after the Primaries?

A I don't know. That was the first time.

Q What you know about it is that you were told to go up to the Tenth District of the Third Ward on Election Day?

A Yes.

Q You got your credentials from the members of the County Board? A. Yes.

Q And you have had experience in the First Ward? and in other places as an election board officer? A. Yes, sir.

Q On Election Day you handled most of the poll books, that is so, isn't it? A. Yes.

Q And this fellow, Amoroso, he handled-- A. He handled the binders.

Q Both binders? A. Both binders.

Q He was also the man who went in to give assistance whenever assistance was required? A. Yes, sir.

Q You, of course, as you testified this morning, knew that there was a challenge sheet there? A. Yes.

Q Had you looked it over to see what names were on?

A I had looked it over once. I don't know the names on there.

Q You don't know the voters in that district?

A No.

Q When people came in, did you, by any chance, recognize any of the people whose names you looked over, when they gave

you the names? A. No.

Q That did not stick in your mind? A. No.

Q When a person by the name of Petti, whose name was on the challenge list, appeared, that did not stick in your mind? A. No.

Q When anybody came in did anybody go through the challenge list to see if the voter's name was there?

A The judge of the board picked it up a few times.

Q You heard Amoroso testify that the challenge list was picked up when they couldn't find the signature in the binder, is that right? A. Yes.

Q But it was not picked up at other times. That is what he said. A. That is the only time I can remember.

Q It wasn't picked up, in other words-- his testimony was correct on that point, is that so? A. That is right.

Q Did you see the order list? You know what that is?

A The black-list?

Q Yes. A. No, I didn't see it. No, I had not seen it.

Q You don't know whether anybody voted whose name was on that black-list? A. No, I don't.

Q Were there any deputies there from Mr. Ferguson's office that day? A. There were two deputies down there.

Q Did they turn in their credentials before the poll opened or when they came in? A. When they came in.

Q Do you remember their names? A. I don't.

Q Were there any challengers down there, Republican or Democratic? A. That I don't remember.

Q You just don't remember whether you saw anybody with the badges and credentials? A. No.

Q Was the polling place crowded that day?

A Well, at times.

Q I mean, aside from people who were voting were there people hanging around? A. No.

Q Was there a cop on duty there? A. Yes.

Q Do you know his name or number? A. No.

Q Is the method which was followed in this district the method which is generally followed in the other district that you worked in? A. What was that?

Q The way of taking the names of the voters, looking up the names in the binders; is that the method you generally followed? A. Yes. When anybody was challenged I wrote out an affidavit.

Q But there weren't any challenges? A. There weren't.

Q Were there any disturbances in that district on Election Day? A. Not that I remember.

Q Did any of the members of the County Board come down during the day, that you recall? A. I think they did.

Q You know those people, do you? A. I think I can remember them.

Q Do you know who they are? A. Yes.

Q Do you know Mr. Wittreich? If he came in would you know him? A. I think I would.

Q Do you know Mr. Sullivan? A. The only way I know him is when they point him out to me.

Q When they point them out? A. Yes.

Q Did anybody point them out to you that day?

A Yes.

Q How many of them came down? A. Gee, I don't remember.

Q Did they come down once or several times?

A I couldn't say.

Q You say that you don't recollect any disturbances in the polling place during the day? A. No, sir.

Q When you closed the polls who was allowed to remain in the polling place? A. The four board workers.

Q That is yourself, Amoroso-- A. The judge and the inspector.

Q That is Weiss and Cucorullo? Is that right? A. Yes.

Q Who else? A. Myself.

Q I mean who else was there? A. Just the four. I don't know their names, and the two deputies.

Q The two deputies from Ferguson's office, is that right?

A Yes.

Q Is that polling place a big room? A. Yes, it is in

the school.

Q You had one of the schoolrooms? A. No, down at the courtyard.

Q In the courtyard? What do you mean?

A Down at the basement.

Q A pretty big room down there? A. Yes.

MR. OSMERS: You asked Miss Walker whether the two deputies were from Ferguson's office or Stoebling's office.

THE WITNESS: I couldn't say. I think one was from Ferguson.

MR. OSMERS: One of the other witnesses testified he was from Stoebling's office.

Q You don't know what they had on their badges, do you?

A I couldn't remember.

Q Did you know them by name? A. No, that is the first time I seen them.

Q Did the policeman stay there during the count?

A Yes, he was there.

Q Just what happened during the count? You tallied?

A Yes.

Q And Weiss tallied? A. Yes, sir.

Q And Cucorullo read the votes? A. Read the votes.

Q And Amoroso pulled the ballots out of the box and opened them up? A. Yes.

Q How long did it take you to count that vote, do you

suppose? A. I can't say.

Q What time did you get home? A. I went home about a quarter of twelve.

Q You went straight home? A. Yes.

Q You had to take the ballot box down to the City Clerk's office? A. I didn't have to go down.

Q You didn't take the poll books back or the binders back? A. No, sir.

Q In other words, you went straight home and left the messenger work to be done by the men, is that right?

A Yes.

Q Who else was in the polling place during the count?

A There was quite a few people there.

Q There was quite a few people there? A. Yes, sir.

Q Did they have any badges as challengers?

A There was a few that had badges on. I think there was two or three.

Q You don't know whether they were challengers?

A No.

Q You know what a challenger is, of course?

A I should know.

Q In the course of the voting did anybody assist the board? I mean at the counting.

A No, outside of the ones that were on it.

Q Did you hear Mr. Amoroso testify about some fellow by

the name of Avoglia who strung the ballots and folded them and numbered them? A. He was the deputy.

Q The deputy from where? A. I don't know whether he was from Stoebling.

Q You don't know whether he was from Stoebling or Ferguson? A. I don't know.

Q Did he have a badge? A. Yes, he had a badge.

Q Could you tell us just about where the people stood in the polling place? I mean, how was it arranged?

A They had tables like this (indicating); two clerks at one table.

Q Two what? A. Two clerks at one table, and the inspector and judge out there (indicating).

Q On the other side of the table? A. The four of us on that side (indicating).

Q All on the same side of the two tables, which were put together? A. Yes.

Q Let us put it this way; the ballot box was down at one end? A. Yes.

Q And Amoroso would take the ballot out of the box, open it, and hand it to Cucorullo? A. Right.

Q Did Cucorullo stand right next to him? A. Yes.

Q Did the tallyers come next or did the fellow folding and stringing the ballots come next? A. The fellow who was stringing them came next.

Q He came between the tallyers and the judge and the inspector? A. Yes.

Q Then who was next, down the table? A. I don't remember, outside of the people who were hanging around.

Q Who was next? A. The two clerks?

Q Yes. Who was up towards the end where the ballot box was; you or Weiss? A. Weiss was.

Q You were at the other end of the table? A. Yes.

Q Could you hear the votes as they were called off?

A Yes.

Q You could hear them distinctly? A. Yes.

Q Then Mr. Amoroso must be hard of hearing, if you heard it and he didn't hear it? A. I don't know.

Q Maybe that is an unkind question. You don't want to comment on that, is that it? A. (There was no response.)

Q Did you see any of the ballots, Miss Walker?

A No, I didn't.

Q They were folded and restrung before they ever got to you, is that right? A. Yes.

BY MR. OSMERS:

Q I am rather interested in the fact that a district which would poll 550 votes would be home and ready for bed about a quarter of twelve. How did they call the ballots off, "Straight Republican" and "Straight Democrat"?

A Yes.

Q In other words, "Straight Republican" and "Straight Democrat"? A. Yes.

Q In other words, "Straight Republican" right down, and "Straight Democratic"?

A Yes.

Q Did they call off any split ballots or not?

A That I can't remember.

MR. OSMERS: They couldn't have called off many because it would have taken so much time to mark them in there.

BY MR. MURRAY:

Q How would the tallyers mark the ballots? If they were straight Democratic would you mark one down for each Democrat or put one mark up at the head of the column and then afterwards fill in? A. No. Just one at a time.

Q Each one right away? A. Each one.

BY MR. YOUNG:

Q So that if there were split tickets you would mark them split as you went along? A. Yes.

Q You know that some boards mark the straight ballots in a separate column and the separate vote for the separate candidates who are not on the straight ticket, and then add them up at the end. You know that system? A. Yes.

Q You didn't do it that way? A. No.

Q Did the judge of the board call out each name each time?

A Yes-- no. From Moore down, is that what you mean?

Q Yes. In other words, for example, if it was a straight Democratic ballot he wouldn't call off the name of each person on the Democratic ticket? A. No.

Q He would just say "Straight Democrat" or something like that? A. Yes.

Q Or "Straight Republican"? A. Yes.

Q What would he do if there came a time when that ballot was split? A. He used to tell us it is split, like if it was split they would tell us and call out the names.

Q Call out the names individually? A. Yes.

Q You said a few minutes ago that you don't remember whether there had been any split ballots?

A That I couldn't tell you.

Q Then you think probably if there had been any split ballots he would have called them off? A. I remember it from other boards.

Q You don't remember what the situation on this board was? A. No.

Q Was there much noise during the count? A. No.

Q Was there a crowd around watching the count? A. Yes.

Q Close up to the table? A. I wouldn't call it close.

Q Was it noisy? A. No.

Q Mr. Amoroso also does not remember about that, does he?

A I couldn't say.

Q Do you think that he can't hear people that talk to him when they are sitting next to him but he can hear a lot of people who are not near him? Is that the idea?

A (There was no response.)

MR. OSMERS: Mr. Amoroso testified that the judge was shouting and he couldn't hear him.

Q Miss Walker, did you ever come to a place where there was a difference between you and Weiss in the tally?

A In the what?

Q In the tally. A. That was different?

Q How often would you check each other? A. Every fifty.

Q Did you often come to a place where there was a difference between you and him? A. Not much.

Q How often would you say, just offhand?

A At times. We were always even.

Q In other words, you were just tallying and marking the ballots as they were called, is that right?

A Yes.

Q About this business of assistance, there were quite a number, twenty-seven people, I believe, that got assistance that day, at least as they are shown on the poll books. Do you remember that? A. Yes, I remember it.

Q You heard Mr. Wiener testify to that? A. Yes.

Q When those people came in what were the circumstances under which they were given assistance? A. One of the deputies happened to bring it up. He says, "What was the idea of the voters calling for assistance if they knew how to read and write?" And the judge of the board says, "Being it was their first vote they were entitled to assistance."

Q In other words, when a first voter would come in would they ask for assistance, or what?

A They asked for assistance.

Q Whom would they ask for assistance? A. The judge of the board, and the judge of the board called the other Republican worker.

Q Supposing I came in and I said, "Now, Miss Walker, this is my first vote. I want assistance." Is that the way the voters would do it?

A Yes.

Q How many did it, do you know? A. That I couldn't say.

Q Were there quite a number of them? A. To me it seemed like about twenty.

Q Was that just first voters? A. First.

Q And about people who really couldn't read or write, how many of those? A. I had a few.

Q If there were people who wanted assistance because they were first voters, they would, of course, sign their

names in the poll book, wouldn't they? A. Yes.

Q And the people who wanted assistance because they couldn't read or write were the people who made a cross in the poll book? A. Yes, sir.

Q So that Mr. Wiener was correct when he said that there were twenty-seven people who couldn't read or write and, therefore, signed in the poll book with an "X"?

A Yes.

Q There were about twenty more people, in your estimation, who were new voters and, therefore, got assistance for that reason, is that right? A. Yes. You will get me all balled up like you did this morning. I will be saying yes to something I shouldn't.

Q I don't want you to do that. When people came in and asked for assistance was it put to a vote of the board whether they should be given assistance or not? A. Yes.

Q How was the vote? A. That I couldn't say.

Q Did the judge of the board say, "This voter has asked for assistance. Shall we give it to him or not"? And take a vote on it? A. Yes.

Q Which members of the board voted in favor of giving the assistance? Did you vote in favor of it?

A No.

Q You know that one member did not? I mean, I am assuming these are first voters. A. Yes.

Q Did Amoroso vote in favor of it? A. No, sir.

Q He voted against it, too? A. That I don't know.

Q You had to have a majority of the board in order to give persons assistance, didn't you? A. Yes.

Q So there would have been at least a vote of three to one? A. That is what it was, three to one.

Q Can you say whether it was in every case three to one?

A I don't know.

Q You were not there all day long, so, of course, you can't say except while you were there. On a tie vote they would be entitled to assistance, too?

A Yes, on a tie.

Q Were there some tie votes? A. Yes.

Q In other words, sometimes Amoroso voted with you, is that correct? A. Yes.

Q Now, you have worked on these election boards long enough to know about giving assistance, I assume?

A Yes.

Q And to know about taking affidavits from challenged voters who turned up? A. Yes.

Q Were there any affidavits taken that day?

A None.

Q That was because they never referred to the challenge list? A. Right.

Q When a voter would come in and ask for assistance be-

cause of illiteracy, not being able to read or write, were they ever asked the questions which the law provides they shall be asked, before they were given a ballot?

A No.

Q Who had that in charge? A. I couldn't tell you.

Q It was not done so you could not say who had it in charge, is that right? A. Yes.

Q You didn't go into the booth at any time with the folks? A. No.

Q So that you don't know whether the voter was allowed to vote as he asked to, or not? A. No, I couldn't tell you.

Q We have heard that you had some communications since election. Is that true, about your activities as a member of this board? Is that true? A. I don't know.

Q You are a sister of Miss Walker who testified before us? A. Yes.

Q She was a deputy of Mr. Ferguson, wasn't she?

A That is right.

Q Where does she live? A. Where does she live?

Q Yes. A. In the same place I do.

Q You are sisters and live together? A. Yes.

Q Do you know whether she has received any commendation or condemnation for her testimony before this Committee?

A No, not that I know of, but I am the one that is being

picked on. That is what gets me.

