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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. :

BOOK THREE

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Assembly Investigation of
Alleged Fraudulent and Illegal
Conduct at the General Election
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Transcript of stenographer's notes of
hearing held in the above matter at Room 301, Essex County
Court House, Newark, New Jersey, on Friday, February 18, 1938.

Present:

Assembly Committee
Henry Young, Jr., Chairman,
Mrs. Olive C. Sanford,
Rocco Palese

- - - -

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO,
Esq., and JAMES F. MURRAY, Esq.,
Counsel to the Committee

J O H N F E R G U S O N, being duly sworn according to
law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Mr. Ferguson, you are the Superintendent of Elections
of Hudson County? A. I am.

Q You have been, I believe, since 1929?

A 1928.

Q And as such superintendent did the poll books used
in the General Election on November 2, 1937, come into your
possession? A. One set of poll books from one district
was left in our office, probably by mistake. It was the
Ninth District of the Third Ward of Jersey City.

Q And thereafter the recount concerning the gubernatorial
election commenced? A. Right after that, yes, correct.

Q And as a result of certain disclosures in that
recount and certain claims in the recount, you proceeded to
have this district investigated? A. After the books were
left at the office I suggested to Mr. Schadewald, the Chief
Clerk, that it may be a good idea to have a card made out
for each one of these names in these books, and have them
investigated.

Q In other words, you dispatched the ministerial duties
of having this district investigated, to your subordinates?

A I did.

Q And that was done? A. That was done.

Q Those gentlemen are here today ready to testify as to what the investigation disclosed? A. When the cards were made up Mr. Schadewald gave all the cards to me and I turned the investigation over to Mr. Sewell, and I asked Mr. Sewell to personally head the investigation and give me the results. Mr. Sewell is here today and can personally testify on that subject.

Q I notice that you have honored any subpoenas that have been ordered by this Committee. A. I have, certainly.

Q You have produced all the records that the Committee has requested? A. I am willing to produce all the records you wish, sir.

MR. WIENER: That is all.

BY MR. PALESE:

Q Where is the Ninth District of the Third Ward located? A. The Ninth District of the Third Ward; I can't remember offhand, sir. The boundary is in lower Jersey City. It is around Monmouth Street, but just the exact boundaries of that district I can't carry it all in my head, sir.

ERNEST SCHADEWALD, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Mr. Schadewald, what is your official capacity in the office of the Superintendent of Elections of Hudson County?

A Chief clerk.

Q As chief clerk were you designated by your superior to make up cards for the names and addresses that were found in the poll book of the last general election, of the Ninth District, Third Ward, Jersey City? A. I was, by Mr. Ferguson.

Q That was done? A. That was done.

Q You turned them over to Mr. Sewell, who now has them in his possession? A. Yes.

BY MR. PALESE:

Q Could we have a little more information about what those cards are? A. Those cards are made up in our office; the name, address, ward and district. They are turned over to investigators who investigate and find out whether the people live there.

Q The names and addresses on the cards were taken from the poll books? A. Yes, the name and address.

Q So that there was one card for each name that appeared on the poll book? A. Yes, it was.

BY MR. WIENER:

Q I show you a card and ask you if that is the type of card that was used. A. Yes.

Q That is one of the cards? A. Yes.

BY MR. PALESE:

Q You made a card for every name that appeared in the poll book as having voted in the last election, from the Ninth District, Third Ward? A. Yes, sir.

Q And these cards, with the names and addresses, were turned over to Mr. Sewell? A. Turned over to Mr. Sewell.

W I L L I A M E . S E W E L L, being duly sworn
according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your official capacity in the office of the Hudson County Superintendent of Elections? A. I am chief counsel to the superintendent of elections.

Q And as such you were entrusted with an investigation in the Third Ward, Ninth District, as a result of certain poll books which came into the possession of your office?

A I was.

Q Will you please tell this Committee the disclosures as a result of investigations by the men who worked right with you? A. On the night of December 10, 1937, at around a quarter of six in the evening I sent this crew of investigators to this district. These men returned the cards, and I have with me some of the cards showing the result of some of that investigation.

First, there was a David Werner, who registered from 303 Third Street, Jersey City. Investigation at that time showed that Mr. Werner was a rabbi and that he was living in the City of Providence, Rhode Island, and that he had not been in Jersey City at the general election on November 2, 1937.

In connection with this particular case afterwards a Mr. Frank Gillon paid a personal call on Rabbi David Werner, and Mr. Gillon is here and will testify as to the details of

his investigation of Mr. Werner in Providence.

Q Mr. Sewell, Mr. Werner was marked as having voted, in the poll book? A. Yes. His name is in the poll book, which is an indication that he voted. Otherwise his name would not appear in the poll books.

Q And a signature, purporting to be that of David Werner residing at 303 Third Street, Jersey City, appears to be in the poll books? A. Yes.

MR. WIENER: I would like to have Mr. Werner's card marked for identification.

(The card referred to was marked Exhibit 1.)

Q What is the next case? A. The next case is Guiseppi Burzi, 309 Third Street. This card is signed by Tessie Burzi, his wife, and reads as follows: "Husband at Mental Disease Hospital, Secaucus, not home, at hospital for four years, no other Guiseppi Burzi at this address. Information by Tessie Burzi, his wife."

I guess my date is wrong. It was December 9 we made this investigation, and it is signed by Tessie Burzi, his wife. His name appeared in the poll book as having voted that day.

Q A signature appears and a ballot was issued that day in his name? A. A signature purporting to be his was in the book.

BY MR. YOUNG:

Q And the address, of course, was the same address?

A Yes, Mr. Young.

BY MR. WIENER:

Q That is 309 Third Street? A. That is right.

MR. WIENER: I would like to have the card of Guiseppi Burzi marked for identification.

(The card referred to was marked Exhibit 2.)

Q What is the next one? A. There was a Sergio Lopez, 321 First Street, Jersey City, indicated in the poll book as having voted.

The result of that investigation was that on October 27, 1937, this man was taken to the Medical Center for observation, and remained in there, and on November 5 or 6th he was transferred to the Mental Disease Hospital in Secaucus, and did not vote. The information was obtained from Josephine Lopez, his wife, at that time living at 433 1/2 Monmouth Street, Jersey City, on the top floor.

BY MR. YOUNG:

Q The fact that he was taken to the Medical Center and then from there to the Secaucus Hospital was obtained from his wife? A. His wife.

Q Did she say whether he had been home on Election Day?

A No. She said he remained in the observation ward until the 5th or 6th of November. She wasn't exactly sure, and then

was transferred to Secaucus. She said he had not been home or out of the hospital since that time.

BY MR. WIENER:

Q In other words, your investigation discloses that Sergio Lopez, 321 First Street, Jersey City, was confined to one or more county institutions between October 27 and--

A Our investigation shows that on Election Day he was in the observation ward of the Hudson County Medical Center.

Q And you procured that information from his wife?

A Yes.

Q And Sergio Lopez of 321 First Street appears in the poll book as having voted and signed his name, and as having been given a ballot for this district? A. That is right.

BY MR. YOUNG:

Q Did you check with the books of the Medical Center to find out whether he was allowed out on Election Day?

A No, I haven't done that.

MR. WIENER: I would like to have the card of Sergio Lopez marked for identification.

(The card referred to was marked Exhibit 3.)

BY MR. WIENER:

Q Now, Mr. Sewell, will you give us the next case?

A The next one, the name purporting to have voted, is Mattie Thomas, 314 First Street, Jersey City.

I understand that this was an old colored lady, about

eighty years old, according to her appearance and the conversation that the investigator told me. While she was registered from 314 First Street, our investigator found that she had moved to the top floor of 237 Newark Avenue. The investigator then went to 237 Newark Avenue and saw Mrs. Thomas, and this statement is written on the card: "I did not vote at the election on November 2, 1937," and it is signed "Mattie Thomas," the lady herself.

BY MR. YOUNG:

Q Was the address to which she moved in the district in which she was registered? A. No. It is my understanding that it is in a different district.

BY MR. WIENER:

Q And Mattie Thomas, 314 First Street, appeared in the poll book as having voted in the Third Ward, Ninth District, and having been given a ballot? A. That is right.

MR. WIENER: I would like to have the card of Mattie Thomas marked for identification.

(The card referred to was marked Exhibit 4.)

Q What is the next one, Mr. Sewell?

A The next is John Wadle, registered from 353 Second Street, Jersey City. This name appeared in the poll book as having voted on that day. The card reads, "Mrs. Louise Wadle, wife of John, claims her husband did not vote from this

address at the past general election." Her husband is down South since October 30, 1937; and it is signed by Mrs. Louise Wadle.

Q Louise Wadle signed the statement, and the poll book on examination discloses that John Wadle, 353 Second Street, voted in the Ninth District, Third Ward, and was given a ballot when he signed his name? A. That is right.

BY MR. YOUNG:

Q Have you got the poll books here? A. No, those poll books were afterwards sent over to the Commissioner of Registration, and I presume they are being well taken care of.