Q How do you mean? A. Being that I am the only one that they knew who worked on the board, people point me out, stating I am the one. I can't even come out without someone saying that I was the girl who told on Commissioner McGovern. They think it is me instead of my sister.

Q That was not the district that McGovern was in that day?

A No.

Q McGovern did not do anything in your district?

A He wasn't even there.

Q Therefore, it is by mistake that they are picking on you, is that so? A. Probably.

Q What do you mean by being picked on? A. They all think I was the one that told on McGovern.

Q Who thinks so? A. Everybody downtown.

Q Who are the people? A. You wouldn't know if I told you.

Q Perhaps I wouldn't. But I can find out if you tell me their names. A. No, I don't know their names.

BY MR. OSMERS:

Q Do they talk to you when they see you or phone you?

A They talk to me.

BY MR. YOUNG:

Q Do you know their names? A. No.

Q Do you mean that they are strangers? A. I know them.

I don't know whether they say it in a joking way.

Q What do they say? A. They keep away. "Why did you want to tell on McGovern?" I say, "I didn't say anything."

BY MR. MURRAY:

Q Did any of them tell you that it was not true?

A No.

Q Did any of them, thinking that you were your sister, accuse you of having lied? A. They just tell me I should not have done it.

Q None of them objected to the truth of your sister's testimony? A. No.

BY MR. YOUNG:

Q How often does this happen? I mean, if one person said it it would not be remarkable, would it?

A It was a few but I avoid all those things.

Q I don't blame you. How often does it happen?

A They don't mention it much now but they did a few days ago.

Q What do you mean "a few days ago"? A. Just after my sister had testified.

Q What do they say? Just tell us. You can remember.

A I told you.

Q They said, "Why did you say things like that about Commissioner McGovern?" A. Right.

Q "You shouldn't go around and say things like that about

the city commissioners," is that correct?

A Right.

Q Where would they say those things to you?

A In public places.

Q On the street? A. Either the street or if they see me with company.

Q You mean at a social gathering? A. Yes.

Q They are people whom you really know? A. A few keep on asking me, "How is the girl who don't know?"

Q The same person would keep on asking the same questions? A. No, a few others.

Q That you don't know? A. I don't know.

Q And they know you, apparently? A. They know me. I don't know them.

Q Would they ask you a few times? A. No.

Q I mean, would they ask you each time they saw you?

A No.

Q Did anybody call you on the phone about it?

A No.

Q Did anybody write you a letter about it? A. No.

Q Not at all? A. Not at all.

Q Have you had any similar criticism of your work on Election Day? A. I don't remember.

Q Did anybody say that you should not testify?

A No.

Q Did anybody ask you not to tell all you knew here?

A Nobody said anything to me.

Q We had it on pretty good authority, Miss Walker, that you and your sister had been threatened because of her testimony. Are you prepared to say that that is not so?

A Maybe my sister. Outside of that I have been pointed out by quite a few.

Q It might be your sister? A. It might be her.

Q It might be your sister that is receiving threats because of her testimony? A. Yes. She don't say anything at home.

Q Why do you say it might have been

A She might have got a few letters.

Q She might have got a few letters? A. Yes.

Q Why do you say she might have had --

A Because I happened to ask her. She told me not to say anything at home if she did get anything. My mother don't like the idea of anybody saying something to us.

MR. WIENER: You mean downtown threatens them and prosecute people who tell the truth, threaten to embarrass them and point them out?

(There was no answer.)

MR. MURRAY: Who do you mean by "they"?

THE WITNESS: A few.

MR. MURRAY: A few of the Hague machine?

(There was no response.)

Q Ward workers perhaps? A. A few of the workers from downtown.

Q Active in politics? A. No, just the voters.

Q Just the voters? A. Just the voters.

Q Jobholders? A. No.

Q You say that your sister told you she had received some letters but not to tell your mother? A. Yes.

Q Did she show you any of the letters?

A None.

Q Did she tell you how many she got? A. No, sir.

Q She didn't want to have your mother worried, is that the idea? A. That is right.

Q Did you get any? A. None.

Q None? A. I didn't do anything to get any.

BY MR. PALESE:

Q I wasn't here when your sister testified. What did she say when she was here?

MR. OSMERS (to the witness): You were not here, either?

THE WITNESS: I wasn't here either.

BY MR. YOUNG:

Q What was the story? Do you know?

A I don't know.

MR. WIENER: Mr. Young, of course, was talking

to you about these letters.

BY MR. PALESE:

Q How soon did your sister talk to you about these letters after she had been down here to testify? How soon after that occasion was it? A. I think it was a few days after.

Q Do you know when it was that your sister was down here?

A No, I don't.

Q Has it been more than a week? A. It might have been a week.

Q It might have been a week after? Has it been more than a week ago that your sister testified here?

A Isn't it two weeks ago?

Q After she had been here, you say it was about a week after that your sister spoke to you about some letters, is that correct? A. Yes.

Q Did all of the letters come on the same day or was there some space of time between the receipt of the letters? A. I think she got one one day and the second one, whether it was a threatening letter-- I don't know what she got the second time.

Q As soon as she got the second letter-- where was that mailed, to your home or to where she is employed, or where?

A To home.

Q Was it opened by her or some other member of the family?

A It was opened by her.

Q Is she employed? A. Yes.

Q So that she must have received this letter when she came home in the evening? A. I don't know.

Q Did she come to see you immediately after opening the letter? A. No, sir.

Q When did she see you concerning the letter?

A I just happened to ask her whether she received any threatening letters, and she just smiled. That was enough to tell you she got them.

Q What made you inquire of your sister as to whether or not she had received threatening letters? A. I just felt like asking her.

Q What gave you the inspiration to ask her?

A She probably must have waited for it.

Q I mean, what suggested to you that you ought to ask your sister whether or not she received a threatening letter?

A I just asked her in a joke and she took it up.

Q Is that what you consider a joke, to ask your sister whether or not she had received a threatening letter?

A I just happened to ask her, "What happened?" She said she received a letter. She didn't tell me what kind of letter.

Q Who was it that gave you the thought that you ought to ask your sister about a threatening letter? A. (There

was no answer.)

Q Had you had any information about that at all?

A None at all.

BY MR. OSMERS:

Q You just imagined it, that some were on the way?

A I just imagined.

BY MR. PALESE:

Q Because she came in and testified you imagined that she would receive a threatening letter. Is that what you want us to understand? A. Right.

Q After the thought came to you did you ask your sister that question? A. Yes.

Q And, by a coincidence, she had just received such a letter, is that true? A. Right.

Q Was it on the same evening or the next day or how long after she had received the letter did you ask her about that?

A I think a few days after.

Q What did your sister say to you was the contents of that letter? A. She just smiled.

Q Did she say what was in the letter? A. No, sir.

Q Did she say it was a threatening letter?

A She didn't say anything.

Q Then you don't know whether or not it was a threatening letter? A. I don't know.

Q You don't know? A. No. She wouldn't say anything

at home for fear that my mother would be frightened.

Q I appreciate that, and I think it was very nice of her.
Did she say anything to you about it? A. No.

Q Weren't you curious enough to find out what the contents of the letter were? A. No, sir.

Q Do you know today what were the contents of these letters? A. No, sir.

Q Do you know whether or not it was a threat?

A I don't know.

Q Aren't you anxious and desiring of knowing what was in the letter that was sent to your sister?

A No, sir.

Q Why aren't you anxious to know? A. I don't know what type of letters she received.

Q Aren't you interested enough in your sister to find out what was in the letters? A. I never asked her.

Q You asked her first whether she received the letter, didn't you? You were interested in everything?

A I asked her but she wouldn't tell me what type of letter she received.

Q After she said she didn't want your mother to hear what was in the letter, weren't you interested to find out what it was? A. She wouldn't tell me even if I did keep asking her.

Q Had you asked her? A. I asked her once and she

wouldn't tell me.

Q You also say that she has received other letters, is that correct? A. Yes, but I don't know what type she received.

Q Now, I am convinced that you are not anxious to answer these questions because you are trying to be two steps ahead of me. If you will just listen and try to answer I think we will get along much faster. You say that your sister did receive other letters, is that correct? A. Right.

Q When was the last time that she received that letter?

A I don't remember.

Q Has it been in the last two or three days?

A No.

Q But you do know that she has received more than one letter? How did you find out about the subsequent letters?

A I was the one that went down to get the mail out of the box.

Q You did what? A. I was the one to take the mail from the box.

Q From what box? A. The mail-box.

Q Outside or where? A. Downstairs.

Q And the letters were addressed to your sister?

A Yes.

Q How do you know that they were threatening letters?

A I didn't know they were threatening letters.

Q Wasn't it unusual for your sister to receive letters?

A No.

Q I understood you to say a little while ago that she had gotten more than one letter which was threatening.

A I don't know whether they were all threatening letters. I don't know what kind of letters they were.

Q Did your sister tell you there was more than one threatening? A. She didn't say anything.

Q Now, Miss Walker, we are being fair with you. Why aren't you fair with us? We have the information that your sister told you that she had received threatening letters because she had testified before this Committee. Why shouldn't you be fair with us as we are being fair with you? Is it true or isn't it true that your sister told you she had received threatening letters because she had appeared before this Committee? We want you to be fair with us as we have been fair with you. You have that information.

A She would not tell me.

Q . She would not tell you? A. No. She went down and talked to Bennie about it. She wouldn't say anything at home. Her mother was sick.

Q You are not sick, are you? A. No.

Q Why would she be afraid to tell you? A. She knew I had to testify. She didn't want to frighten me any by

telling me she got threatening letters.

Q How do you know that she had received threatening letters, although your sister didn't tell you?

A Because she went down to see Mr. Zelinski.

Q You got the information from some other source that she had received those letters? Is that what you are trying to tell us? A. Right.

MR. MURRAY: Did you steam her letters open?

THE WITNESS: We don't touch nobody's mail at home.

Q Is that the reason why you are reticent about testifying today, because you have information that your sister has received threatening letters? A. No.

Q Have you discussed the fact with your sister, that you are to be here today to testify? A. She didn't say anything to me about it.

Q Have you discussed the fact with your sister, that you are to be here today to testify? A. Yes, I have.

Q Did your sister make any comments about your coming here? A. None at all.

Q Didn't she tell you that she had gotten some letters, and that you ought to be careful as to what you say?

A She didn't say anything.

Q These people that you say met you on the street and

thought that you testified and not your sister; do these people know your family? A. Yes, sir.

Q How can you account for the mistake that these people made, thinking that you had testified instead of your sister, if they know the family? A. They don't know her as well as they know me.

Q Evidently they got the information that she was here and testified. A. They thought it was a mistake of putting her name in the paper and not mine.

Q Did they come to you and tell you that they thought it was you? A. Yes, sir.

Q Did you tell them that it wasn't you who testified?

A I told them I didn't know anything about it.

Q Why did you want to lie to them? A. Because she would have been in steeper.

Q What? A. The conversation would have just gone on and on.

Q How could it go on if you told them, "No, it wasn't me who testified"? A. They didn't have to know.

BY MR. OSMERS:

Q Were you trying in that way to defend your sister a little bit by not throwing it on to her, Miss Walker?

A Right.

Q You have not talked to your sister at all about your

coming down here? A. No.

Q And you want us to believe that your sister didn't tell you that she had received threatening letters because of her appearance before this Committee? That is what you want us to understand? A. Yes.

BY MR. MURRAY:

Q Whom do you mean when you say that "they" were speaking to you? A. A few of the friends from downtown.

Q A few of whose friends? A. Friends I have known.

Q Friends of yours? A. Yes, sir.

Q Are they Democrats or Republicans? A. Mostly Democrats.

Q When you told them that you were not the Miss Walker who had already testified what did they say to you, if anything?

A They just said, "She should not have said anything." That is all.

Q They thought it was you who said it? What did they say to you when they approached you first? A. All they said was why did I ever have to say what I did say about Commissioner McGovern. I told them it wasn't me; I wasn't interested.

Q Did they say what they thought you had testified about the commissioner? A. No.

Q Were they friends of the commissioner? A. A few of them were.

Q What were their names? A. I can't remember.

Q How long have you known them? A. I have known them for years.

Q You have known them for years? A. Yes.

Q You mean that you don't want to give their names?

A No, sir.

Q You don't want to give their names? A. No, sir.

Q Do they hold city or county positions? A. No, sir.

Q Are you sure or don't you know? A. Positive.

Q Do you know where they work? A. No.

Q Then you are not positive? A. They all work in offices in New York and not in New Jersey.

Q You are sure that they work in New York? A. Yes.

Q Did any of those people ever serve on any of the boards as members of the boards? A. No, sir.

Q Did they ever serve as committeemen or committeewomen?

A No, sir.

Q Are you sure of that? A. Positively.

Q Did any of them go to your house and talk to you about such and so? A. No, sir.

Q Did they all meet you on the street? A. At times.

Q How many times? A. I can't remember.

Q How many times? Half a dozen, a dozen? A. Every time I saw them they don't mention it. It is just once they did mention it.

Q Every time you saw them? Just once? Is that all you

saw them? A. No. It was only once they mentioned it. I saw them other times.

Q These people that you refer to as "they," were they together? A. No.

Q They were not together? A. No.

Q It was more than one person? A. Right.

Q Were they males or females that spoke to you?

A Females.

Q All females? A. Yes.

Q All single people? A. Yes.

Q No male spoke to you? A. No male.

Q Do they all live in the First Ward? A. Some of them do.

Q Where do the others live who do not live in the First Ward? A. They all live up over there.

Q Up where? A. Down in Greenville.

Q And they went down from Greenville? What ward?

A No, they usually came downtown.

Q They live in the Seventh Ward? A. I don't know what part of Greenville they live in.

Q What part of Greenville do they live in? A. I don't know what street they live in.

Q Do you visit socially with these people that spoke to you? A. No.

Q Did they come from Greenville down to your neighborhood?

A They don't come down. I would either meet them in the street or probably if I was going to a social or something. That would be the only place I would meet them.