MR. WIENER: I would like to have the card of John Wadle marked for identification.

(The card referred to was marked Exhibit 5.)

BY MR. WIENER:

Q What is the next case, Mr. Sewell?

A The next case is Michael Fillippone, 255 Newark Avenue. Investigation shows that the man lives there, and his father stated, "This man, Michael, did not vote in the last general election because he was in trouble in Florida," on Election Day, and I understand from personal conversation with the investigator, my recollection is that he said he was mixed up in some sort of liquor case down there in Florida.

BY MR. YOUNG:

Q He was actually in Florida at the time of the election?

A That is what the father claimed, that the son was in Florida, in trouble.

BY MR. WIENER:

Q And Mr. Michael Fillippone, of 255 Newark Avenue, appeared to have signed his name and received a ballot, from the examination of the poll books in the Ninth District, Third Ward? A. That is right.

MR. WIENER: I would like to have the card of Michael Fillippone marked for identification.

(The card referred to was marked Exhibit 6.)

Q What is the next case? A. The next case was the case of Mildred Nesser. The name "Mildred Nesser" was registered from 353 Second Street. After considerable investigation this woman was located at 415 Monmouth Street, and she related that her name was at one time Miss Mildred Nesser, and that she was married to a man by the name of Perry, and that she was registered under the name of Perry; at one time she lived in Union City under the name of Perry, and then transferred and voted on Election Day under the name of Mildred Perry, ^{from} 415 Monmouth Street, Jersey City, where she still lives, and Mrs. Perry signed this card.

Now, the poll books showed that the name of Mildred Nesser had been voted upon at the general election.

BY MR. PALESE:

Q That would be in the Ninth District of the Third Ward? A. That is where the name of Mildred Nesser was voted.

Q Where is 415 Monmouth Street? A. That is in another precinct. It is not so far from there. It is in the same neighborhood. I think it is in another district.

Q Did she say she voted from the Monmouth Street address? A. Oh, yes, she said she voted under the Perry name.

BY MR. YOUNG:

Q Did she deny using the name "Nesser"? A. Oh, yes.

BY MR. WIENER:

Q In other words, she voted from the Third District of the Fifth Ward, but her maiden name had been voted from 353 Second Street? A. For the Third Ward, Ninth District.

MR. WIENER: I would like to have the card of Mildred Nesser marked for identification.

(The card referred to was marked Exhibit 7.)

Q. Give us the next case.

A There was a family of four voters by the name of Cohen. The names were Claire Cohen, 59 Cole Street, Jersey City, Ethel Cohen, Louis Cohen and Nathan Cohen, all from the same address.

All those names had been voted upon, as indicated in

the poll books. We finally located that these people had moved to 90 Lake Street, Jersey City, which would be over in the Tenth or Eleventh Ward of Jersey City. My recollection is that it is out in the Hudson City section. These people all claimed they did not vote in the Third Ward, Ninth District, on Election Day.

The card of Nathan Cohen reads, "December 11, 1937; moved to 90 Lake Street about August 1, 1937. Did not transfer. Did not vote November 2, 1937," and signed by a signature purporting to be the true signature of Nathan Cohen. This man also has a place of business, I understand, at 621 Summit Avenue, Jersey City.

BY MR. YOUNG:

Q What district is that in? A. That would be the Tenth Ward. I don't know what district.

Q You said that this card is signed by what purports to be the true signature of-- A. Nathan Cohen.

Q Was that compared with the signature on the poll books?

A Oh, no. That did not compare. My recollection is that it did not compare. The man said he did not even vote there. He has not lived there since August.

Q Did you specifically go back to the poll book to compare his signature?

BY MR. WIENER:

Q When you got the signature of the voter you compared

his signature with the signature in the poll book and found, in each instance, that it was a different signature?

A In our opinion it was. As I said, those facts refer to the same conclusion.

The card of Louis Cohen reads that he lives at 90 Lake Street, and he was interviewed in person and he said he did not vote, but he refused to sign the card.

In the case of Ethel Cohen, she was interviewed at 90 Lake Street in person. She said she did not vote on November 2 and she also refused to sign the card. The same thing applies to Claire Cohen. She says she did not vote, and refused to sign the card.

MR. WIENER: I would like to have the cards of Claire Cohen, Ethel Cohen, Louis Cohen, and Nathan Cohen marked for identification.

(The cards referred to were marked, respectively, Exhibit 8, 9, 10 and 11.)

Q What is the next one? A. The case of John Mills, 216 Railroad Avenue. The poll book indicated that the name of John Mills was voted there from that address. After some investigation Mr. Mills was located living at 157 Wayne Street, Jersey City. It is in a different district. The card reads, "Canvassed Wayne Street in this district. Found a John Mills living at 157 Wayne Street, but he was not home. Interviewed a Mrs. Mary Murphy, who says she is his mother-in-

law, and that he moved from 216 Railroad Avenue in August, 1936, to 157 Wayne Street. These people are colored," and then it goes on, December 11, 1937, "Did not vote. Information by his mother-in-law," and signed by Mrs. Murphy.

Q And the poll books disclose that a John Mills of 216 Railroad Avenue signed his name in the poll book and voted on a ballot given him by the Board? A. That is correct.

MR. WIENER: I would like to have the card of John Mills marked for identification.

(The card referred to was marked Exhibit 12.)

Q What is the next one, Mr. Sewell? A. Louisa Bevekin, 327 Second Street. The poll book indicated that her name was voted upon on November 2 from that address. Our investigation report, "Moved about six months ago. Address unknown. Information by the superintendent of the building, Pauline Robinson." The superintendent refused to sign a statement. It was impossible to obtain any information from the neighbors throughout the house as to where this party had moved to.

Q That is an apartment house? A. It is a tenement house, I should say. I never was there, but I presume it is.

Q The poll books disclose that a Louisa Bevekin, 327 Second Street voted in the last general election and received

a ballot, and signed her name? A. That is right.

MR. WIENER: I would like to have the card of Louisa Bevekin marked for identification.

(The card referred to was marked Exhibit 13.)

Q Will you give us the next one now?

A Angelo Camillo, 330 Second Street, Jersey City. The report on this case is that this man is not known by anyone. The owner of this house is a Mrs. Tessie Cieri, and she lives at 312 Second Street, Jersey City. That name was voted upon.

MR. WIENER: I would like to have the card of Angelo Camillo marked for identification.)

(The card referred to was marked Exhibit 14.)

Q Give us the next one.

A The case of Frank Sardella. The records show that this name had been voted on from 342 Second Street, Jersey City. The card indicates that this man moved from this address on July 1, 1937. The information was obtained from an Anna Mandel, 342 Second Street. Further investigation indicated that this man lived at 731 Montgomery Street since July 1, 1937. However, he told our investigator that he actually voted from his old address; instead of transferring to his new address he just went back to his old address and voted.

MR. WIENER: I would like to have the card of Frank Sardella marked for identification.

(The card referred to was marked Exhibit 15.)

A (Continuing) The next one is Francesco Forcillo, 323 1/2 Fourth Street, Jersey City. An investigation showed that this party moved six months ago to 327 Fourth Street, Jersey City, and the man claimed he had voted at the election but merely voted from his old address, not bothering to transfer.

BY MR. YOUNG:

Q Have they any right to vote without transferring?

A No. The law is very specific that you must vote from the address where you actually reside, and if you change your residence, of course there is a provision made for transfer to your actual residence.

MR. WIENER: I would like to have the card of Francesco Forcillo marked for identification.

(The card referred to was marked Exhibit 16.)

A (Continuing) The next one is Ike Adams, 308 First Street, Jersey City. The information is that he moved from there about July 31. The information was obtained from Sarah Osborne of the same address. He moved to 312 First Street, Jersey City, July 31, and the card purports to obtain the information from Willie Adams, his wife.

BY MR. YOUNG:

Q Was he interviewed, Mr. Sewell? A. I don't believe he was but I understood that his wife was. He wasn't

at home and they couldn't get him.

Q They didn't say whether he had voted himself, or not?

A His wife didn't know that, whether he had or not, but, at any rate, he should have transferred.

MR. WIENER: I would like to have the card on Ike Adams marked for identification.

(The card referred to was marked Exhibit 17.)

BY MR. WIENER:

Q What is the next one?

A Saverio Ambrosio, 330 Second Street, Jersey City.

He moved in October, 1937, to 434 Monmouth Street, Jersey City, and voted from 434 Monmouth Street in 1937, according to the report on the card. According to the poll book he had been voted from 330 Second Street.

BY MR. YOUNG:

Q He had changed his district? A. I believe that is another district. Yes, I believe that is the Third Ward, Tenth District, the Monmouth Street address.

Q He had actually voted at the new address?

A So his card says.

Q Yes his name was actually voted on at the old address?

A According to the poll book.

MR. WIENER: I would like to have the card on Saverio Ambrosio marked for identification.

(The card referred to was marked Exhibit 18.)

BY MR. WIENER:

Q Now, what is the next one, Mr. Sewell?