Q A social where? In the First Ward, Second Ward, Third Ward? A. The First Ward.

Q Are they people of Polish extraction? A. No, all kinds.

Q And they would come from uptown, Jersey City, down to the First Ward, to a social? A. Right.

Q What kind of social, for instance? A. Well, dances.

Q Who would run the dances? A. Different clubs.

Q What kind of clubs? A. Social clubs.

Q What is the name of some of them, for instance?

A All different clubs that give socials.

Q Don't you remember one or two of the names?

A No.

Q You remember these people; you don't remember their names, but you remember that they live up in Greenville?

A Yes.

Q And you remember that they are all females and no males that spoke to you? A. Yes.

Q What did they threaten you with if you testified?

A They just told me that I should not have said it.

Q Did they say why? A. No.

Q Did they tell you the consequences of anybody testifying

about the actions that were committed at the polls last November, at the election? A. No, they didn't say anything.

BY MR. OSMERS:

Q Nobody at any time said that the testimony that your sister had given was not true? A. They said she should not have said it.

Q Nobody at any time said that the testimony that your sister had given was not true? A. No, they didn't say anything like that.

Q You know that your sister would not tell anything but the truth? A. Right.

BY MR. PALESE:

Q What did you read in the paper that your sister had said, if you were not here? A. I don't remember.

Q Miss Walker, ^{you} don't mean to indicate to us that someone approached you on the street and said, "You should not have said it," and that you just said to her, "Let us forget about it and talk about something else?" Is that what you want us to understand? A. Yes, sir.

Q You are an intelligent person. Do you suppose, if I came up to you in Jersey City and said, "You should not have said that," that you would say, "Let us talk about something else"? A. I certainly did.

Q Do you mean to say that if someone talked to you

tomorrow in Jersey City about what you had said today, and threatened you, that you would say "let us forget about it"?

A I would say I wasn't there.

Q You would say you were not here? A. Yes.

Q Why is it that you are ashamed to be here today?

A I am not ashamed of it.

Q If someone spoke to you tomorrow in Jersey City and said, "Why did you go down there yesterday--"

A I would tell them, "It is my business."

Q Suppose that something appeared in the paper and they said to you, "You should not have said it," what answer would you make to that? A. I would still say that it is my business.

Q You would still say that it is your business?

A Certainly.

Q You wouldn't say, "I went down there and told the truth as to what happened"? You wouldn't give that answer? Wouldn't it be a better answer than telling them, "It is my business," if you are telling the truth? I am taking it that you are telling the truth, and if something appears in the papers tomorrow and someone talked to you about it, wouldn't it be a better thing to tell, "I came down here to tell the truth," and not that it was your business? A. (There was no answer.

Q Is there any reason why you should not make that about

answer? A. No.

Q If you are down here telling the truth, does it hurt you to do that? A. No.

Q You are not doing anything wrong by coming down here and telling the truth, are you? A. No.

Q Why wouldn't you tell people tomorrow that you were here to tell the truth, instead of saying, "it is my business"?

A Why should they know? They read it in the paper.

Q But if you came down here and told the truth you ought to tell the world about it, and that would be the better thing, if someone told you that you should not have done this and should not have done that, instead of saying, "Let us forget about it and talk about something else." I honestly do not go that far with you when you say that when they approached you and you had not been here, to say "Let us forget about it." You are not telling us what happened. I think you are keeping things back from us when you say that you let them think your sister was not there and that you gave them the answer you say you did. A. Who should know better?

Q They should know better, and sometimes people do not tell everything that occurs, and I think this is one of those instances. A. I think I said enough today.

Q I appreciate that, and we all appreciate it that you are not telling us everything that a person should tell. You never can say enough when you are not telling the truth about

what happened. I think you know a whole lot more about these letters than you are telling us here now, if I am a judge of human nature, and I can't understand, if a thing occurs and your sister receives threatening letters, why you shouldn't want to tell us that she did.

BY MR. MURRAY:

Q Are you holding back now because these people spoke to you and told you that your sister did not do the right thing when she came here and testified to the truth of the actions of Commissioner McGovern in the First District of the First Ward on Election Day? A. I am not holding anything back.

Q You said you knew these people who spoke to you, for years, and still you can't remember the names. Do you think this Committee believes that? You met them socially in clubs that you and they go to and you can't remember the name of one of them. Are you afraid of something that will be done to you? A. No.

Q Are you afraid that they will threaten you?

A No, sir.

Q Are you afraid to implicate these people by giving their names? A. No, sir.

Q Why don't you give their names? A. (There was no answer.)

Q Do you think it is a good condition, a condition that

was the reason you had come here and testified? What

a good American should tolerate, to have people threaten them because they tell the truth about election conditions, especially one like yourself, who got paid acting as an officer there, for the people of Jersey City to say that everything was done right, to the best of your ability? Do you think it is a good thing to keep silent about those things and those persons who desire a continuance of the conditions that you and I know exist in Jersey City?

A I have not heard anything else of anyone so far.

BY MR. PALESE:

Q Do you think it is right for your sister to come here and testify, and then receive a letter threatening her?

Do you think that is right? A. She should come up and testify alone.

Q Do you think that is right, for your sister to come here and testify and then receive a threatening letter? Do you think that is a proper thing to do? You can answer the question. Do you think that is ^{the} right thing to do, for people to threaten her because she came down here and testified?

A No.

Q You say that that is not right, and I suppose you would say that it would not be right if you received a threatening letter tomorrow because you had been here? A. Right.

Q What would you do if you received a threatening letter tomorrow because you had been down here and testified? What

would you do with that letter? A. Nothing.

Q Nothing? A. No.

Q You wouldn't tell anybody about it? A. No.

Q Why wouldn't you? Do you think that is a proper thing to do? Do you think that is a proper thing to do?

A (There was no answer.)

Q I would like to know if you receive a threatening letter tomorrow because you were here today telling us the truth as to what you were doing. A. I would wait and see if I got another one.

Q Suppose you get a second one, what would you do?

A I would go down to see my ward leader.

Q And who would that be? A. Mr. Zelinski.

Q You would not come back here and tell this Committee about it? A. No.

Q If it had anything to do with your testifying here today, if that letter had any application to your coming down here today, you say that you would go down and see your ward leader? A. Right.

Q You think that that would be the proper thing to do?

A (There was no answer.)

BY MR. YOUNG:

Q Practically it would not do much good to make a complaint to the police over there, would it? It would not?

A Right.

BY MR. PALESE:

Q You want us to believe that your sister told you, or that you had information that your sister had received a threatening letter about her coming down here to testify, and that you, as her sister, did not make any effort to find out what was in that letter? A. It didn't concern me any.

Q The welfare of your sister did not concern you at all? A threatening letter to your sister meant nothing to you?

A (There was no answer.)

BY MR. YOUNG:

Q May we put it this way, perhaps? You knew that she received a threat? That is so, isn't it?

A Yes.

Q You were concerned about the fact that she had received a threat? That is so? You would not be her sister if you were not concerned about that, but you would rather not know what the threat was? A. Right.

MR. OSMERS: Mr. Chairman, I think that Miss Walker has been just as truthful as possible here, and I know how it is sometimes, in family affairs. I think that the Committee will agree that one member of the family will sometimes try not to alarm the rest of the family, and if Miss Walker's sister did receive some threatening mail she probably would not tell the

contents to her sister, whom she knew was going to testify here, and I think she has been just as truthful as she could be about that matter.

Q May I ask you this, Miss Walker? Do you happen to know whether that threat came from a source which made your sister think it would be carried out, or that it was simply an irresponsible party? A. I couldn't tell you that.

Q Do you mean that you prefer not to say, or that you could not? A. I could not.

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ASSEMBLY INVESTIGATION OF :
ALLEGED FRAUDULENT AND ILLEGAL :
CONDUCT AT THE GENERAL ELECTION :
ON NOVEMBER 2, 1937, etc. :

Transcript of stenographer's notes of hearing
held in the above matter at Room 301, Essex County Court
House, Newark, New Jersey, on Monday, March 14, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Frank C. Osmer

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO, Esq.,
and JAMES F. MURRAY, Esq.
Counsel to the Committee

(The following testimony was taken in a room adjoining the courtroom, and it was ordered that it be noted on the record that Edward Schwartz, Esquire, was appearing as attorney for Miss Dora Arenson.)

D O R A A R E N S O N, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. YOUNG:

Q Miss Arenson, you were a member of the election board of what district of what ward? A. Third Ward, First District.

Q And how long have you been a member of that board?

A Two years.

Q You served in the Primary this year? A. The Primary.

Q And you served in the General Election? A. Yes.

Q And last year also the Primary and General Election?

A No, the year previous to that.

Q 1935 or 1936? A. 1936.

Q 1936 and 1937? A. Yes.

Q Did you also serve in the Commission election? I think they had a Commission election in Jersey City in 1936?

MR. MURRAY: 1937.

A Yes, I served.

Q You understand the duties of an election officer?

A I suppose so by now.

Q What position did you have on the board? A. Clerk.

Q Do you live in the district? A. Yes.

Q Who appointed you to the board? A. Mr. Kilmurray.

Q Mr. Kilmurray? A. Charles Kilmurray.

Q He is the ward chairman? A. Ward leader.

Q On the recommendation of your district leader, do you know? A. I think so.

Q Do you know your district leader's name? A. You mean the Republican?

Q Yes. A. Yes.

Q What is his name? A. Mr. Kilmurray.

Q Is he a district leader? I do not mean the ward, I mean the district in which you served, the First District of the Third Ward? A. That is Mr. Kilmurray that I know of.

Q You don't know whether he happens to be district leader of that district as well as ward chairman? A. I don't know.

MR. OSMERS: What district and ward?

THE WITNESS: Third Ward, First District.

Q What were your duties as tallyer, or what did you do?

A I had the books. I did all the writing.

Q You had all the books? A. I had one book.

Q Which one was that? A. From A to K.

Q Did you also have the binder for those letters? A. No,

I did not.

MR. OSMERS: The signature copies.

THE WITNESS: Yes, the signature copies.

Q Who had that? A. The inspector of the board.

Q Did you have both binders? A. Yes.

Q And who had the other poll books from L to Z?

A The other clerk.

Q Do you remember his name? A. McTighe, I think.

Q Who was the inspector? A. Mr. Connell.

Q And Kane was judge of the board? A. He is the judge of the board, Mr. Kane.

Q How long have you known him? A. Well, as long as I was on that board.

Q He has been on the board with you? A. Yes.

Q All of those people have been on the same board as long as you have been there? A. The same officers.

Q Then you know the judge, and you got your system pretty well lined up? A. Yes. I have been working with them.

Q Who had charge of the challenge sheet?

A The inspector.

Q That is, he had both of the binders and the challenge sheet? A. The challenge sheet.

Q Did he ever refer to the challenge list?

A Oh, yes. He looked at it at all times.

Q And were any voters challenged in the district? A. Yes.

Q And what was the custom of the board when voters were challenged? A. Well, when they were challenged they made out an affidavit for the person that came in and they voted on that affidavit.

Q How many people, do you know, voted on affidavits?

A I just don't recall. There was quite a few. I would say about ten, twelve.

Q Do you know how many were on the challenge list?

A No, I do not.

Q Who had the order list, the black-list?

A The inspector also.

Q Did anyone whose name appeared on the order list appear to vote? A. I don't remember.

Q Do you know whether anybody voted on court order in your district? A. I don't remember that.

Q What about assistance given to voters in that district?

A Those that needed help got it. A Republican and Democrat both went in.

Q Were you one of those that went in to give help?

A No, I was on the books all day.

Q Did you leave there during the day at all?

A Yes, for lunch.

Q Who took over the books while you were away?

A The other clerk.

Q You had A to K? A. Yes. I suppose he took care of it.

Q Who compared the signatures on the poll book with those in the binder? A. The other clerk and myself.

Q You compared the signatures? A. Yes, as far as I could.

Q Just how were you sitting, so we can get an idea how easy it was to compare the signatures? A. I was sitting like here, and the voter came like there (indicating).

Q Across the table? A. Across the table.

Q And he would sign his name? A. Yes.

Q Where was the binder for A to K in which his original signature was? A. Right near me.

Q Which side of you, do you remember?

A I just don't remember that.

Q Did you have many voters coming in? This is a pretty big district, isn't it? A. Quite a large district, four hundred and something.

Q A line of voters? A. At times there was a line.

Q Did you compare every signature? A. Well, yes, I did.

Q That is-- A. That is, I tried to as much as I could if the line wasn't too much.

Q I appreciate you get pretty busy on a day like that.

A Well, you do.

Q You get pretty busy? A. Well, I was taking my time about it.

Q How many people were in the polls all day?

A What do you mean?

Q Were they crowded?

MR. OSMERS: Non-voters, I believe Mr. Young means.

A Only those that were supposed to be there, a committee-man or deputies or anything like that.

Q Any deputies from Mr. Ferguson's office?

A I think there was.

MR. SCHWARTZ: May I speak to you?

(At this time Mr. Schwartz and the witness conferred out of hearing of the Committee.)

MR. SCHWARTZ: I am going at this time to ask the Committee if you won't wait until a quorum is present.

MR. YOUNG: It is perfectly all right with me. We hope to have a quorum in a few minutes.

MR. SCHWARTZ: I would rather that this be done with a quorum present so there cannot be any question raised.

MR. YOUNG: Well, we have to wait for Mrs. Sanford.

(After a recess of a few minutes Mr. Schwartz decided to let the witness continue testifying.)

Q Were there any disturbances that day? A. No, dis-

turbances there.

Q Were the members of the County Election Board -- did they come down during the course of the day? A. Yes, they were in there during the day.

Q For what purpose? A. Just to look around. I guess they went around to all the boards.

Q Do you know them personally? A. No.

Q How long have you lived in that district, Miss Arenson? A. About fifteen years.