A Antonio Nitto, 301 Fourth Street. This party moved from 301 Fourth Street to 83 Railroad Avenue, and voted at this last election from the Fourth Street address. He did not sign an affidavit. The information was obtained from him in person. In other words, what he did, he just went back to his old address where he had claimed he had moved from three years ago, and just simply voted there.

BY MR. PALESE:

Q Do I take it, if he voted from the address where he lived that that would be disclosed by the poll book of that district? In other words, the information that you have shown is that he voted from the Ninth District, Third Ward, and the poll book would also indicate that he voted from the district where he actually resided? This shows that he also voted in that district? A. Yes. I might say that this man's name also appeared on the challenge list in that district and according to the card the board did not obtain any affidavit from him, as required by the Election Act.

MR. WIENER: I ask that the card on Antonio Nitto be marked for identification.

(The card referred to was marked Exhibit 19.)

BY MR. WIENER:

Q And what is the next one? A. Peter Spadora, 330

Second Street, Jersey City. His name was voted upon in that district, and the information from him on the card, I presume signed by him, his name is signed on the card, "Moved to 37 Cole Street about one year ago." He voted on Election Day, November 2, 1937, from 37 Cole Street but did not transfer. "Information in person," and personal signature.

According to the poll book my understanding is that his name was purported to have been voted on from 330 Second Street. His name also appeared on the challenge list of that district, and he has served upon the Election Board prior to the day of the election.

MR. WIENER: I would like to have the card of Peter Spadora marked for identification.

(The card referred to was marked Exhibit 20.)

BY MR. PALESE:

Q Does that mean that the Election Board of the Ninth District, Third Ward, should have obtained an affidavit from that individual before he could vote? A. That is the law.

Q Where would the affidavit in that particular instance be returned? A. To the Superintendent of Elections.

Q And that is the office that you are in?

A Yes.

Q Was there an affidavit by that Board in the Ninth District of the Third Ward? A. Not to my knowledge.

Q Who are the election officers in the Ninth District,

Third Ward? A. I don't know their names.

MR. WIENER: They have all been subpoenaed to be here today. They are supposed to be here.

BY MR. WIENER:

Q Mr. Sewell, what was the demeanor of the voters that your investigators called upon in an effort to obtain cooperation in bringing about a true picture of the voting conditions in this particular district? A. The demeanor of these voters or the legitimate voters or whom?

Q These, and of everyone whom you were investigating.

A I don't know. Of course, I wasn't there, but one of our investigators came back and said that the first house he hit happened to be a job holder there, and the job holder followed him through the tenement house telling everybody not to say anything or sign anything. Of course, that is what he told me, and I understand that some of these people felt rather upset about the fact that their names had been voted upon and they had not voted, but as far as the Rabbi was concerned, Mr. Gillon was up to see him. I never talked to that man.

Q How about the people in this batch who refused to sign their names to any statement; weren't there certain remarks made or certain things said giving the reasons for not signing? A. Some of the investigators said that they were afraid to sign. The reason I don't know. I wasn't there.

That is what they told me, some of them were afraid to sign their name.

Q Mr. Sewell, I have here the challenge list issued and made up by your office, the office of the Superintendent of Elections, for the Third Ward, Ninth District, of Jersey City. I notice that a number of the names which were investigated appear on this particular challenge list. For example, David Werner, the rabbi, Spadora, and a number of others. In connection with the markings on the challenge list, these people were permitted to vote without the procuring of the customary affidavit. A. That is right.

Q Now, I understand that in this particular district, there were no affidavits taken at all. Does your record disclose whether there were any affidavits taken from challenged voters? A. That would be the conclusion from this report.

Q Now, will you please more specifically go into the surrounding facts about this challenge list, as to what took place on Election Day and what your conclusion is, as a matter of law? A. According to law, when a man or woman's name appears on the challenge list and that person appears to vote, they must sign an affidavit and swear that they actually resided at the address from which they are challenged, before they are permitted to vote. Of course, if they do not sign the affidavit then they have no right to vote in that

district. That is my understanding of the law.

Q Apparently what happened in this district, the Board did not bother to get affidavits from anyone. As I understand it, from the records of our office, no affidavit was turned in from this district, notwithstanding the fact that a number of people were permitted to vote.

Q In other words, in this particular district, although there was a challenge list present, actually there, the Board did not consult the challenge list and evidently did not challenge any voters who were on that challenge list?

A I can't answer that, Mr. Wiener. The list was signed, I presume, by the election officers?

Q That is right. A. What they did there Election Day.

MR. PALESE: They aren't here?

MR. WIENER: Only one of them is here.

BY MR. YOUNG:

Q How many names appear on the challenge list?

A According to this report, eighteen names appearing on the challenge list were voted.

Q How many names, altogether, were there on the challenge list? A. Fifty-two names on the challenge list.

BY MR. WIENER:

Q Out of those fifty-two, eighteen were actually voted?

A According to that report.

Q There were no notations made by the Board?

A The Board should put the remark under the "Remarks" as to what happened. In other words, if the person did not vote they should put down, "Did not vote." I came across one notation, and that is under the name of Dominick A. Scilla, 376 Monmouth Street, Jersey City. The notation says, "Does not live here." Outside of that-- whose notation it was I don't know-- I wasn't there Election Day; I see it marked on here, and that is the only notation I see under "Remarks."
BY MR. YOUNG:

Q Mr. Sewell, of those eighteen names that appear on the challenge list, that were voted, how many appeared on these cards that you investigated, that are properly there? Are they the same names? In the first place, what was the total number of cards on voters that were investigated, who did not live in the district? A. I think it was twenty.

Q Were all of those twenty names on the challenge list, or how many were there? A. I don't think they were all on the challenge list. I would have to go through the challenge list. If you want me to go through it, I will.

BY MR. WIENER:

Q About half of them, I should judge. A. About half.

Q Now, Mr. Sewell, your office, with a great deal of care,

prints instructions upon each one of those challenge sheets?

A Yes. We quote the law, that is, call attention to the law, and print instructions.

Q Under those instructions it states as follows:

"When a person whose name appears on this challenge list presents himself to vote from the address set opposite his name, the Chairman of the Board shall challenge the vote of such person, and if, after such challenge, the applicant is allowed to vote, then the Chairman of the Board shall enter in the column 'Remarks,' opposite the name of the person so challenged, as follows: 'challenged, allowed to vote,' and state the reason for allowing him to vote. Where applicant is not permitted to vote, then the entry must be, 'Challenged but did not vote.' When a person whose name appears on this challenge list does not apply to vote the entry shall be, 'No application.'"

Now, Mr. Sewell, in view of the instructions of your office and in view of the condition of that challenge list, and, further, in view of the fact that the poll book shows that eighteen of fifty-two people voted, would you say that this District Board did its duty? A. Of course not. The law is quite plain, as far as this challenge list is concerned. They did not do anything except in one instance, as I said. I see a notation here, "Does not live here." That is all on the whole list, so the record speaks for itself that

the Board did not fill in as required by the law.

Q Would you say that the Chairman of the Board of this district negligently conducted himself? A. I think the whole Board did, not only the Chairman.

BY MR. YOUNG:

Q Mr. Sewell, each of those challenge sheets is signed by the whole Board? A. Yes, I believe it is. It should be.

Q The signature of every member of the Election Board of that district appears on every one of those sheets?

A Right.

Q So that they knew apparently what they were signing?

MR. WIENER: Right.

BY MR. PALESE:

Q Mr. Sewell, is there any question, from your examination of the poll book and from your examination of the challenge lists, that they were at least eighteen people who appeared on the challenge list, whose names appeared in the poll book for the district? A. That is my understanding, yes.

Q And if that is true, there ought to accompany that challenge sheet eighteen affidavits? A. Correct.

Q And, in addition to that, there should be eighteen explanations, when this particular Board returned the challenge

list to your office? A. Yes, it should be that and more; an explanation of each name and whether they did appear or did not appear, and one affidavit about whether they were or were not permitted to vote.

BY MR. YOUNG:

Q Do I understand, on all the other names appearing on the poll books, that your investigators actually found people living at the addresses given who had voted on November 2?

A Yes. I think there was a total of 643 people registered in this district, and the poll books contained, I think, 525 names.

MRS. SANFORD: As having voted?

THE WITNESS: Yes.

MRS. SANFORD: Aren't they loyal?

Q 646 registered? A. 643, and 525 names in the poll books. I might say in this investigation, of course, we did not have the advantage of comparing the signature in the poll books with the signature in the copy register books, because all we had were the poll books themselves and we could not compare the handwriting in the poll books with that of the original registrant in the election records in the signature copy binders.

Q What is the significance of that? A. The significance of that is that it is very important, in conducting a

thorough and complete investigation of a district, to have the poll books and compare them with the registry books, to see how the handwriting compares.

BY MR. GIULIANO:

Q Did you try to get the poll books from Mr. Stoebling, to compare the poll books with the registry binders?

A No, we haven't. We have had experience in the past with Mr. Stoebling, trying to get the poll books, and we have never been successful.