Q And I take it that you are a Republican voter in that district? A. A Republican voter.

Q Have you ever taken any part in Republican politics outside of voting the Republican ticket?

A No, just social affairs or something like that.

Q How did you come to be appointed a member of this election board? A. Through Mr. Kilmurray.

(At this time Mrs. Sanford took her place with the Committee.)

Q Did you apply for that job? A. Yes, I asked for it.
who

Q Asked ^{who} for it? A. Well, at that time it was a few years ago, it was Mr. Rollins.

Q Well, did you ask for it through your district leader of that district? A. Yes.

Q Who was the district leader in that district?

A Well, at that time it was Mr. Rollins that I know of.

I don't understand you.

Q You know about the organization of the County Committee, don't you? A. Yes.

Q Each district elects one man and one woman as a member of the County Committee? A. Yes.

Q Now, who is district leader in that district? There ought to be two, a woman and a man. A. I just don't remember his name, but I didn't get that job through him.

Q Do you know who he is? A. Yes, I know who he is but I just cannot remember his name.

Q And who is the woman? A. Well, she is a new one at present.

Q She was just elected last year at the Primary?

A Yes. I don't know her name.

Q Do you know her when you see her? A. Yes, I know her when I see her.

Q Were they at the polls on Election Day? A. Yes, both.

Q Do you remember whether they voted? A. Yes, they both voted.

Q Do you happen to know whether the other Republican member of the board lives in the district? A. That I don't know.

(At this time Mr. Wiener took his place at the counsel table.)

Q But you know him, then, from serving on the board?

A I know him from serving on the board.

Q But you don't know whether he lives in the district?

A No.

Q Do you know whether he voted there that day?

A I don't remember.

Q You voted there yourself, didn't you? A. In that place?

Q Yes. A. Not in the polling place where I am on the board I didn't vote.

Q Why not? A. I voted another voting place.

MRS. SANFORD: A different district?

THE WITNESS: Yes.

Q I thought you said the Third Ward, First District?

A No, Third Ward, Sixth District, but I am on the board in the first.

Q So you did not vote -- A. I did not vote at the place where I worked.

Q The reason I ask that question, Miss Arenson, is because there are only three Republican votes, and in one or two instances four Republican votes, and if you lived in that district -- A. No, I do not. I must have misunderstood you before.

Q When you came to the tally of the votes you did the tallying? A. I did the tallying.

Q Who else tallied with you? A. The other clerk. JUNE

Q Whose name you say was McTighe? A. McTighe.

Q Who read the ballots? A. The judge of the board.

Q And who strung them? A. The inspector, Mr. Connell.

Q And did you inspect any of the ballots?

A No, I did the tallying.

Q How were the ballots called? A. Well, one by one.

Q Just describe the procedure, will you?

A Well, when they were taken out of the ballot box they were called off.

MRS. SANFORD: Were they opened when they were called off?

THE WITNESS: Yes.

Q And taken one by one from the box? A. Yes.

Q How were they called, straight or splits?

A There were splits, also, a few.

Q How did you tally, by straight or split?

A Well, I tallied them straight and the splits they kept on the side.

Q You kept the splits on the side or the straights on the side? A. Well, I don't remember that now.

Q What I am trying to do is to find out -- you know what tally sheets look like, of course? A. Surely.

Q You know how each name has got a long series of squares after it? A. Yes.

Q Now, did they read the ballots straight through or just

announce straight Republican or straight Democrat?

A No, straight through, one by one.

Q Name by name? A. Name by name.

Q In other words, they started off, they said, "Give ^{one} Moore, give Stout one, give Walker one," right on down through the Assembly ticket? A. Yes.

Q And then through the Freeholders and right down to Gordon who was running for Justice of the Peace?

A Yes.

Q Each name was called? A. Yes.

Q And you would tally that name by putting a tally by that name? A. A tally as they called off that name.

Q So you didn't have a straight tally for the straight tickets, that is correct, is it? A. Yes, that is correct.

Q And where the thing would turn out to be a split ticket, it would be read as a split and you would have a difference in the total vote? A. Yes, they were not all the same, they were different ones; each person had a different vote.

Q Then didn't it surprise you at the conclusion of the vote that everybody on the Assembly ticket, with the exception of Miss Maloney, had gotten 486 votes? A. I don't remember that.

Q And Miss Maloney got 485? A. I don't remember.

Q It didn't surprise you at all that it should turn out so even. It generally turns out pretty even over there, doesn't it? A. I don't remember.

Q In the General Election of 1936 you were a member of the board there then, weren't you? A. Yes.

Q In that General Election each one of the Democratic candidates got 478 and each one of the Republicans got 18 votes,-- that is, on the Assembly ticket. It did not occur to you in 1936 that that was remarkably uniform?

A I don't remember that.

Q You don't remember that? A. No.

Q It wasn't a cause for comment in your mind that the vote was so uniform as it appeared to be in this district in the General Election of 1937? A. I guess it just happened, that is all.

Q Just happened that way. In other words, you put down the tallies and when the thing came out it was all 486, but you had tallies there to show it, so it was not surprising to you, that is right? Did you hear any protests by anyone as the ballots were being read? A. I don't remember that.

Q I mean, there were challengers there? A. Yes.

Q And deputies there? A. And deputies.

Q Did anyone protest that a ballot was marked or that a ballot should be counted one way or another?

A I don't remember that. *was in the signatures?*

Q You didn't hear anything of that sort? A. I didn't, because I was paying attention to my tallying and was not listening to what was going on.

Q Well, if the vote were stopped -- A. If it should stop, of course.

Q If somebody entered a protest that a cross was not in the right place or it was read wrong -- A. I didn't hear any.

Q Would you say there were none? A. Well, as far as I knew I don't think there was.

BY MR. OSMERS:

Q Were you on the election board at the Primary of last year? A. Yes.

Q Mr. Clee and Mr. Powell contended? A. Yes.

Q I am rather interested in the figures we have here that indicate that 90 Republican votes were cast in the Primary. It also is rather interesting to note that out of those 90 votes, 100 of them were cast for governor, 20 cast for Mr. Clee and 80 for Mr. Powell, and you were tallying at that election, too? A. I was tallying.

Q That was an exceptionally good job. Did you compare the signatures of the voters with the signatures in the binders as the people voted on General Election Day?

A Yes.

Q Did you find any difference in the signatures?

A Well, I am not an expert, I couldn't tell.

Q You didn't refuse anyone the right to vote on the basis of a different signature? A. No, I did not.

BY MR. GIULIANO:

Q In your experience as an election officer, did the judge ever refer to the board any erased ballots?

A No, I never heard of that.

Q In this district, from our records, it shows there were twenty-three erased ballots, where they originally marked them Clee and the Republican ticket, and that column was erased and then marked in the Democratic column. Isn't it a practise of the board members, when a ballot is erased, to refer that ballot for the purpose of deciding whether or not the board should count it? A. I didn't know there was any erased ballots at that time.

Q Then you say the judge of the board never asked the other members of the board as to whether or not the ballots that were erased should be counted? A. I don't remember that.

Q Would you say it was not done or you don't remember?

A I don't remember.

MRS. SANFORD: If it were done, wouldn't you be likely to remember?

THE WITNESS: Oh, yes, if it was done.

MRS. SANFORD: If they had stopped to say, "This

is an erased ballot," you would remember that?

THE WITNESS: Oh, sure.

Q What kind of a district is this, a pretty intelligent district, isn't it?

A Well, I think it is.

Q Well, you ought to know; you have lived there fifteen years. A. I don't think they are ignorant, the majority.

Q Wouldn't you think it was something unusual that twenty-three people should all make the same mistake, voting the Republican ticket first and then erasing it? Wouldn't you think that was unusual for your district for the type of people that live there? A. As I told you, I didn't know there were any erased ballots.

Q I am telling you that there are twenty-three erased ballots, originally voted for Clee. Don't you think that is unusual for your district, you knowing the people that live in that district, that twenty-three people should all make the same mistake? And that can be answered "yes" or "no." It is a simple question. A. It does seem funny.

Q It does seem funny, doesn't it?

MR. YOUNG: There weren't any protests that you heard?

THE WITNESS: Not that I heard of.

BY MR. OSMERS:

Q At what time were you finished counting on the General

Election, November Election Day? A. I don't just remember the time; it was pretty late.

MR. OSMERS: Well, within a half hour or so.

MRS. SANFORD: After eleven?

THE WITNESS: It was sometime around twelve, I think.

MR. WIENER: How long have you been on the board, Miss Arenson?

THE WITNESS: Three years.

MR. GIULIANO: How many members of your family vote?

MR. YOUNG: She doesn't live in this district.

MR. GIULIANO: Pardon me.

MR. WIENER: How long have the other members of the board been on the board in that district?

THE WITNESS: That I couldn't tell you. In all the three years I have worked with them.

MR. WIENER: The other three were there while you were there?

THE WITNESS: Yes.

MR. GIULIANO: According to the records, 489 people voted. The original count, 482 voted for Moore and 7 voted for Clee. In other words, every voter voted for the gubernatorial candidates. Didn't that seem to be unusual that not one person in the

district missed on voting for the governor?

THE WITNESS: I don't remember that.

MR. GIULIANO: You don't remember that?

MR. OSMERS: Were there any marked ballots,
any void ballots?

THE WITNESS: I don't remember that.

MR. GIULIANO: Can you give any reason why
there should be twenty-six more votes credited to
Moore than he actually got?

THE WITNESS: I don't remember.

BY MR. YOUNG:

Q That would be the fault of the man who was reading the
ballots, wouldn't it? A. Well, I guess so.

Q You were just writing them down? A. Yes.

Q May I ask you this: this is the challenge sheet for
your district? A. Yes.

Q And you apparently signed it? A. Yes.

Q Opposite the name of all of the voters there is some
notation of whether they appeared, whether they voted or lived
there. Now, are any of those in your handwriting?

A No, I didn't take care of the challenge list at all,
I told you.

Q Will you look through and see if by any chance--

A I know I didn't sign. No, the inspector had the
challenge list.

Q They do not appear to be in your handwriting?

A No, they are not in my handwriting.

Q Your memory seems to be faulty in one or two particulars, and I thought it might have been in this. A. No.

Q About how many people were given assistance in your district, do you know? A. I guess a few. Those that needed it.

Q Were you the one that gave the assistance?

A No, I did not.

Q Now, who were given assistance? What did they have to show to get assistance? A. Well, I guess the real elderly people that came in and could not see that asked for it.

Q Well now, did you give assistance to anyone who could read and write? A. I don't remember. I didn't give no assistance to anyone.

Q Did anybody who signed their name in your book ask for assistance? A. I don't remember that.

Q Do you know how many people signed in your book who signed by a cross? A. I don't remember.

Q You don't remember whether there were any at all?

A I don't remember that.

MR. YOUNG: Have you the figures on the assistance given, Mr. Wiener?

MR. GIULIANO: No affidavits of assistance in

the book.

MR. YOUNG: How many people were assisted, do you know?

MR. OSMERS: Would they be noted on the challenge list?

MR. YOUNG: No.

MR. GIULIANO: Did you say ten or twelve signed the book --

THE WITNESS: I said perhaps ten or twelve.

MR. OSMERS: For assistance in voting.

MRS. SANFORD: You mean signed by making a cross.

THE WITNESS: Making a cross, did you say?

MRS. SANFORD: Yes, ten or twelve that signed the book, what did they sign it for?

THE WITNESS: Those that really needed assistance I thought would be about ten or twelve.

MR. GIULIANO: Or ten or twelve or more.

THE WITNESS: I don't remember.

MR. GIULIANO: There were some?

THE WITNESS: Yes.

MR. GIULIANO: How is it there are no affidavits in the poll books, affidavits of assistance?

THE WITNESS: I don't remember that.

MR. GIULIANO: Don't you remember anything that

happened on Election Day?

THE WITNESS: I am telling you just what I

know, what I can remember.

BY MR. YOUNG:

Q You know when a person asks assistance you have to ask certain questions, don't you, Miss Arenson? A. I suppose so.

Q I didn't ask you that. Do you know that? A. Yes.

Q You do know that when a person gets assistance you have to ask them certain questions, don't you?

A Yes.

Q And you do know when a person gets assistance there is in the back of the poll book an affidavit which has to be filled out showing the person was given assistance, isn't that so? A. Yes.

Q And you suggest there were ten or twelve people who were given assistance? A. Yes.

Q You yourself did not give them the assistance?

A I don't remember.

Q I mean you did not go in the booth with them? A. No, I did not go in the booth with any of them.

Q But you were present when they applied for assistance?

A Those that I heard, the few that wanted help.

Q You were present? A. Yes.

Q And were there any of them in the A to K book that wanted assistance? A. I don't remember that. I don't think there

were.

Q Well, that book will show, won't it, whether people signed their name with a cross and were given assistance because of that fact? A. Yes.

Q And the binder will show whether those people were registered as being illiterate, won't it? A. Yes.

Q So if there are any people who got assistance in the A to K book -- A. It would be down there.

Q It would be perfectly evident, and there is no reason for you to lie to us about it, because we can check your statements? A. Naturally, you can check it.

Q Now again, would you say that the reason that there are no assistance affidavits in the back of your poll book is because there were no people given assistance in the A to K column or there was no assistance given?

A I guess there was no assistance needed if it is not written in the back of the book.

Q Have you always before filled in the affidavit in the back of the book? A. Yes, I have.

Q This challenge list which I have shown you, has notations against, I think, every name but one, as to whether they voted or whether they appeared --

MR. OSMERS: There are three against whom no notations appear.

Q Now, do you know whether all of those people who

appeared signed an affidavit? A. I think that most of them did.

Q Well, let us ask you specifically. There was a Frank Andrek. That would be in your book? A. Yes.

Q He voted -- I cannot read what it says --

MR. GIULIANO: "Voted. Lives there."