BY MR. YOUNG:

Q Did the poll books, Mr. Sewell, carry any voters' numbers? A. The number of the ballot?

Q The number of the ballot. A. I believe they did.

Q Do they also carry the number of the voters' registration? A. I think they do and I think they did; in fact, I think the cards here show the numbers.

BY MR. WIENER:

Q The numbers in the books were one to 525.

A He means the voter's registry number. I think it does. If you look at my cards I think it has the numbers on them. Where are the cards?

MR. YOUNG: No, we are asking for the voter's registry number.

THE WITNESS: These cards do not show it but I am certain that the poll books contain those numbers.

The number is also, of course, in the copy registry binder.

MR. WIENER: The poll books were numbered A to K, 1 to 271, and L to Z, 254, and each of those 525 voters had a corresponding number.

MR. YOUNG: The voters' names appearing on the signature copy register are also on the poll books.

MR. BENNETT A. ROBBINS: I am appearing before the Board for the members of the election board of the Ninth District of the Third Ward. These men have consulted me with respect to the ability of this Board--

MR. WIENER: If Mr. Robbins wants to testify I think we ought to put him on the stand. I don't want to interrupt you, but you don't have any right to address this Board.

MR. ROBBINS: I have the right to address the Board, in so far as I present my position to the Board.

MR. YOUNG: Let the Board rule on it.

MR. ROBBINS: The only reason I am here, in fairness to this Board, is because I have advised these three members-- Mr. Murray has requested that I give their names-- Gangemi, Kelly, and Martin. Two are Democratic members and the other is a Republican. Heretofore, before the Hudson County Board of Elections

I appeared and represented two members. The third member has recently requested me to represent him, and I have advised these three members that it is not necessary, in my opinion, to testify before this Board, and the reason I say this, and I have the most respect for the Board itself, recently the Honorable Chief Justice of this state has charged the grand jury of the County of Hudson that indictments should be presented in cases analogous to the one before the Board for consideration, and, in addition to that, it seems to me, as a member of the Bar representing these men, these poll books, which is the subject matter of this inquiry, having been legally in the possession of the Superintendent of Elections of Hudson County, may place my clients in the position where they may be subjected to criminal indictments, and, therefore, I submit to the Board that under the circumstances, we will not testify before the Board and they have been advised by me to that effect.

MR. PALESE: Are they here?

MR. ROBBINS: It is simply a futile gesture. They are not here.

MR. WIENER: I still say that this man ought to be put under oath if he wants to testify.

MR. PALESE: We want these individuals here to

get on this stand and avail themselves of any law which will prevent them from testifying, but we want them here in answer to these subpoenas.

MR. ROBBINS: Don't you see, Mr. Board Member, I merely submit that the charge of the Chief Justice is a matter of record, and that these men will be subject to criminal indictments. Under the circumstances, as a member of the bar-- they are not in any court here-- I will not tolerate or permit any member of this Board to testify.

MR. PALESE: We want these men to answer the subpoenas.

MR. ROBBINS: Why wouldn't that be a futile gesture?

MR. GIULIANO: I want to ask Mr. Robbins if the Chief Justice did not charge in the primary election and not in the general election.

MR. YOUNG: I think, if you take the trouble to read the law, that you would advise your clients to come over here, because the law says that any person testifying before a committee of the legislature shall not be held in any other place for testimony given, except for perjury. You might keep them out of trouble.

MR. MURRAY: I would like to make a statement. We are not interested in the counsel's statement.

We are interested in whether or not these gentlemen are complying with the command of this committee, and I would respectfully suggest that you call them and find out whether they are complying.

MR. WIENER: I expect to call them at two o'clock.

MR. ROBBINS: As you gentlemen know and as Mrs. Sanford knows, I have the utmost respect for this Committee and its duties; I say to you, in all fairness to these members, that the testimony of Mr. Sewell indicated that here is a poll book or books in the custody of the Superintendent of the Board of Elections, which would indicate, on the face of it, that perhaps a crime had been committed.

MR. PALESE: It would, on this challenge list, where they were supposed to do certain things. That is signed by them. They can explain that.

MR. ROBBINS: I should think they can very easily, but may I point out to the Board the fact that they may be subject to indictment. You are not giving this Board the right to cross-examine, which testimony may be used against them, in accordance with the charge of the Chief Justice of the State. How can I say yes, as counsel, to justify their position and testify before this Board, where it is possible that the books in

possession of the investigators and the Superintendent of Elections' men may be tampered with.

MR. YOUNG: When we reach that question you may be heard as to whether or not we have the right, but I say that at the present time we have the right to examine them on the challenge list which bears their signatures.

MR. ROBBINS: Isn't that merely an idle gesture? I have stated my position to this Board. I owe it to this Board.

MR. YOUNG: We will ask the Speaker for a warrant.

MR. WIENER: I still say that Mr. Robbins should take the stand.

MR. PALESE: Is it your contention that these individuals are not going to be here?

MR. ROBBINS: Indirectly I may say to you--

MR. PALESE: You told them not to be here?

MR. ROBBINS: I told them not to testify.

MR. PALESE: You told them not to obey the subpoena?

MR. ROBBINS: Not exactly. Yes, then I will take the position, as I see it. It is my judgment in this case that in view of the fact that they will not answer, because it may subject--

MR. PALESE: You are not answering the question. Did you advise them not to honor this subpoena which was served on them to appear here today?

MR. ROBBINS: I merely point out that it is merely an idle gesture. They refuse to testify, and I have stated my position. You may take that position, yes.

MR. PALESE: I didn't ask you whether they may or may not refuse to testify. I have asked you whether or not these individuals, who have been subpoenaed to be here today before this Committee, have been advised by you not to appear here today. Answer yes or no.

MR. ROBBINS: I may say to you, so that the records may be clear, that I have advised them that there is no necessity to testify, that being merely a gesture, that being of no consequence--

MR. PALESE: Who is running this Court? You?

MR. ROBBINS: Obviously I am not running it.

MR. PALESE: Who knows whether or not their testimony may or may not be necessary to this Committee?

MR. ROBBINS: They will refuse to testify.

MR. WIENER: I wanted Mr. Robbins to go on the stand. I know more about this situation than you folks

do. I know that Mr. Robbins sent Martin home. He appeared here this morning.

MR. ROBBINS: Just a moment; this Board may know this, that any conversations I had with my client are strictly privileged communications. I think that Mr. Wiener is well aware of that.

MR. YOUNG: Mr. Robbins, may I tell you something that may be for the benefit of your clients? This is section 52-13-3 of the Revised Statutes, pertaining to a legislative investigation, and the pertinent part, for their benefit, I think, is,

"No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions."

MR. ROBBINS: I will make a notation of the citation.

MR. YOUNG: I think you should try to keep your clients out of trouble.

MR. PALESE: We are going to adjourn--

MR. EDWARD SCHWARTZ: I am here representing Mrs.

Delfino, and she intends to go on and testify.
I crave permission of the Board to permit me to
represent her at this time.

MR. YOUNG: Your witness will return after
lunch?

MR. SCHWARTZ: She will be here, sir.

MR. YOUNG: We will adjourn to two o'clock.
You may sit there at the table, then, if you wish.

I think the room ought to be cleared and the
doors locked, and the attendants ought to stay in the
room themselves to guard the ballot box.

MR. GIULIANO: May I suggest, before you adjourn,
that the names of these persons be called, and that the
record note that they are not in court?

MR. YOUNG: All the witnesses under subpoena
will come back at two o'clock.

MR. WIENER: John J. Gangemi, 340 Second
Street, Jersey City.

(There was no response.)

MR. WIENER: Christopher J. Kelly, 388
Monmouth Street, Jersey City.

(There was no response.)

MR. WIENER: Josephine Delfino, 323 First
Street.

MRS. DELFINO: Present.

MR. WIENER: James Martin, 302 Fourth Street, Jersey City.

(There was no response.)

MR. WIENER: That gentleman was here this morning but left on advice of counsel.

(At this point a recess was taken for lunch.)

AFTERNOON SESSION

F R A N K G I L L O N, being duly sworn according to
law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your name, sir? A. Frank Gillon.

Q You are employed in the Superintendent of Elections' office, Hudson County? A. I am.

Q At the request of your superior were you sent to Providence, Rhode Island, to investigate whether or not a person by the name of David Werner had moved from Jersey City to Providence, Rhode Island? A. I was.

Q Will you please describe to the committee the facts surrounding that situation, completely? A. I found this David Werner lived at 25 Mulberry Street in Providence, Rhode Island. I interviewed him. He is a rabbi. He told me he had been in this country about nine years, coming in from Palestine. He said he had lived in Jersey City three years ago and had never returned there since.

Q Did you ask him specifically whether or not he was in Jersey City on November 2, 1937? A. I did.

Q Did you ask him whether or not he had voted in Jersey City on November 2, 1937? A. I did, and he said he had not.

Q What was his reaction when you informed him that his name had been voted? A. Well, he is rather an excitable

sort of fellow. First he did not believe me. Then he became indignant.