Q Do you recollect taking an affidavit from him that he voted? A. I don't remember.

Q Did you have charge of the affidavits? A. No, I did not, the inspector had charge of that.

Q When a fellow came in and voted or made an affidavit, the inspector handed him the affidavit?

A Then I voted him in if he had an affidavit.

Q Did your board hold any votes to determine whether a man on the challenge list should vote?

A Well, ^{if} he got an affidavit he voted.

Q Were you sure every time that the voter signed an affidavit before you allowed him to vote or to sign his name in your poll book? A. When he got the affidavit, then I let him vote. I signed him in. Then he got the ballot.

Q In other words, you would not sign a man in unless he had an affidavit? A. No, I didn't sign him in.

Q Did you refuse anybody? A. I don't remember that.

MR. YOUNG: I don't think there is anything more, any questions to ask this lady, are there?

MR. OSMERS: I don't think of anything.

day.

stolen goods, and

(At this time the Committee went into the courtroom to continue the hearing, at 11:50 a.m.)

MR. YOUNG: For the purpose of the record, I have been asked to read into the record the results of the investigation, so far as we have been able to get it, of the records of the members of the election board whom we have been forced to make complaints against by reason of their failure to testify.

For example, William Weiss, who was here last Friday, arrested in 1931 on a charge of false pretense in Essex County, and that charge was nolle prossed.

Edward Tem was arrested in December, 1933 on a charge of aiding and abetting a lottery, and that charge was nolle prossed in 1935.

Edward Czaplewski was arrested in 1932 on a charge of disorderly conduct, fined \$200 and costs.

Due to a discrepancy in the name we had this rechecked, and we find Henry Urbanek, who appeared before the Committee is the same as Andrew Urbanek, and, Mr. Giuliano, perhaps you can read this better than I; I haven't got the acquaintance you have. What does it show? It shows a charge of receiving stolen goods?

MR. GIULIANO: The report of the Federal Bureau of Investigation shows that an Andrew Urbanek was arrested on April 12, 1932, receiving stolen goods, and

put on probation for the said charge for two years and to make restitution. The report further shows that Henry Urbanek, according to the prints, and Andrew Urbanek are one and the same person, and the State Bureau of Identification, Department of State Police, shows that Andrew Urbanek was arrested for receiving stolen goods, and also shows that Henry Urbanek, who was arrested in Essex County are one and the same person.

MR. WIENER: Has it been noted in the record that all these people had been brought before the Committee and arrested?

MR. YOUNG: Oh, yes.

MR. WIENER: John Kane.

MR. ROBBINS: May I have it noted on the record that I appear for Mr. Kane?

MR. YOUNG: Yes.

J O H N K A N E, being duly sworn according to law,
testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name, Mr. Kane? A. John Henry
Kane.

Q And where do you reside? A. 2271 Boulevard.

Q Jersey City? A. Jersey City.

Q Where do you work? A. For the county.

Q What is your job, please? A. I beg pardon?

Q What is your job with the county? A. Laborer.

Q With what department are you connected?

A I come under the supervisor.

Q Under the County Supervisor? A. Yes.

Q And is your Civil Service rating that of laborer?

A I believe so.

Q Are you a Civil Service employee? A. I believe so.

I am not sure.

Q How long have you worked for the county?

A I refuse to answer.

MR. YOUNG: He knows whether he is a Civil
Service employee. Aren't you a Civil Service employee?

THE WITNESS: I imagine I am. I am not
sure.

MR. YOUNG: Did you take an examination for your
job?

THE WITNESS: No, I didn't take no examination.

Q What is your salary? A. Two thousand, less a cut.

Q Is that your signature? According to the challenge sheet, designating the name of John Kane, 2271 Boulevard, Judge, Democrat, Third Ward, First District of Jersey City?

A I refuse to answer on advice of counsel.

Q Don't you know whether you signed that or not? Isn't that your signature? A. I refuse to answer.

Q Is that your signature on the second sheet?

A I refuse to answer.

Q Is that your signature on the third sheet?

A I refuse to answer.

MR. YOUNG: Mr. Kane, you were amember of the election board in the First District of the Third Ward of Jersey City on Election Day, were you?

THE WITNESS: I refuse to answer.

Q Write your name on that, please (handing witness paper).

A (Witness signs paper.)

MR. YOUNG: Did you open and read the ballots for the voting at the close on November 2, 1937?

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

MR. WIENER: I point out the similarity of the signatures on the challenge sheets with the signature

just given, so there is no doubt this is the man who did sign those challenge sheets.

Q I take it that on advice of counsel you refuse to answer any questions which have been put to you or might be put to you concerning your conduct as a member of the election board of the district known as the First District of the Third Ward of Jersey City? A. I refuse to answer.

Q You mean you refuse to answer questions, and your answer to that is "yes"; you don't mean you refuse to answer, you mean yes, you refuse to answer questions?

A Yes.

Q You don't want to make an absolute fool of yourself. You are being ridiculous enough not answering questions. You don't want the people out there to think you have no brains at all, you don't even understand a plain simple question. Now, do you understand that this Committee of the Assembly of New Jersey is endeavoring to investigate the circumstances and surroundings in the last General Election held November 2, 1937; that this Committee is not interested in persecuting you, bring any criminal charges against you or embarrassing you. The sole object of this Committee is to learn such facts and circumstances so that this Committee can make a report to the Assembly of the State of New Jersey so that proper remedial legislation might be enacted. Do you

understand that? A. I refuse to answer.

Q Do you understand that anything you might say here will not be held against you in any shape, manner or form?

A I refuse to answer.

Q You understand, any admissions you might make will not be used against you? A. I refuse to answer.

MR. YOUNG: How long have you been a member of the election board, Mr. Kane?

THE WITNESS: I refuse to answer.

MR. YOUNG: On whose recommendation were you placed on that board?

THE WITNESS: I refuse to answer.

BY MR. GIULIANO:

Q Can you give any good reason why there should be 26 votes difference in Mr. Moore's votes, why he received 26 votes more than he was entitled to? Can you give any good reason for that discrepancy? A. I refuse to answer.

Q Is it because you cannot give any reason that you refuse to answer? A. I refuse to answer.

MR. YOUNG: That is all right. We do not want to string this out too long.

MR. WIENER: I request that the Committee pass on the propriety of the questions.

MR. YOUNG: He won't go away.

MR. ROBBINS: Step down. I will keep him here.

MR. WIENER: Mr. Connell.

MR. SCHWARTZ: May I have it noted on the record I represent Mr. Connell.

MATTHEW JOSEPH CONNELL, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Where do you live? A. 365 Eighth Street, Jersey City.

Q Where do you work? A. Ironworker.

Q Are you employed at present? A. Unemployed.

MR. YOUNG: You haven't got a WPA job, have you?

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

Q Did you serve as an inspector of the Third Ward, First District of Jersey City-- A. I refuse to answer.

Q Wait until I finish the question, will you? Did you serve as an inspector-- A. I refuse to answer.

Q (Continuing)-- On the local election board, Third Ward, First District, on November 2, 1937, at the general election? A. I refuse to answer on advice of counsel.

Q I show you a challenge list, Third Ward, First District of Jersey City, and I point to what purports to be the

signature of one Matthew J. Connell, 365 Eighth Street, Jersey City, inspector, Republican. Is that your signature?

A I refuse to answer.

Q Don't you know whether that is your signature?

A I refuse to answer.

MR. YOUNG: He was the inspector?

MR. WIENER: He was the inspector, that is right.

Q Sign your name on that. A. I refuse to sign on the advice of counsel.

Q Can't you sign your name? A. I refuse to sign.

MR. YOUNG: All right.

Q I take it that you have refused and will continue to refuse all questions concerning your conduct as an election official of the Third Ward, First District of Jersey City, on November 2, 1937? A. That is right.

Q What do you mean, that is right, or you refuse to answer? A. I refuse to answer.

Q Well, you can answer that question. Do you refuse to answer that question?

A I refuse to answer that question.

Q Do you refuse to answer whether you are going to answer the question? A. I refuse to answer.

Q Do you understand that this Committee, appointed by the Assembly, is not interested in persecuting or prosecuting you,

not interested in making any criminal charges against you as a result of your testimony, and is purely seeking to disclose the facts and circumstances surrounding the conduct of the last General Election on November 2, 1937, and that this Committee is only desirous of making a report to the Assembly of the State of New Jersey disclosing those facts and circumstances in order that proper remedial legislation might be enacted or recommended, do you understand that?

A Yes, sir, I refuse to answer.

Q Oh, you understood the question? A. I refuse to answer.

Q Did you understand the question? A. I refuse to answer.
BY MR. YOUNG:

Q Did you tally the votes on November 2, 1937?

A I refuse to answer.

Q Were you in charge of the signature binders?

A I refuse to answer.

Q During the election were you the man who attended to taking affidavits from challenged persons? A. I refuse to answer.

Q Did you challenge any person whose name appears on the list? A. I refuse to answer.

MR. YOUNG: All right, you can go.

BY MR. GIULIANO:

Q Are you really a Republican, Mr. Connell? A. I refuse

to answer.

Q Afraid to let anybody know whether you are a Republican?

A I refuse to answer.

MR. YOUNG: Mr. Giuliano, he will refuse to answer anyhow.

MR. GIULIANO: Maybe he will show his true colors and answer the question.

THE WITNESS: I refuse to answer it.

MR. GIULIANO: I know, I know.

MR. WIENER: I suggest that the Committee pass upon the propriety and that this gentleman be made a member of that very growing beautiful club.

MR. YOUNG: All right, Mr. Wiener. Yes.

MR. SCHWARTZ: He will remain here.

MR. WIENER: He had better remain here.

MR. YOUNG: You can go, Mr. Connell. I cannot witness understand Mr. Schwartz. One testifies on the advice of counsel and one won't testify on advice of counsel. It seems they follow pretty much their own desires. They have just got to have counsel here they can rely on.

MR. WIENER: That is known as chivalry.

MR. YOUNG: Who is the next one?

MR. WIENER: John Kane.

MR. ROBBINS: You just had him. You mean Edward McTighe.

MR. WIENER: Thank you. Mr. McTighe.

MR. ROBBINS: May it be noted on the record I represent Mr. McTighe?

MR. WIENER: I take it he is a Democrat since you represent him.

EDWARD JOHN M c T I G H E, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Where do you live, Mr. McTighe? A. 179 Fourth Street, Jersey City.

Q Where do you work? A. Hudson County Board of Freeholders.

Q What is your position with the Hudson County Board of Freeholders? A. Laborer.

Q And what department are you connected with?

A Almshouse.

Q Almshouse. How long have you been employed by Hudson County? A. Two and one-half years.

Q And your job has always been the same? A. Yes, sir.

Q And your salary is \$2000? A. I refuse to answer.

Q You refuse to answer that. Did you get paid last month?

A I refuse to answer that, too.

MR. YOUNG: Let us get down to it.

Q I show you what purports to be a challenge list in the Third Ward, First District of Jersey City, and point to what purports to be the name of one Edward McTighe, 179 Fourth Street, clerk, Democrat. A. I refuse to answer that, too.

Q What? A. What you said.

Q I didn't ask you anything yet. What are you trying to do, show that you are a good soldier? (Previous question read by stenographer.) And ask you if this is your signature? A. I refuse to answer.

MR. YOUNG: Were you a member of that board on that day, Mr. McTighe?

THE WITNESS: I refuse to answer.

MR. YOUNG: Did you serve as a tallyer on that board?

THE WITNESS: I refuse to answer.

MR. YOUNG: Were you appointed to that board?

THE WITNESS: I refuse to answer.

Q Will you sign your name? A. I don't sign anything.

Q We will get your fingerprints a little later on, that will be better than your name. Maybe you will like that?

A That will be fine.

MR. ROBBINS: He answered that.

Q I understand that you have refused and will continue to refuse to answer all questions --

A That is right.

Q (Continuing)-- pertaining to your conduct and services as a clerk on the election board in the Third Ward, First District, where you served on November 2, 1937?

A That is right, I refuse to answer all questions.

Q I don't blame you, because if you did there would be a lot of fun. Do you understand that this Committee, appointed by the Assembly, is not interested in persecuting or prosecuting you or bringing criminal charges against you; that this Committee is purely interested in having the facts and circumstances surrounding the General Election on November 2, 1937, disclosed to it so that it might make its report concerning those facts and circumstances to the General Assembly of the State of New Jersey so that proper remedial legislation may be introduced and enacted, do you understand that? A. I refuse to answer.

Q What do you mean, you refuse to answer?

MR. YOUNG: He refuses to answer. Don't argue with him. Let him go now.

MR. WIENER: Let him go?

MR. YOUNG: Let us get him off the stand.

MR. WIENER: I thought you were going to let him go. I ask that the Committee pass upon the propriety

of the questions.

MR. YOUNG: Yes.

MRS. SANFORD: We agree.

MR. YOUNG: We have already agreed on the propriety of the questions.

MR. WIENER: No further questions.

MR. YOUNG: I understand you haven't got the key for that ballot box and there is no point in our sitting any further.

(Discussion off the record.)

MR. YOUNG: We will recess and we won't come back this afternoon. We will adjourn to a date to be fixed.

(At this time the hearing was adjourned to a date to be fixed.)

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ASSEMBLY INVESTIGATION OF :
ALLEGED FRAUDULENT AND ILLEGAL :
CONDUCT AT THE GENERAL ELECTION :
ON NOVEMBER 2, 1937, etc. :
:
- - - - -

Transcript of stenographer's notes of hearing
held in the above matter at Room 301, Essex County Court
House, Newark, New Jersey, on Wednesday, March 23, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Frank C. Osmer

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ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO,
Esq., and JAMES F. MURRAY, Esq.
Counsel to the Committee

MR. YOUNG: Is there anyone in the room representing the Governor's office?

(There was no response.)