Q Did he state that he was willing to appear in New Jersey and substantiate his feelings in the matter? A. He said he would come down at any time if his expenses were paid.

Q Did you have any further conversation with him?

A No, that is about all.

Q I now show you this challenge list and point distinctly to the name of David Werner, 303 Third Street, marked by your office as having moved, and thereafter checked as having voted, from the challenge list. A. That is right.

Q And it appears from this record that his name was voted on, on that day? A. So it appears.

BY MR. YOUNG:

Q Did he state what his address had been in Jersey City, Mr. Gillon? A. No, but at the time I had the address -- I had that information with me -- I think it was Third Street.

Q Did you show him that information? A. I just had a memorandum of it. I asked him if he was the man who lived at that address. He said he had, but not for the past three years.

Q I wonder if you will be kind enough to read into the record your report, made on December 26, 1937? A. "Talked to David Werner at his home, 25 Mulberry Street, Providence, Rhode Island. Short dark man, with a black beard, wearing

Prince Albert coat, and a round Jewish hat in the house. Marked Jewish accent. He is a rabbi. Lived at 303 Third Street, J. C. three years ago. Has not returned to J. C. since. Indignant that his name had been voted since his departure. Will come here to testify if his expenses are paid, even though he is a very busy man. December 26, 1937."

J O S E P H I N E D E L F I N O, being duly sworn,
according to law, testified as follows:

MR. SCHWARTZ: For the purpose of the record
I would like it stated on the record here at this
time that I represent Mrs. Delfino.

MR. YOUNG: I will let you sit down.

EXAMINATION BY MR. WIENER:

Q Mrs. Delfino, on November 2, 1937, you served as a
Republican Election Board member in the Third Ward, Ninth
District of Jersey City? A. I did.

Q How did you happen to be appointed as a member of
the Board? A. I did that for a number of years before
through my executive of the ward, Mr. Kilmurray.

Q What is Mr. Kilmurray's first name?

A Charles.

Q How many years have you served in this district?

A Four years.

Q How long have you lived in this district? A. Seven
years.

Q Are you familiar with most of the voters in the district?

A Almost everyone.

Q Most of them are known to you? A. Yes, sir.

Q I now show you the challenge list which is purported
to have been used in your district on Election Day, and ask

you if the signature of Josephine Defino, 323 First Street, is your signature? A. It is.

Q I turn to the second sheet of this same challenge list. That also is your signature (indicating)? A. Yes.

Q And the third sheet likewise? A. Yes.

Q The fourth sheet likewise? A. Yes.

Q The fifth sheet likewise? A. Yes.

Q Did you see the other members of that Board sign?

A I did.

Q They all signed? A. Yes.

Q Chris J. Kelly signed his name? A. Yes, he did.

Q James Martin signed his name? A. Yes.

Q And John Gangemi signed his name? A. Yes.

Q Do you know what a challenge sheet is? A. I do.

Q Did you ever have occasion to read the instructions on challenge sheets? A. No, I didn't.

Q Supposing that you read them to yourself now, and I will ask you some questions on them.

A (Witness looks at papers.)

Q Now, on Election Day, was this challenge sheet used?

A I left it to the other members of the Board.

Q Which members of the Board? A. I didn't specify any certain ones.

Q Do you know of any person on this list having been permitted to vote? A. The only one I know is that

Dominick Scilla. He does actually reside at that address and has lived there. That Dominick Scilla does reside at that address on Monmouth Street, and when he came in to vote I did say, "Tell someone--" it is right down on the challenge sheet-- "that man does reside there." And I don't know who it was said that the man did not need an affidavit as long as the man did live there.

Q Will you try to remember who it was gave those instructions that the man did not need an affidavit?

A No, I couldn't. The place had a lot of people and I asked him to write that the man did live there, and that was all there was to it. I couldn't remember.

Q You say that you know of no other instance where a person whose name appeared on the challenge list, came in to vote? A. Not while I was there.

Q Then throughout the day? A. Throughout the day?

Q What is your exact position on that Board?

A I was to be inspector.

Q You were to be inspector? A. Yes.

Q What do you mean by that? A. The other member of the Board, James Martin, it was the first time he served and he was very nervous and somehow or other-- I don't know what was wrong with him-- he asked me to take over the duties of writing the names down and doing his part of the work, and I did my share.

Q What are the duties of the inspector?

A What I understood, to give the people out a ballot, and calling out the number.

Q Did you do that? A. I didn't, because Mr. Martin did that. He was very nervous, and very slow at writing down the names.

Q He was a clerk? A. He was.

Q Who took your job over? A. Mr. Martin.

Q Mr. Martin was the man who dispensed the ballots?

A Yes.

Q Who received the ballots when they were brought back?

A The voters.

Q Who did they hand them to, to put in the box?

A To the judge of the Board.

Q That is Mr. Kelly? A. Mr. Kelly.

Q Do you know of any affidavits whatsoever having been taken? A. I didn't see any, Mr. Wiener.

Q In the three years that you have been on this Board have you seen an affidavit taken?

A Yes. Every other year we always have.

Q Every other year you did that? A. Yes.

Q This year you didn't see any? A. I didn't see any at all. I didn't see any of these people come in while I was there.

Q Were there any executed affidavits in the possession

of the Board? A. I don't know.

Q Did you, while you were there all day, hear anybody challenged? A. I couldn't remember.

Q Did you challenge any voters? A. I didn't have any occasion to.

Q Did Mr. Kelly, the judge of the Board, challenge any voters? A. Not that I remember.

Q And Mr. Kelly gave out the ballots? A. Mr. Martin gave the ballots to the voters.

Q Do you know Rose Bergman, 303 Third Street?

A No, I don't.

Q Do you know Samuel Bergman? A. No.

Q Do you know Angelo Camillo of 330 Second Street?

A The name is familiar, but I wouldn't say it is the person I know.

Q Do you know Joseph Conti?

MR. SCHWARTZ: May I at this time enter an objection for this witness, as to her knowledge of the people on the list. I think it is immaterial and irrelevant.

Q Do you know Joseph Conti, 202 Railroad Avenue?

A I don't know everybody.

Q Do you know Wesley Jones, 220 Railroad Avenue? A. No, I don't.

Q Do you know Louis Longo? A. No.

Q Do you know John Mirano? A. No, I don't remember the name. Am I supposed to know everybody? Mr. Wiener, please.

Q We are not disagreeing, and I don't know why you are so excited. I am just asking you if you know any of these voters. You ought to know some voters in the district?

A I know some. There are some people, we know them by just seeing them. When they come and give me their names I know that is the person.

Q We have covered eight names. We have 592 more to cover. We may come across some that you know. Do you know Mildred Nesser? A. No, I don't.

Q Do you know Antonio Nitto? A. Yes.

Q Were you present when Antonio Nitto voted? A. No.

Q Do you remember whether or not Antonio Nitto did vote? A. No. I didn't look it up.

Q Do you know Joseph Parisi? A. Yes.

Q Were you there when he voted? A. No.

Q Do you know where Joseph Parisi lives?

A No, I don't.

Q Do you know where Nitto lives? A. No, sir.

Q Do you know John Segali? A. Yes, I do.

Q Were you there when he voted? A. Yes, he lives at 313 First Street, I think.

Q Were you there when he voted? A. No.

Q Do you know John Spadora? A. Yes, I know Spadora.

Q Were you there when he voted? A. No, sir.

Q Do you know Peter Spadora? A. That is his son.

BY MR. PALESE:

Q Were you there with them? A. Yes, I was. I get time off for lunch.

Q How long were you out to lunch? A. One hour, and one hour in the afternoon.

Q Is that the only hour, and an hour in the afternoon?

A And when I go to the ladies' room. I think I am entitled to that.

Q That is the only time you were away? A. Yes, that is the only time I was away.

BY MR. YOUNG:

Q Which book did you have charge of? A. I had the book where they write their names in as you go and vote.

Q I mean which one, alphabetically?

A The big binders were held by the other clerk of the Board. I just entered the names and had the person sign after they wrote their name down.

BY MR. WIENER:

Q In other words, you had both poll books? A. Yes.

BY MR. PALESE:

Q If you were away for two hours, why did you sign those

challenge lists, if you didn't know whether some of these people had voted or not voted? A. I can't keep track of everything.

Q Why did you sign the paper if you didn't know whether any of those people had voted that day?

A At night everything is in confusion. You can't do anything; everything is in confusion. I do my best. That is all I can say. I signed the paper. I was through for the night. We never had any trouble at any time before.

Q Did you have trouble now? A. No. I just signed the papers because I knew there was nothing to be afraid of.

BY MR. YOUNG:

Q You didn't inspect the challenge list with the poll books to see whether any person had voted on that list?

A No, I didn't.

Q You just took the words of the other members of the Board? A. Yes.

Q You just signed it out of habit? A. More or less.

Q The law requires that the signature of the voter on the poll books and the signature of the voter on the signature copy register shall be compared. Did you compare such signatures? A. The signatures of any person I didn't know, while I was there I did compare.