MR. YOUNG: I want you to enter into the minutes of the Committee a statement for the Committee, to this effect:

The Committee, when it caused a subpoena to be served upon the Governor, to produce certain records of his office before the Committee here today, did so fully realizing that the Governor cannot be subpoenaed by the Legislature or, indeed, by any court of the State of New Jersey. However, the members of this Committee were subpoenaed before the Court of Chancery, before Vice Chancellor Kays, and the members of this Committee believed that the Court of Chancery has no more power to subpoena members of the Legislature before it, with regard to their legislative duties, than the members of the Legislature have to subpoena the Court of Chancery or the Governor. However, in the same proceeding a subpoena had been served upon the Governor's office to produce certain records of that office before the Vice Chancellor, and those records were produced.

It is my understanding and the Committee's

understanding that the subpoena was served upon the Governor's office, to add to the form and dignity in calling upon that office for the communication which Mr. Walscheid desired to have presented before the Vice Chancellor. It therefore seemed both proper and formal, and a course dignified and suggested by precedent, for this Committee to call upon the Governor by subpoena for the records which it desires. Fully realizing, as a matter of power that we had no power to compel his attendance, but, as a matter of form and as a matter of propriety we followed the same procedure which had been used by Mr. Walscheid in obtaining other records from the Governor's office.

I may say, further, that it was well understood by the Governor that his personal attendance here was not desired; that all we desired to have here were the records of his office, so that, with regard to the records which we sought, his office and himself stand in the same position as he and they did with regard to the records actually produced before the Vice Chancellor.

C L A Y T O N E. F R E E M A N, being duly sworn,
according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Clayton E. Freeman.

Q You are the present Chairman of the State Republican
Committee? A. I am.

Q And as such Chairman did you familiarize yourself
with that portion of the Election Act of New Jersey pertain-
ing to the selection and appointment of members of the
county election boards? A. I did.

Q In accordance with the provisions of Paragraph 68,
Section 19, which reads as follows, under the heading
"Appointment and Term of Office:

"The chairman of the State committee of each of the
two political parties as aforesaid, shall during the
month of February, in writing, nominate two persons re-
siding in each county, qualified as aforesaid for
members of the county board in and for such county; and if
nomination be made in said month of February the Governor
shall commission such appointees on or before the first
day of March; provided, that two of such appointees
who shall be members of opposite parties, shall be
commissioned for the term of one year from the first
day of March and the remaining members shall be appointed

for the term of two years from the first day of March;
and thereafter one member of such board shall be nominated
annually by each of said chairmen, in the same manner,
in the month of February, and shall be commissioned by the
Governor as aforesaid, and shall continue in office
for two years from the first day^{of} March next after their
appointment."

which is the section of the Election Law under which you
function? A. Yes, sir.

Q Did you prepare such a list, in writing, in conformance
with the law? A. I did.

Q Do you have a copy of that list with you?

A I have.

Q May we see it, please? A(The witness hands Mr. Wiener
a paper.)

MR. WIENER: I would like to have this
marked.

(The paper referred to was marked Exhibit 21.)

Q Will you please read your communication, in writing,
to the Governor. A. (Reading)

"February 23, 1938.

"The Honorable A. Harry Moore,

"Governor of New Jersey.

"Dear Sir:

"Under authority and by direction of Section 19:6-18

of the Revised Statutes of New Jersey, I respectfully nominate William C. Lear, a legal voter of and residing in the County of Atlantic, at 923 North Main Street, Pleasantville, New Jersey for commission by you as Republican member of the County Board of Election of the County of Atlantic, for a term of two years commencing March 1, 1938.

"The following are the names of the nominees submitted for the other counties:

BERGEN	Mrs. Bertha J. Lein, Harrington Park, N.J.
BURLINGTON	Mrs. Nellie W. Russell, Springside, Burlington Co. N.J.
CAMDEN	George H. Walton 34 Warwick Road Haddonfield, New Jersey
CAPE MAY	John G. Bucher, Stone Harbor, N.J.
CUMBERLAND	Joseph Cirelli, 404 Third Street, South, Vineland, N.J.
ESSEX	Mrs. Helen M. Berry, 42 Mountainview Road, Millburn, N.J.
GLOUCESTER	W. Earle Miller, Paulsboro, N.J.
HUDSON	Mrs. Mary Laterman, 12 Tonnele Avenue, Jersey City, N.J.
HUNTERDON	William P. Mason, Stockton, N.J.

MERCER	Mrs. Gertrude C. Heil, 315 Pennington Ave., Trenton, N.J.
MIDDLESEX	James C. Dempsey, 208 Lawrence Street, New Brunswick, N.J.
MONMOUTH	Frank E. Price, Red Bank, N.J.
MORRIS	Henry B. Moller, 314 Washington Street Boonton, N.J.
OCEAN	Lewis E. Menninger, Bayville, N.J.
PASSAIC	Mrs. Martha J. Brown 40 Lexington Avenue Paterson, N.J.
SALEM	Irvin Rose, 18 Elvin Avenue, Penns Grove, N.J.
SOMERSET	Mrs. Margaret V. R. Looker, Basking Ridge, N.J.
SUSSEX	Albert LeDonne, Franklin, N.J.
UNION	William J. Seeland, 1050 East Jersey Street, Elizabeth, N.J.
WARREN	James R. Dick, R.F.D. Phillipsburg, N.J."

Q Mr. Freeman, will you please describe the circumstances surrounding the presentation of the original of this communication to the Governor.

A On the 23rd of February I prepared the form, the

duplicate of which I have just read, covering the name of each individual for each county. These were presented on a different sheet, referring to the letter under which I was presenting each nomination, every one of the nominations in a brown envelope, which I personally delivered to Governor Moore on the 23rd day of February.

Q Mr. Freeman, did the Governor of the State of New Jersey, A. Harry Moore, commission your twenty-one nominations on or before March 1st of this year?

A He commissioned only one of them on or before the first day of March.

Q Mr. Freeman, to your knowledge, did the Governor of the State of New Jersey subsequently commission the Republican county election officials of this state?

A I understand he has.

Q Will you please describe to this Committee just what his actions were? A. In the County of Bergen instead of commissioning my nominee, which is Mrs. Bertha Lein, he commissioned Paul A. Vivers. In Burlington, instead of commissioning my nominee, Mrs. Nellie W. Russell, he commissioned Mrs. Helen G. Appleton.

In Camden, instead of my nominee, George H. Walton, he commissioned Mr. Meyer L. Sakin.

In Cumberland, instead of my nominee, Joseph Cirelli, he commissioned Rudolph J. Steineder.

In Essex, instead of my nominee, Mrs. Helen M. Berry, he commissioned Mrs. Kreutzinger.

In Hudson, instead of my nominee, Mrs. Mary Laterman, he commissioned Mr. George Scheetz.

In Passaic, instead of my nominee, Mrs. Martha J. Brown, he commissioned Mrs. E.V.D. Smith.

In Somerset, instead of my nominee, Margaret V. R. Looker, he commissioned Mrs. Elizabeth Taylor.

In Sussex, instead of my nominee, Albert LeDonne, he commissioned Mr. James R. Kincaid.

BY MR. YOUNG:

Q There were, then, nine of your nominees who were not appointed by the Governor and twelve who were, isn't that so, Mr. Freeman?

A That is correct.

BY MR. WIENER:

Q And all of these appointments were subsequent to the first day of March first? A. They were commissioned after the first day of March.

MR. WIENER: Is there any further questioning by this Committee?

CHAIRMAN YOUNG: We have a similar subpoena for Colonel Kelly, Acting State Democratic Chairman.

MR. WIENER: Mr. Chairman and members of the Committee, every effort has been made to subpoena

Colonel Kelly, along with similar records as produced by Mr. Freeman. Mr. Kelly did not appear at his office in Newark on Monday at any time. We learned late in the afternoon that he had gone to Trenton, from a source other than his office, and we immediately went to Trenton and found he had just left for Washington, I believe, and we read from the papers that he was in Washington at least early yesterday morning. We had expected him to arrive at his office at nine or ten this morning, and we have a man waiting for him at his office right now, but we have not heard from him as yet.

MR. YOUNG: I think, for the purpose of the minutes, perhaps we had better enter into the minutes a statement of just why we called for this testimony. It may not seem exactly to do with the election frauds or investigation leading to legislation. However, when you consider the fact that the members of the county election boards appoint the members of the district election boards, and when you consider the quality of the district election boards that we have turned up in Hudson County, it becomes evident that the county election boards are not doing their duty, at least in Hudson County, as shown by the evidence produced before this Committee. How the

members of the county election boards are appointed and how the members of the district boards are appointed is what we mean to find out. You are operating under a two party system, and the whole scheme of the election Law is that there shall be a two party system. The law provides specifically for the State Chairman of each party-- it provides mandatorily-- that he shall nominate and that the Governor shall appoint his nominees.

If we find that the Governor disregards the nominations of the State Chairman of either party, we find, then, that the members of the County Election Boards are beholden to the Governor for their appointments and responsible to him solely, because they are responsible not to their State Chairman, and the Governor thereby becomes in control of a majority of the county election boards and, therefore, in absolute control of the appointment of the district election boards.

Assuming, because we have no evidence before us, that the Governor has accepted Mr. Kelly's nominations in Hudson County, for example, you have two Democratic members who are subservient to Mr. Kelly. You have Mr. Scheetz, who was not, I gather, nominated by the responsible party, and is therefore

responsible to the Governor for his appointment, making three out of four who owe their office to the Governor, a majority of the county election board able to appoint and remove every member of any district board, with the result that the Governor directly controls the appointment, if he chooses to, of the members of the district election boards.

That is why I say it was a very pertinent matter to get into the record the testimony which we have gotten from Mr. Freeman, and which we sought from the Governor and Mr. Kelly.

MR. WIENER: Is it also the thought of this Committee that the Legislative Committee, in seeking to function for the purpose of remedying any defects in the Election Law had in mind that the original intent of the Legislature in passing these statutes concerning the appointment of county election officials, was that the Governor specifically not be permitted to nominate, because it certainly would have been much simpler to say that the Governor shall appoint prior to the first day of March. It specifically intended that we have a bi-partisan form of government, particularly ^{that} the political machinery in such a form of government be definitely divided.

MR. YOUNG: Mr. Wiener, there is a bill-- I

think it is Assembly 75-- which, in part, provides for the direct appointment by the State Chairmen of the members of the county election boards of the various counties. I have been advised that the bill may be unconstitutional, but certainly similar legislation along legislative lines is considered.

MR. WIENER: I thought the record should show that this Committee wanted to state the situation, as it rightfully has the privilege of doing, so that it could make the proper suggestions to the Legislature.

MR. YOUNG: Everything that has been done here has been done for the purpose of recommending such legislation.

There is nobody now in the room, who represents the Governor's office, is there?

(There was no response.)

MR. YOUNG: I think we might just as well adjourn, then.

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ASSEMBLY INVESTIGATION OF :
ALLEGED FRAUDULENT AND ILLEGAL :
CONDUCT AT THE GENERAL ELECTION :
ON NOVEMBER 2, 1937, etc. :
:

Transcript of stenographer's notes of hearing
held in the above matter at Room 301, Essex County Court
House, Newark, New Jersey, on Monday, March 28, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Frank C. Osmers

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO,
Esq., and JAMES F. MURRAY, Esq.
Counsel to the Committee.

MRS. SANFORD: I move that the Committee appeal from the decision given by Vice Chancellor Kays last Saturday.

MR. OSMERS: I second the motion.

(Roll call; carried.)

MR. OSMERS: I make a motion that Mr. McCarter be requested to apply to the Court of Errors and Appeals as soon as possible to set a special day or an early day for hearing of the appeal on the decision by Vice Chancellor Kays.

MRS. SANFORD: I second the motion.

Roll call; carried.

K R I S T I A N B R A N D T, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Mr. Brandt, on November 2, 1937, did you serve as a special deputy superintendent of elections?

A I did.

Q As such deputy were you assigned to the Tenth Ward, Twelfth District, Jersey City? A. I was.

Q That polling place is located at the Boulevard and Beacon Avenue? A. Yes.

Q Will you please describe to the Committee the physical make-up of this polling place, the size and all that?

A The house is approximately forty feet long and twenty feet wide. The inside room was a candy store. The lighting there was very poor during the daytime as well as night. It was a few windows in the building. There was one electric light that was burning most of the time.

Near to the end of the house, facing Beacon Avenue, a table was put in one room in such a manner as to act as a desk, at which the election officer, poll books and other material used for the general election was placed. In front of said place the two poll boxes, boxes marked numbers one and two, was placed. Unused ballots was placed on the left side, facing the table.

There was two ladies acting as clerk of the board, one

Republican and one Democratic, and two gentlemen acting as clerk of the board, one Democrat and one Republican. The Democratic gentleman acted as judge of the board at the request of the lady, who had seniority on said board.

Q You mean that the lady who was actually the judge did not function as judge and she permitted someone else --

A To act for her.

Q She was Republican? A. I believe so.

Q Is that Mrs. DeCarlo? A. I believe so.

Q She asked a Democrat to work in her stead? A. Yes.

Q Let us not get down to the count. Let us get down to some of the things that happened during the day prior to the closing of the poll books? A. Prior to the closing of the poll books -- let us take the notes as I made them polling on said place.

Q These notes are in your own handwriting? A. These notes are in my own handwriting, made from loose pieces of paper, as the day went on.

The first thing of interest occurred at eleven o'clock, when a grass fire broke out directly in back of the polling place. We was asked to go up and look at it. One of the deputies and Officer Reilly, Shield number 191, were asked to put the fire out.

Q When the fire first started, were you asked to go out and look at it? A. Yes.

Q Did they come to you first or go to the policeman first? A. They came to the deputy. I talked to the police officer.

Q They wanted both of you to go outside? A. Yes.

Q And you said that you told the police officer --

A No, I told the police officer and sent one deputy out to see that no records was jeopardized.