Q How did you do that if you didn't have charge?

A The man, as he came in, naturally he read out the

name and address and he entered it in. When the man signed up he didn't close the book until I looked. When there is a crowd you can't look at every one because they will usually come in and vote. After all, it is a long day. Everybody was excited, and I tried to do my best. That is all I can say.

BY MR. WIENER:

Q Do you know Peter Spadora? A. Yes.

Q Were you present when he voted? A. No, but he was at the polls while I was there.

Q Did he attempt to vote while you were there?

A No, he didn't.

Q You don't know how many times he did vote while hanging around? A. That I couldn't say. They didn't do it while I am there.

Q Nathaniel Thomas; do you know him? A. Yes, he is a colored man.

Q Did he come in and vote while you were there?

A No, he didn't, although I saw him on the street; that was all.

Q Did David Werner come in and vote while you were there?

A No, he didn't.

Q Do you know him? A. No, I don't.

Q Do you ever remember a man with a black beard coming in and voting? A. He is not the only man that comes in with

a beard, so I wouldn't be able to tell.

Q But no such man came in while you were there? A. No.

BY MR. YOUNG:

Q Were you there when anyone came in and voted the name of David Werner? A. No, sir, I was not. I could truthfully tell you I personally saw no irregularities at the polls. That is the truth.

BY MR. PALESE:

Q What do you mean, "irregularity"? People permitted to vote who were on the challenge list? A. I can truthfully say--

Q What do you mean by "irregularity"? You were there, and there were no irregularities on that day?

A Nothing at all. I saw the different people that came in to vote.

Q Would it be wrong if someone voted who was on the challenge list and did not take an affidavit? Would that be wrong? A. From what I understand it would be wrong.

Q If anyone came there he would not be permitted to vote unless he took an affidavit? A. Not if I was there; only this one man.

Q Why did you permit this one man to vote without an affidavit when you knew it was necessary for him to take an affidavit? A. I explained before, when I understood when a man has actually lived in the place, that same place,

it wasn't necessary.

Q Who told you that? A. As I told you before, the members of the Board all said that at one time.

Q Did it ever happen before that a man on that list had come in and voted, without an affidavit?

A No, sir, that is the first time. I knew the man lived there; in fact, he is a neighbor of mine because--

BY MR. YOUNG:

Q You say that Martin called off the ballots numbers and gave the ballots to the voters? A. Yes, and Kelly would string them and put them in the box.

Q Of course, he would put them in the box before he would start to string them? A. Well, naturally.

Q He would string each one up after it came out of the box? A. That is at the end of the count.

Q You had both of the poll books under your supervision?

A Yes, I did.

Q There are two signature copy registers there, too.

Who had charge of the one from A to K? A. Do you mean the big binders?

Q Yes. A. This Mr. Gangemi.

Q He had both of them? A. He had both of them.

Q So that whenever any voter would come in Mr. Gangemi--

A (Interrupting) Would open the book and look the person up. He never called out and said, "That is a voter whose

Q And you would write the person's name and address down and give it to the man to sign? A. Yes.

Q Both of the signature copy registers, the big flat books, were in the custody of the one man? A. Of the one man.

Q And the poll books were in your custody? A. Yes.

Q One man handing out the ballots and calling out the ballot numbers? A. Yes.

Q And the fourth member of the Board putting the ballots in the box? A. Yes.

Q Who had charge of the challenge sheet? A. I left that to the judge. That is all I know.

Q Where was it? A. They had it. When I came in to work in the morning I didn't have it with me. That was given to the other member of the Board; as soon as I went in, they went through the usual routine.

Q Kelly was the judge? A. Yes, he was.

Q He was sitting over by the ballot boxes? A. Yes, he was.

Q Where was the challenge sheet? A. He had it alongside of him on the table.

Q Did you ever see him look up a name on the challenge list? A. He said he did. He would pick it up every once in a while and look at it.

Q He never called out and said, "That is a voter whose

on
name in ^{the} challenge list," did he?

A No, he didn't.

BY MR. WIENER:

Q At any time during the day was there a challenge of a vote? A. I told you no, just at that time.

Q When the judge of the Board called out a name, as you say, was there a vote of your Board as to whether or not a person should be permitted to vote? A. I don't get you.

Q When a vote is challenged it is customary for the Board to vote on whether or not a person should be given a ballot. Is that right? A. I understand that.

Q At any time during the day, on November 2, 1937, was there a vote taken as to whether or not a citizen should be given a ballot? A. You mean any one on the challenge sheet?

Q Any challenge at all. A. There was no necessity for it while I was there.

Q Everybody who came in was just permitted to vote?

A I told you there was no one on the challenge sheet who came in but this Mr. Scilla, and as I told you I knew that he lived there.

Q Would you say that this challenge sheet, on that poll book, is incorrect, when it shows eighteen on the challenge sheet voted? A. I wouldn't know, no.

Q And these checks made here designate they had voted?

A I couldn't tell you,

Q You said yourself that you saw several of these people come out of the polling place.

A I told you that this Spadora, as I said, lived always around the neighborhood, and he was at the polls when I was there. Whether he was hanging around at the polls, I don't know. This Mr. Thomas when I saw him walking.

Q Did you have any conversation with him?

A I did not.

Q Dominick Scilla was on the challenge list?

A Yes.

BY MR. YOUNG:

Q How do you know that if you didn't look at it?

A I am telling you, Mr. Kelly said to the boy, "Your name is on the challenge list." He is a young man. He said, "You know, Mrs. Delfino, he does live there," and he does live there.

Q That is the only time that he called out that somebody else's name was on the challenge list?

A Yes, that was the only name while I was at the polls.

BY MR. PALESE:

Q Why do you always say, while you were at the polls?

Do you think there was anything wrong? Why do you always say while you were there? A. That is what I was asked.

BY MR. WIENER:

Q Do you think these erasures were done while you were out? A. I couldn't say.

Q They must have been done while you were out?

A I couldn't say.

Q You didn't see them done? A. I couldn't tell you anything about that.

Q Do you know that there was a forty-six vote difference in the recount? A. Not until I read of it.

Q Do you know Ike Adams, 308 First Street, a couple of doors down from your house? A. No, I don't.

Q Did you see him vote on Election Day?

A No.

Q Do you remember his voting on Election Day? A. No.

Q Do you know Mattie Thomas, an old colored woman, who lived a few doors away from you? A. Yes.

Q When did she move out of the district? A. I don't know.

Q She moved out of the district? A. I couldn't tell you that.

Q Don't you canvass the district? Don't you work in the district as a Board member? A. When I canvassed the last time I couldn't get anyone to answer the doors.

Q You didn't see her come in on Election Day, did you?

A No, I didn't.

Q You heard Mr. Ferguson's man testify some time ago that she moved out of the district, to 237 Newark Avenue?

A Yes.

Q You have not seen her around the district? A. No.

Q You had not seen her around the district for some time prior to Election Day? A. No, I didn't.

Q She is an old woman and you would probably notice her going around when she was going around?

A (There was no answer.)

Q Do you know, as a matter of fact, whether she lives in this district now? A. No, I don't.

Q Were you there when somebody asked for a ballot and used her name? A. I told you I wasn't there while any of these people were there.

Q You don't know any of these people? A. I have not read it yet.

Q These are different ones. If you have made up your mind to say nothing about anything we might just as well stop. We just want you to be honest. Just tell the truth and you will be all right.

Do you know Sergio Lopez, who was right next door to you?

A Yes, he was right next door to me.

Q Do you remember when he moved? A. I don't remember when he moved. I just met the woman and she told me she moved; that was all.

Q When was that? A. Not very long ago.

Q That was before the election? A. No, that was after the election.

Q They told the investigator that this gentleman was in the hospital at that time. Did you know that?

A No, I didn't.

Q They lived right next door to you? A. I don't bother with my neighbors.

Q Did you see him come out to vote on Election Day?

A No, I didn't.

Q You don't bother with your neighbors and you are active politically, a member of the Board?

A I just go about my business.

Q You hold a job as a result of your politics?

A I don't.

Q What job have you got? A. I am on the WPA.

Q Where do you work? A. At the Medical Center. That is the new project.

Q Who helped you to get that? A. I went down to get my husband back. Must I answer personal questions? Do I have to tell my family troubles? There was nothing political in that. I went down to get my husband back. He is supposed to be supporting my boy.

Q Do you know Giuseppi Burzi? A. Yes, I do. I don't know him to talk to.

Q You know him when you see him? A. Yes.

Q Did he come in and vote on Election Day while you were there? A. I can't recall everything.

Q You didn't see him come in? A. No, I didn't.

Q When his wife says that he did not go out to vote for four years, she must be telling the truth? You have no reason to doubt that? A. I think so; I have not.

Q Were you there when someone asked for a ballot, using his name? A. No, I wasn't.

Q Do you know John Wadle, who lives at 353 Second Street?

A Yes, I know him very well.

Q Do you know where he was on Election Day? A. I don't.

Q Were you there when someone came in and asked for a ballot? A. No. I was there when his wife came in only. I remember that thoroughly.

Q When his wife signs a statement stating that he has been down South since October 1937, you have not seen him in the neighborhood? A. No, I haven't.

Q Do you know whether or not he was away on Election Day?

A No, I don't.

Q Did you canvass that house before election? Did you talk with Mrs. Wadle? A. No, I didn't get in there. I met her on the street. She said nothing.

Q Do you know Michael Fillipone? A. No.

Q Were you there when somebody asked for a ballot, using his name? A. No.

Q Do you know the Cohen family, 59 Cole Street?

A No.

Q Four of them. A. No.

Q Who all admit that they did not vote, but their names were voted? A. I don't remember.

Q Of 59 Cole Street. You don't remember them?

A No.

Q Were you there when persons using their names asked for ballots? A. No.

Q Do you know John Mills? A. Yes, I know John Mills.

Q Of Railroad Avenue? A. Yes, I know him; colored.

Q You didn't see him on Election Day? A. No, sir, I didn't.

Q Were you there when someone came in and used his name, asked for a ballot? A. Not that I remember.

Q Do you remember giving out a ballot under that name?

A There are times when there is such a rush; you can't remember everything.

Q Throughout the day were you called upon to give out ballots to any person that might have had a name similar to one which you knew, where you didn't recall seeing that person? A. There wasn't.

Q That never happened, you said? A. No.

Q Do you know Louisa Bevekin? A. No.

Q Were you there when a person giving the name of Louisa Bevekin came in and asked for a ballot? A. No.

Q Did you have the poll books in hand? A. No.

Q When you say no you don't really mean no; you mean that you don't remember? A. I don't remember. I really couldn't remember. People asked me names.

Q In other words, these people received ballots. As to whether or not you connected the names with those particular persons you don't mean that you--

A I couldn't say anything outright. You can't remember everything that goes on.

Q Let us try to remember a little bit. Do you know Angelo Camillo? A. No, I don't.

Q Do you remember someone asking for a ballot, using his name? A. I don't remember.

Q Do you know Saverio Ambrosio? A. The name is very familiar.

Q Did you see him vote on Election Day? A. I didn't.

Q Did you ever see his signature? A. No, I don't remember his signature at all.

Q When he signs a statement that he did not vote, and someone else used his name to vote, have you any reason to believe that what he says is not so?

A No, sir.

Q You didn't see him come in on Election Day?

A I did not.

Q Did you see Francesco Forcillo? A. No, I didn't.

BY MR. YOUNG:

Q Do you know him, Mrs. Delfino? A. No, I don't.

BY MR. WIENER:

Q When he signs a statement that he voted on Election Day and did not live in that district, that he came into the district although he did not live there, you say that you didn't see him at all? A. No, I didn't.

Q Now, Mrs. Delfino, I have asked you concerning about thirty-five different people, and you say you didn't see any one of them come in to vote.

A Just Mr. Scilla.

Q And all the people that you say you know, you did not see personally or they did not appear while you were there although their names were voted? Have you met any of those people since Election Day and asked them whether or not they voted? A. No, sir.

Q Do you remember people asking for assistance?

A Oh, yes.

Q About how many were there? A. I couldn't say.

Almost everyone down there. They are mostly Italian. A lot of them just sign their names; in fact, one out of every three persons comes in and asks for assistance.

Q Does that have anything to do with the Election Law?

A Well, if they say they don't understand the ballot I understand we are supposed to help them.

Q If they can write their names? A. I questioned, on

them, and some of them say their children have taught them to write their name but they don't know anything else.

Q When they cannot write their names and they ask for assistance, is it customary to make out an affidavit that they have been given assistance?

A I don't know whether it is customary or not. We have to do it.

Q Do you know whether or not it is proper to do that?

A I don't know whether it is or not. I know these two members of the Board went in where--

Q Did you ever examine the back of a poll book? You are familiar with what is in a poll book? The first part is where the voters sign their names and addresses, and the next part is where identification statements are made by people who cannot write their names and the last part pertains to affidavits of assistance. That is the title. Did you see ever, that in the back of the poll book?

A Yes, I have seen the affidavits of assistance.

Q Were there any affidavits of assistance taken?

A No, sir.

Q How many people were given assistance while you were at the polls? A. I couldn't count-- I couldn't tell you truthfully.

Q Previously you said practically everybody there needed assistance.

BY MR. YOUNG:

Q One out of three. A. One out of three is what I said. That is just roughly saying.

BY MR. WIENER:

Q Who was the gentleman that was so fortunate to be trusted with the job of marking the ballots?

A There was one Republican member and one Democratic member always went in; Mr. Kelly and Mr. Martin always went in when anyone asked for assistance.

Q Mr. Martin was the gentleman who was so nervous and excited and didn't know what to do, and still and all he was ready, able and willing to go into the booth?

A Of course, there are some things you can be excited about and not others.

Q We are learning that. Who marked the ballots in the poll booths? Who went to mark them?

A I wasn't there to see that.

Q Didn't you at any time go in? A. When I went in and the person asked for my help I gave it to him if they asked for--

Q Did you go in during the day? A. Yes.

Q How many times? A. Three or four times. I don't keep count of everything.

Q When you gave assistance to these so-called illiterate people or people unable to read a ballot, as you put it, did

you make an affidavit of assistance? A. No, I didn't.

I just asked them what they wanted to vote and they told me. If they voted my way I marked the ballot.

Q Were you familiar with the provision in the back of the poll book requiring that you make an affidavit?

A No, I wasn't.

Q Did the judge of the Board explain to the other members of the Board that it was necessary to make an affidavit? A. Not that I remember.

Q How many times do you think the judge of the Board went into the poll booth? A. I couldn't remember thoroughly everything that goes on.

Q Were any of these people who received assistance blind or physically disabled? A. I don't remember anyone that bad off.

Q You know, as a matter of fact, that the law provides for assistance only for people who are blind or physically disabled? You knew that, didn't you?

A Yes, I do.

Q Then why the practise of giving assistance to anybody and everybody that asked for it?

A That is a question I answered you before.

Q You had better tell me the truth. Why don't you tell the truth about it?

A I told you, Mr. Wiener.

Q The truth is that the judge of the Board told you what to do and you did it? A. Nobody told me what to do.

Q If you knew it wasn't proper, why did you do it?

A Because I told you, when they asked for assistance, they didn't know how to mark the ballot, I just went in and helped them what they said they wanted.

Q You knew it was wrong? A. I didn't know it was wrong.

Q You said a minute ago you didn't think it was right?

A Not to that extent.

Q Did you ask anybody about it? A. I did not.

Q In other words, the practise in your district, this district, is to go in with anybody that wants assistance? Do you ever go in with anybody that does not want assistance?

A I don't go in.

Q Did you see the judge of the Board go in with anybody that did not want assistance? A. Not until they asked for help.

Q Did they force their assistance on anybody?

A No.

BY MR. YOUNG:

Q Did two members of the Board go in with anybody that needed assistance? A. Yes. Mr. Kelly went in and the other man had the binder.

BY MR. WIENER:

Q When you went in with Mr. Kelly and Mr. Kelly marked the ballot, provided, as you say, that the person asked to be voted in the Democratic ballot, did you notice his handwriting? Did you notice the type of "X" he made?

A No, I didn't.

Q Did you watch him make a cross? A. No. If he said he wanted a Democratic helper I walked out; when the person wanted a Republican helper he walked out. When he said what he wanted to do, if he said he wanted to vote Democrat, the Democratic member of the Board marked his ballot.

Q When they wanted assistance of you, you stayed there to watch them? A. Yes, but I didn't watch Mr. Kelly mark the crosses.

Q You don't know but he may have cheated a little bit for you? A. Nobody is cheating for me.

Q You say that you went into the booth but you didn't watch him mark the ballot? A. I told you I went in; when the person asked for Democratic help I just took a back seat.

Q Did you go into the booth? You know it is your duty? A. The booths are not big enough for three people in them.

Q Kelly always got in first? A. If they asked for his help.

Q In other instances he usually slid in first? A. He

was nearest to the booth.

Q And he managed to get in first? A. That is natural.

Q Did anybody, during the course of the day, object to this wholesale system of assistance?

A I did.

Q You objected to it? A. I did.

Q You knew it was wrong? A. I objected if I figured some people could write.

Q What happened? A. The person said he needed assistance and he couldn't vote without it.

Q Did the Board take a vote on it? A. They agreed to help him out.

Q How did they vote? A. They just asked the rest of the Board, "Is it all right for two members to go in?"

Q You were the only one that objected? A. I just objected when I thought they can go in themselves. You don't go in with everyone. I said that one out of three asks for assistance, but I didn't say they got it.

Q You mean that you refused anybody assistance?

A Absolutely. If I thought a person could vote himself I made him go in.

Q How about Kelly? Did he refuse to give anybody assistance? A. If the man actually needed it--

Q Did you or Kelly at any time during the day refuse to

give anybody assistance? A. Nobody that really could read and write.

Q Answer the question. A. I did.