Between 2:15 and 2:30 p.m., a car bearing license number Hudson 18479, five persons in the car. One of the persons in said car tried to find out if so and so had voted and asked for a list of a few names in that connection.

Q He had asked for a list of names and was seeking to see if they had voted? A. Yes.

Q Was that person Francis Harrigan, a WPA worker or supervisor? A. I believe that to be correct.

Q Do you know where Mr. Harrigan works on the project?

A I don't know; otherwise I seen him around the polling place on Primary and General Election.

Q In other words, Mr. Harrigan and four other people drove up in this car and inquired as to whether or not certain people had voted? A. Right.

Q Did you have any conversation with these people?

A No, other than I told them the record of that sort I didn't believe was open to the public.

Q You asked them by what right they wanted to get this

information? A. Yes.

Q What did they say? A. They just left and went in the car and speeded up the Boulevard to Union City.

Q You mean that after you had asserted yourself they did not press for this information? A. No.

Q Go on. A. Later, at 3:30 p.m., or thereabouts, a lady between the age of 25 and 30, requested to vote in one name and was told that there was no such name in the binder, and then gave another address.

Q She gave one name? A. Yes.

Q And that name was not in the binder? A. No.

Q Then she gave another name? A. Another name and another address, and she was told that was in the Sixteenth District.

Q She was told that was in the Sixteenth District of the same ward? A. Yes. She went away and returned fifteen or twenty minutes later, and was then told by the election officers that it was a little bit too much to ask for ballots at so short notice.

Q Who was this election officer? A. I think it was Mrs. DeCarlo, and the ladies got a little peeved over it. I agreed with them.

Q Then the old repeater was learning things?

A She thought they should not vote. She would not have them around the polling place and told them to leave.

At 4:20 a person asked for a ballot, giving his name as Stieger or Steiger.

Q Stiglitz? A. He gave an address on Spruce Street-- I don't recall the number-- and he was told such a name was voted.

Q He was told that his name had already been voted?

A Right. I went outside in the hall and asked him if he had anything to prove who he was. He showed a letter addressed to him, an address in Spruce Street and told a little bit about his work, where he was, and in my opinion, there was the person who was entitled to said vote. What the slip was, of course, I can't tell you.

Q Did he tell you of any previous experience of that nature that he had already had? A. Yes. I recall that myself. On Primary Day the same thing happened, and the board and the person present there discussed the incident a little bit after it was closed, trying to get an explanation of what had happened.

Q In other words, this same man said that the same thing happened to him in the last Primary Day; that somebody had voted his name? A. Yes. I believe his two brothers had the same thing.

At 4:30 p.m. a New York car number 2-Y-- I didn't get the last part of it--

Q Why? A. It was covered up. Somebody, one Mr. Oransky,

stood in front of the window or the door. I couldn't see the whole thing.

Q You couldn't leave the place? A. No, I couldn't leave.

Q Why? A. There was quite a few people in there at the time.

Q You didn't dare leave the place, is that what you mean? A. After all, I was supposed to be in the polling place all the time.

Q And this Mr. Oransky stood in front of the license so that you couldn't see the number? A. It was a 2 New York plate. I could see the letter.

Q How many people were in that car? A. There was two persons came out of the car and went into the polling place and asked some information about voting. I, at this time, was unable to see if they did obtain a ballot or not. There was a few other things at the time that took my attention, the question about one ballot being drawn before, so it slipped one number ahead, and others, so I looked at the selection in the book at that time. I don't just recall.

Q Do you remember whether or not these two gentlemen voted? A. I believe they did.

Q In the affidavit that you made on the third day of January, 1938, the original of which affidavit is on file in

the office of the Superintendent of Elections, you stated that these two gentlemen voted. Does that refresh your recollection? A. Yes.

Q All right. Go on.

A I left the polling place for about ten minutes, around 4:45 p.m., to get the fresh air. They had the coal stove burning in there. It wasn't exactly the best working conditions for anybody working a long day, which we had to do on Election Day.

At that time, outside, we had another grass fire. There was no effort at that time, either, to call the Fire Department or mention it to the police, but at the same time I called the police officer's attention that the Democratic workers, personally, by displaying badges, that was plain campaign literature classification. He was very polite about it and told the Democratic ward leader about my objection, and after a little talk fore and back they finally agreed when they weren't within a hundred feet of the polling place to have them removed.

At the close of the day I was approached by Mr. Bisbee. It was as we started to make ready for counting the ballots.

Q Who is Mr. Bisbee? A. He is the Republican committeeman for said district.

Q Before you get into that, do you remember a car bearing an Essex County license plate being in front of the place?

A Yes. That is about 3:40. The license number was either E or E-1. It brought one person that voted, to the polling place. I didn't get the full name there; I didn't get the name.

Q Did you try to get the license plate? A. I tried to.

Q You couldn't get it? A. No.

Q Do you remember another Essex County car pulling up, with two voters in it, the one where Freeholder William Heffran stood in front of the license plate so that you couldn't see the license plate number? A. Yes, I remember that.

Q Did those two people try to vote? A. Yes.

Q Was it you that asked if they came from Essex County?

A Yes.

Q And you told them they couldn't vote? A. Yes, I told them they were not allowed to vote.

Q When you told them that they could not vote, what did they say to you? A. Oh, go to Hell.

Q Did they vote? A. No.

Q Now, we left you with Mr. Bisbee at the close of the polls? A. Right.

BY MR. YOUNG:

Q Did these people from the Essex County car have their names looked up or give any names? A. No. I talked to them in the door of the poll. I had been warned definitely

against certain license numbers, so every time a car pulled up in front of the door I tried to see if that checked with my notes.

Q Did you talk to the people from the Essex County car?

A Yes.

Q What was the substance of that conversation?

A The substance of the conversation was regarding the vote.

Q Did they say that they wanted to vote in that district?

A I asked them where they lived. They said that it was none of my business, so I just showed them my badge and said, "I am going to make it my business." They said, "I have not voted yet."

Q They said, "I have not voted yet"? A. Yes, that is true, and I said, "Before you get the ballot I am entitled to know if you are entitled to the ballot." They said, "You just go to Hell."

Q Did they go away? A. They went away.

Q They didn't even come in the polling place?

A It was inside the poll but not inside the polling place proper.

Q They didn't go to the table and mention a name and ask for a ballot? A. No.

BY MR. WIENER:

Q What made you think they wanted to vote or would have

tried to vote had you not stopped them? A. What does a person usually come to a polling place for on Election Day? At the time of the close of the poll Mr. Bisbee came over to me and says, "Here, I made up a cardboard."

Q Do you have that cardboard? A. I have.

Q Where has this cardboard been since? A. I turned it in right after the election to the Superintendent of Elections of Hudson County, in 26 Journal Square.

Q Where did you get it? A. I obtained it this morning from the safe of said office. They asked me about the original affidavit. They said, "You gave me a copy."

Q You explained to them that you were under subpoena and asked to bring your records, and therefore, the office of the Superintendent of Elections surrendered these records to you? A. Yes.

Q We left you with Mr. Bisbee, and he had shown you--

A This card.

Q It was already prepared? A. Yes.

Q This is a tally sheet? A. This is a tally sheet.

Q This tally sheet is about twelve by five inches, and there are ten columns, comprising the five Republican columns and five Democratic columns and no names of candidates on them?

A That is correct.

Q In other words, this would be-- A. A straight tally sheet.

Q A straight tally sheet; no names of individuals?

A No.

Q All right, go on. A.Mr. Bisbee told me, "I made up a cardboard similar to the one that we use here on all general elections."

Q He said these were used in all general elections?

A Yes, that is my understanding.

MR. WIENER: Please mark this as an exhibit.

(The cardboard referred to was marked Exhibit 22.)

Q Do you know how this card came to be broken?

A Yes. It was broken in starting to put it in the stove. I rescued it from the stove.

Q They tried to burn it? A. Yes.
BY MR. OSMERS:

Q They tried to do what? A. They put it in the stove.

BY MR. WIENER:

Q Do you know who marked it or who had it? A. I don't recall just who it was.

Q And that person broke it in three pieces and took it and put it in the stove? A. I took it out. The fire was practically out.

MRS. SANFORD: Would this have helped them in the tally?

Q Just explain as you go on.

A "I made up a tally sheet, a cardboard similar, as we have

always used in the General Election."

Q That is Mr. Bisbee? A. Yes. They said, "Mr. Brandt, you can take any place you want on the board so you can have full control over it. Counting the straight ballots on this cardboard will take less time. If you will work counting the ballots I am just telling you this so you won't start any trouble."

When we started counting the ballots, so I agreed to let things stay as they said, and there had not been any use to object, anyway, provided I was looking out, and I said about the right to have the clerk to call the ballots and to see that no ballots was numbered before I was fairly sure that said ballot was polled correctly.

Q This Mr. Bisbee, the Republican county committeeman, who had made up this card, did he use this card when the straight ballots were counted? A. Yes.

Q Were any records at all kept on the original tally sheets? A. None.

Q The original tally sheets were not used? A. Not used for straight ballots.

Q They were only used on split ballots? A. They were only used on split ballots.

Q In other words, this Mr. Bisbee was the only one who kept a record of the straight ballots as they were counted?

A No. Mr. Bisbee took no part. I have to correct that

misunderstanding. Mr. Bisbee took a seat to the extreme right and partly to the rear of the room and remained seated during the whole tallying and counting of the ballots.

Q Who was the one who was writing on this card that we have introduced as an exhibit? A. I believe there was one of the girls or one man helped out. I don't recall just exactly who it was.

Q That was the only record that was used for straight ballots? A. No. There was one lady.

Q One of the ladies on the board was using it?

A I am not a hundred per cent. sure about that.

Q And the only way straight ballots were recorded was on this card? A. Yes, that sheet, and from there transferred to the official tally sheet.

Q The official tally sheet was made up after the count was completed, after everything was counted, and these records were transferred to the official tally sheet?

A Yes.

Q Who did that? A. I think we did, more or less everyone, because the girls were more or less tired. This was about two o'clock in the morning.

Q In your conversation with Mr. Bisbee, when he told you about this card, did he tell you you had nothing to worry about? A. He did.

Q That the count was always honest there? A. Always

honest and always nice and quiet; no distortion up there. As a matter of fact, I was accused of being the first man to cause any distortion up there.

The set-up around the ballots, when they started to count the ballots was at a table; I made a sketch of it at 8:30 P.M., the day of election, November 2nd, with the back to the wall, facing Beacon Avenue. One Republican and one Democratic lady, one using a large tally sheet, and one counting the straight ballots was seated.

Q The straightballots on this cardboard? A. Yes. The judge was placed a little way to the left from the small tally sheet. The Republican checker stood at the end of the table. The ballot boxes was directly behind the judge, and the Democratic acting committeeman or Democratic worker--

Q What do you mean by "Democratic acting committeeman"?

A The regular Democratic committeeman in that district had been sick, and he was just in for a few minutes and said hello, and he didn't look any too well.

Q Who took his place? A. Mr. Ormsby.

Q Did he present any credentials to the board?

A I can't recall seeing any.

Q But he acted as the Democratic district leader?

A Yes.

Q Was he active in the counting of these ballots?

A Yes. He took the ballot from the box directly behind the judge.

Q You mean the Democratic district leader, the acting Democratic committeeman, was the man who took the ballots out of the ballot box, one at a time? A. Well, one at a time, yes, not in bunches.

Q In other words, he was handing the ballots to the acting judge? A. No, he didn't hand them to the judge. He took them out. He put them on the ice-box or shelf. I am not exactly sure what expression to use. On the left end of the table, about three feet away from the counting table proper.

Q In other words, if this (indicating) is the counting table proper, and the two clerks were sitting directly on this side of the table (indicating the left side of the table), this so-called ice-box or cabinet would be about three feet from this chair (indicating)?

A No, from the end of the table.

Q Was it against the wall? A. Yes.

Q Do you know what wall that would be, the southeast?

A That will be the east wall, I believe.

Q The east wall of the polling place? A. Yes.

Q About how tall was this cabinet or ice-box?

A I should say five or six feet from the floor.

Q Where were you standing? A. I was standing in the

center of the table, on the opposite side, on the right side of the judge.

Q What were you doing; watching the ballots as they were called? A. I was watching the ballots as they were called, and I numbered the ballots.

Q How about the other man from the Superintendent of Elections? Where was he standing? A. He was standing behind the girls.

Q He was watching the tallies? A. Yes.

Q Mr. Ormsby was taking the ballots out of the ballot box and putting them up-- A. Up on the shelf.

Q He wasn't giving them to the judge? A. No.

Q He wasn't giving them to the inspector? A. No. He put them up on the shelf. When we started the procedure Mr. Ormsby had a pencil--

Q He had a pencil in his hand? A. Yes.

Q This is the acting committeeman? A. Yes.

Q He wasn't tallying, but he had a pencil in his hand?

A I told him to please put it away before maybe five or ten ballots was up there.

Q When did you see the pencil in his hand?

A After they got the first four or five up, just as we started to get organized, so I just told him quietly, "Get the pencil and put it away."

Q Did you notice anything unusual about these ten ballots?

A Not particularly, but during the count I noticed something that was rather unusual. Considering the recount showed-- I called the number of voting ballots that should have been counted, plus or minus the 38 or 40 ballots illegally counted-- you will find my affidavit here.

Q In other words, there were 38 or 40 ballots which were not counted at all? A. Not counted properly. The count came up to 493 for Moore and 81 for Clee, and the recount gave 498 for Moore and 95 for Clee, and 39 ballots, I believe, is double marking. What I mean by double marking is this; you find a cross in the governor's column for both Clee and Moore. When you have a count in your hand and look at that and arrive at a figure of 40 ballots, or 40 people out of 620 making a mistake on the governor's office, or voting for two persons, it smells rotten.

Q What do you mean is that in your opinion the original voter had voted for the Republican ticket, and somebody came along and crossed out the vote for Clee and added in a vote for Moore?

A That is my belief.

Q You saw Mr. Ormsby with this pencil? A. Correct.

Q Were the conditions such that Mr. Ormsby could have marked the ballots? A. I believe so.

Q What makes you say you believe so? A. We had one gas light of the old type burning, 25 or 30 watt candlepower

electric light in the poll room, a poll room about ten feet wide and about twenty-five feet long, and taking the ballots out of the poll box and folded them and every time we had to flatten them out on this ice-box or shelf. Underneath is another shelf. It should not be an awful hard thing to mark any ballots in a place like that. You had no lights. You have them at least eight or nine feet away from the people which are supposed to check the ballots.

Q In addition to these 40 ballots that you speak of, were there any ballots which were originally marked for Clee, and Clee was blocked out and the Moore vote or "X" put in? A. Yes.

Q Your affidavit says that there were 17 ballots which were apparently marked for Clee, which appear to be smudged or attempts then made to blot out the "X". A. That is correct.

Q In other words, you say that 40 ballots had duplicate markings alongside the gubernatorial candidate, 17 of the votes for Clee, in which the Clee vote was smudged out and Moore added in? A. That is correct.

Q What do you think was the object of Ormsby working in that corner and the talliers being in one place and the judge in another place? Do you think they spread them out so that you two men could not keep up with the situation?

A That is possible. The obvious reason was to speed up

the count and get through with the day's work.

Q Did you at any time go over to the ice-box and look at the ballots to see what was going on?

A I did. I said, "I would like to know something about how many ballots. How many are over there, Ormsby?"

He said, "I don't know," so I went over. There were 15 or 20 ballots, roughly, on the shelf at that time, and nobody seemed to give a darn what I did with them. I waded through them and looked at them and noticed the markings on the ballots.

Q In other words, you learned, by going over to this corner, that had you wanted to you very easily could have marked these ballots in the manner in which Ormsby had marked them previously? A. I believe so.

Q Now, the original tally, as you stated before, showed that Moore got 493 and Clee 81, making a total of 574 votes?

A That is correct.

Q There were 620 ballots cast? A. That is correct.

Q Meaning that 46 ballots were not counted in that original count? A. That is correct.

Q Do you know why they were not counted?

A Well, we had a few discussions on some of the ballots there. I objected to a few of them. I didn't like the way they was counted. The law says very clearly, in my opinion, that a black pencil "X" or a check should be made.

We had a ballot there marked in blue pencil. We had ballots there marked with "O's," and at times when we discussed things we more or less tried to interpret what the voter intended to do or ought to have done with the ballot, and on that basis there we got an agreement with the minimum of friction possible, and at four o'clock that morning I estimated we were 6.47 off. I think you will find that figure very close from the actual true count.

Q Now, Mr. Ormsby, in keeping these ballots up on this ice-box, whatever it was, how many did he have on top of the ice-box at the time? A. He just kept on putting them up there as fast as he could straighten them out and flatten them, and then the Republican checker took them from the shelf and put them on the table. At times we had a little pile of ballots in both places.

MRS. SANFORD: You mean that he was sorting out the Republican ballots?

THE WITNESS: No, just flattening them out, folding them out and flattening them so they will be easy to handle.

Q Did he have his back to the rest of the people while he was doing that work? A. You couldn't do that unless you turned.

Q You couldn't see what he was doing? A. No.

Q If you were watching the ballots as they were being called

off, you couldn't watch Mr. Ormsby? A. No.

Q And the other deputy couldn't watch Mr. Ormsby if he was watching the progress of the tally? A. Yes.

Q Mr. Ormsby had things more or less to himself?

A I would say so.

Q Did the board challenge any voters in this district?

A We had a challenge sheet. We looked at it at times. I looked at it and when some question came up about such and such a party, well, you know-- I lived there for the last ten or fifteen years. Everybody would be worked up, and everybody would be honest. Who shall I be to say it wasn't so?

Q In other words, the election board permitted everyone to vote? A. No, I wouldn't say that. One or two persons were told to get a court order to vote.

Q Were they on the black list? A. I believe they was.

Q Was anybody refused a vote that was on the challenge list? A. Not to my recollection.

Q Were any affidavits taken from challenged voters?

A Yes, I believe there was one or two affidavits made out. I can't say for sure. You mean the little narrow slip about eight inches wide and five inches long?

Q Were any affidavits taken in the books, of illiterate voters? A. Not to my knowledge.

Q Were any affidavits of assistance taken? A. Not to

my knowledge.

Q Was there any assistance given in this district?

A Yes, there was.

Q Who would usually go into the booth?

A Well, that is a simple thing, so I always insisted on one Republican and one Democrat, depending on who was present at the time.

Q Was anybody denied assistance during the day?

A Not that I know of.

Q Did all of the people who came in and asked for assistance appear to you to need assistance?

A Well, I think that is fairly much on the level.

Q It is an illiterate district? A. I think the people who got help were fairly well honest. There was a lady over ninety who needed help, and a person there, a man who needed help. Most of these cases were all right. If it had not been I would certainly let them hear about it.

MR. OSMERS: What is the full name of Mr.

Ormsby?

THE WITNESS: I couldn't tell you. I was introduced to him. I believe he has two brothers.

Q That is a brother of the dean of the John Marshall Law School? A. Yes, I believe his brother was there. I don't know much about that.

BY MR. MURRAY:

Q Do you know Alec Ormsby, Assistant Attorney General of the State of New Jersey, the Dean of the John Marshall Law School? A. I do not.

Q Do you know whether it was that Ormsby who was doing that on these ballots? A. No, I don't.

Q Was there a policeman in there during the count?

A Yes, there was a policeman there.

Q What did you say his name was? Reilly?

A Reilly, yes.

Q What was he doing while Ormsby was manipulating these ballots on top of the ice-box? A. When you mention that, sir, the police in Jersey City seem to be very anxious, and he took the count before we had counted the ballots.

Q You are telling me. I know that. Was he there interfering? A. He was asking continuously, "How many did you have for governor? How many did you have for this officer?" And how much we had in the box. The lieutenant came over there and told us to speed it up. I told the officer, in that case, the police lieutenant, that it is not the policeman's fault; that I am holding this up; that I want to make sure it is not sent out before we have the final tally.

Q Did any member of the board object when the police

lieutenant of the Jersey City Police Department, when this loyal policeman belonging to the Jersey City Police Department, interfered with the operation and count? Did any member of the board protest? A. No, I don't think so.

Q Did the board stop and give the policemen what they were asking for? A. Yes, they did.

Q How often, about, did that happen? A. The orders was, the way I understand it, for each hundred ballots counted, to report the count in. I believe we counted about 200 ballots, or more of them before the count was gone over. I could not quite see why we should send a count in before we had something we actually know was all right.

Q Did you protest? A. I protested at times there.

Q What did the policeman say, if anything?

A He said to us, "Orders from Police Headquarters."

It wasn't his liking to do it. He had to do it.

Q In other words, the police in that district had orders from their superiors in the Police Department, Jersey City?

A Yes.

Q On their orders, which were in violation of the law which says that there shall be no interference in the ballots or of the count? Did the police do that or not?

A Yes.

Q Do you know who that lieutenant was? A. I don't know his name. I don't recall his shield number. There was two

or three people in the car. It was one of the little "Mickey Mouses."

Q Did you see the "Mickey Mouse" outside? A. Yes, and he came in.

Q Did the lieutenant come from the "Mickey Mouse" and tell the board to speed up the count? A. No.

Q What policeman told them to speed up the count?

A I don't know whether they came from the car or not. The car was out there, I was told. I was busy at that time looking at the ballots. We pulled the shades down and locked the doors to prevent outside interference.

Q Who did that? A. I don't know who did it. The doors were locked. The Superintendent of Elections' inspectors had trouble getting in there.

Q Were you inside when that happened? A. I was inside when that happened. I said, "If you have it open, people cannot do anything."

Q In other words, they locked the door of the polling place and pulled the shades down? A. That is correct.

Q After that was done did Ormsby mark the ballots which were on top of the ice-box? A. I couldn't say whether he marked the ballots. I couldn't say whether he marked the ballots or not.

Q He had them over there, handling them? A. Right.

Q Reilly was not a member of the district board? A. That

is correct.

Q The judge of the district board was there, and he permitted that? A. Right.

Q Was the judge of that district board known as a Hague Democrat? Do you know? A. I think the conclusion makes itself.

Q I am not asking you that. He was a Democrat, was he?

A No. The judge proper, of the board, was supposed to be a Republican, as far as I understand.

Q Male or female? A man or a woman, the one that was supposed to be? A. The woman was supposed to be.

Q And the woman stepped out, the Republican?

A Yes.

Q And she let a Democrat act as the judge of the board, is that correct? A. Yes.

Q Who was acting as the judge? Do you recollect?

A I don't recollect the name. I had the names on the cards.

Q Who took the ballots out of the box? A. Mr. Ormsby.

Q Mr. Ormsby took them out of the box? A. Yes.

Q Did he take them out one by one or in handfuls?

A I think he took them out one by one because he had to straighten them out. If he had a handful he couldn't very well straighten them out.

Q What did he do with the ballots after he took them out

of the box? A. Unfolded them.

Q Did he hand them to the inspector? A. No.

Q Did he hand them to the judge? A. No.

Q Did he put them on the ice-box? A. Yes.

Q None of the members of the board protested?

A No.

Q That went on all night until the count was over?

A Right.

MR. MURRAY: That is all.

MR. WIENER: I will call Mr. Bisbee.

MR. EDWARD SCHWARTZ: If it please this Committee, I represent Mr. Bisbee, and I have advised him, in view of the opinion of Vice Chancellor Kays, published last week, that it is unnecessary for him to testify before this Committee, and for that reason he does not appear.

MR. YOUNG: What is Mr. Bisbee's full name?
Do you have that?

MR. SCHWARTZ: Edward.

MR. YOUNG: What is his address?

MR. SCHWARTZ: 49 Spruce Street, Jersey City.

MR. YOUNG: He was served with a subpoena?

MR. SCHWARTZ: He was served.

MR. YOUNG: Just enter that on the record,
please.

MR. WIENER: I will call your other one, too.

MR. SCHWARTZ: I also appear for Thomas Ogden of 707 Summit Avenue, Jersey City. He has failed to appear and refused to appear for the same reason, sir.

MR. YOUNG: That reason is what?

MR. SCHWARTZ: That because of the opinion of Vice Chancellor Kays, as to the establishment of this Committee, we feel that it has no authority to cause him to appear.

MR. WIENER: I understand that Mrs. DeCarlo, one of the members was not served, and I have been informed that she is in Florida and is expected back in about a week.

I will call Mr. Reszneich.

MR. BENNETT A. ROBBINS: I appear for the two Democratic members of the board of the Tenth Ward, Twelfth District, Mrs. Anna Smith and Walter Reszneich.

For the reasons expressed by Mr. Schwartz, I have advised these members that it is not necessary for either one of them to follow the subpoena, that they were justified in ignoring the subpoena, and for that reason they fail to appear today.

MR. YOUNG: You have their names in the subpoena?

MR. ROBBINS: Right.

MR. YOUNG: They were subpoenaed?

MR. ROBBINS: Oh, yes, I concede the fact that they were both served personally.

MR. YOUNG: Of course, you gentlemen realize, however, that Vice Chancellor Kays is not a court of last resort.

MR. ROBBINS: I also realize--

MR. YOUNG: Will you please sit down. There is a chair, Mr. Robbins.

MR. ROBBINS: I wish you would extend me the same courtesy that I extend you.

MR. YOUNG: There is no further testimony.

Is Mr. Ertle here?

MR. WIENER: Yes. Mr. Ertle has been subpoenaed and he comes well armed, I assume.

MR. ERTLE: Naturally; I would not be here otherwise.

I read the opinion of Vice Chancellor Kays. I immediately requested an opinion of our corporation counsel, and he rendered an opinion to me which I will read or you may read it yourself, counsel.

MR. YOUNG: The substance of it is that you were subpoenaed to bring here the ballot boxes for the Twelfth District of the Tenth Ward of Jersey City and the poll books for the 1937 Primary, the 1937 Commission election,

and the 1936 General Election, and that, on advice of counsel or otherwise, you didn't bring them, is that it?

MR. ERTLE: That is it.

MR. WIENER: Will you leave it here?

MR. ERTLE: Yes.

(The legal opinion of the Law Department, Jersey City, to Mr. Ertle, dated March 26, 1938, is quoted as follows:)

"Honorable Eugene Ertle
City Clerk
Jersey City, New Jersey

"Dear Sir:

"I have your request for an opinion with regard to the subpoena which has been served upon you on March 24, 1938, wherein you are directed to produce before the Young Committee various records of your office and the ballot boxes for the Twelfth District of the Tenth Ward.

"The Court of Chancery has this day rendered an opinion holding that the resolution under which the Young Committee was appointed is unconstitutional and void.

"In view of this decision, which establishes that the Young Committee has no legal existence, and absolutely consequently possessed no jurisdiction in the matter, I advise you that you have no right to produce the

records or the ballot boxes called for by the aforesaid subpoena, and that it would be an illegal act on your part to remove the records from your office for that purpose.

"Very truly yours
(signed) JAMES A. HAMILL,
"Corporation Counsel."

MR. YOUNG: Is that all you have this morning?

MR. WIENER: That is all we had prepared for, this morning.

MR. YOUNG: I think we will consult with the members of the Committee as to whether we shall meet on Wednesday or Thursday, and we will adjourn now until that day is set.

MR. WIENER: Mr. William J. Devlin of the County Clerk's office states that Mr. Walscheid, County Counsel, has advised the County Clerk that it is unnecessary for him to produce the keys and the ballot boxes of the Twelfth District, Tenth Ward, Jersey City, in view of the decision by Vice Chancellor Kays.

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