Q He refused to give people assistance? A. He did. While I was there he certainly did.

Q Why did you object to certain people receiving assistance? A. If I could see they spoke English well I thought they ought to know what they were doing.

Q Even though you objected, in certain instances they went in? A. No; if I said no.

Q Was there a vote taken on that? A. If anyone actually said they couldn't mark the ballots.

Q How did you determine that? Did you have a vote of your local district board? A. If the man is standing there and says, "I can't vote if I don't have help," so we offer to help him.

Q And you just went in and helped him? A. We helped him.

Q In these instances when you objected did the Board take a roll call? Did they vote, as to Democrats and Republicans, to find out just what should be done?

A Just how do you mean?

Q If a person came in and wanted assistance and you said "No, they are not entitled to assistance," and Kelly said, "Yes, they are entitled to assistance." A. He never said yes if he knew the man did not need assistance.

Q Did he at any time say that the person should receive assistance, when you objected to their receiving assistance?

A Yes, in certain instances, but here the person, the voter himself, said he really didn't know.

Q When you disagreed, what was the practise? What happened?

A The man was standing there and saying he couldn't vote because he didn't know how to mark the ballot.

Q What would happen then?

A Then one of each kind would go in.

Q Even though you objected, there was never a vote taken as to what should be done?

A In which way?

Q Did they ever call the roll?

A I wouldn't know--

Q Would you have a roll call on whether or not this man will receive assistance, "John Gangemi, how do you vote? James Martin, how do you vote? Christopher Kelly, how do you vote? Mrs. Delfino, how do you vote?" Did that ever take place?

A Not exactly.that procedure.

Q What was the procedure?

A They just asked what the members of the Board think

about it, and, naturally, we were asked.

Q And you said no, or did you change your mind when they asked you what you thought about it?

A Then if the man stood there and said he actually didn't know how to mark the ballot--

Q Did that prove to you that he was illiterate and deserved assistance?

A If the man says he doesn't know, I don't know whether he went to school or not. If I want to tell you I can't read you couldn't prove otherwise.

Q Did the man usually sign his name?

A Yes; the majority.

Q And if the majority signed their names would you still say they needed assistance?

A As I told you, lots of them told me their children just taught them to sign their names and nothing else.

Q What really happened you tried to help the voter wherever you could?

A I did.

Q You, in no way, wanted to interfere with Mr. Kelly's desire to help the voters? A. I don't like to interfere with anybody that I think is right.

Q If Mr. Kelly thought that a person was entitled to assistance, or that is the best and quickest thing to do, in order to make it convenient, I might say, you usually went along? That is the best way to do?

A That is the best way out of anything.

Q How many illiterate voters came into your district on Election Day? Do you remember?

A Mr. Wiener, I am not a magician; please.

Q Do you know any people in your district who cannot sign their names?

A Am I supposed to know them offhand?

Q You said that you were the lady that was writing the names in the books.

A I can't remember everybody.

Q You were there all but two hours in the day?

A I can't remember everybody. There are so many things to be done, crowds in the place, and lots of things; I can't stop.

Q How many people came in to the polling place while you were there, while you had both poll books in your

possession, and were unable to sign their names?

A I don't remember.

Q Was there one? A. I couldn't tell you.

Q Were there five? A. I don't remember, I said.

Q There were twenty-six. Did you, as the person in charge of the poll books, and the one who was entering the names in the poll books, make out any identification statements for illiterate voters? By that I mean voters who were unable to sign their names? A. No, sir, I didn't.

Q These twenty-six so-called illiterate votes?

A Understand this, Mr. Wiener, I didn't sit down and write all day long. I said that I took over the duties of the clerk because he was very, very slow, but there are many times that I had to stand up, too, you know.

Q While you were there, did any person who couldn't sign his name come in? A. Yes.

Q Was that person questioned? A. In what way?

Q As to his ability to write his name?

A I didn't question that.

Q Let me ask you this question; how many people came in to vote who signed by means of an "X"? Approximately how many, while you were there? A. Three.

Q Those three people, were they questioned by any member of the Board as to their ability to read and write?

A Not that I know of.

Q Do you remember where you were or what you were doing when these three people came in? Were you in charge of the poll books? A. I was in charge of the poll books.

Q Who was in charge of the signature copy register books?

A Is that the large books?

Q Yes. A. Mr. Gangemi.

Q When these people came in and signed by means of an "X" did you look in the signature copy register book to see whether or not these people had registered by means of an "X"? A. Yes, I did.

Q You personally? A. I did.

Q As to the three? A. Yes, sir, I did.

Q Is that the usual practice? A. As far as I can do it I always look at the signature.

Q Do you remember who the three people were?

A No, I couldn't.

Q But you are sure that you looked at the "X" of the three that came in? A. Because it was two men and one woman.

Q Did you compare the "Xs"? A. I did.

Q And they suited you as being the same?

A Yes, sir.

Q You are sure that you don't remember their names?

A I couldn't remember names.

Q Did any of the other members of the Board compare the

"Xs"? A. Must I answer for every member of the Board?

Q In your presence, yes. A. I am answering for myself. I can only tell you what I did, Mr. Wiener.

Q Did you see any other member of the Board--

A (Interrupting) I don't know anything about any other member of the Board, Mr. Wiener. I did my duty as I saw it.

Q How many signatures did you, yourself, compare during the day? A. Everyone that came in that I didn't know, I compared, and anyone I actually knew to be the person I didn't compare.

Q About how many voters do you think you know in that district? A. Those in my immediate neighborhood.

Q About how many would that be? A. I don't know how many people are living on that block.

MR. YOUNG: Mr. Wiener, just what is the law as to giving assistance?

MR. WIENER: Assistance can only be given to physically disabled or blind people.

MR. YOUNG: What about people who cannot sign their names?

MR. WIENER: Illiterate people, if they cannot sign their names, there are two parts in the book; one part is known as the "Identification statement part," where a person unable to sign his name or read or write votes by means of an "X" and they must be

identified by a Board member, by means of several men identifying them as being a person not able to read or write, and that they live at such a place. And then you have the portion of the act or the back of the book, concerning the affidavits of assistance given to people who are either illiterate or disabled, and the test as to their inability to sign their names is whether they are considered illiterate and cannot sign their names or disabled or blind, so that you can have a dual situation, whereby there should be an identification statement and an affidavit for the same voter, one of them identifying as the illiterate and the other giving assistance, or the affidavit of assistance.

MR. YOUNG: Therefore, the ^{only} people entitled to assistance are the blind or crippled?

MR. WIENER: A blind person can designate any person he so desires to assist him, but an illiterate or disabled must choose two members of the Board. It must be a Republican member and a Democratic member of the Board.

MR. YOUNG: Then it will appear from what record that a person is an illiterate voter and entitled to assistance?

MR. WIENER: If he cannot read and write, if he

cannot sign his name.

MR. YOUNG: What record will show that?

MR. WIENER: His ability to write his name.

MR. YOUNG: I mean what record is taken at the time he votes that will show his inability to read or write?

MR. WIENER: There is supposed to be an affidavit in the back of the poll book, one affidavit for each person asking for assistance.

MR. YOUNG: The lady says that she never took any of those affidavits.

MR. WIENER: That is correct.

MR. YOUNG: She says that only three people came in while she was there, who needed assistance because of their inability to read or write.

MR. WIENER: That is right.

MR. YOUNG: Those three will at least appear on the poll book by the cross they make?

MR. WIENER: That is right.

MR. YOUNG: Presumably made in her presence?

MR. WIENER: That is right.

MR. YOUNG: And their address will appear in her handwriting and the number of the ballot will appear in her handwriting?

MR. WIENER: That is right.

MR. YOUNG: And the "X" made by them will also appear in the poll book?

MR. WIENER: That is right.

MR. YOUNG: In the back of the poll book there should be an affidavit stating there that a person registered in that name, giving the information that is asked for, and that is on the duplicate signature copy register, isn't that so?

MR. WIENER: Along with an identification statement. It is the duty of the member of the Board to read the identification statement to the illiterate voter, the one who cannot sign his name. The identification asks for the name and address and the fact that he cannot read and write.

MR. YOUNG: The only people who should be allowed to vote with assistance are the people who cannot sign their names, is that so?

MR. WIENER: That is right.

MR. YOUNG: And if you only find ten crosses of people who cannot sign their names on the entire poll books only ten people ought to be given assistance under the law?

MR. WIENER: That is right.

MR. YOUNG: And that is so, whether there is any identification of them in the back of the book or

not?

MR. WIENER: That is right.

MR. YOUNG: Let us find out how many people actually were given assistance, if we can, beyond the one in three that asked for it or the less than one in three that asked for it.

BY MR. WIENER:

Q How many people do you think were given assistance during the whole day, approximately? A. I told you I can't tell you. I can't keep everything in mind. I came here to testify as to things I know. I am no magician, as I told you before.

Q Would you say about ten? A. I couldn't say.

Q You previously said-- A. I told you, Mr. Wiener, please don't try to put any words in my mouth. I told you people would come in and I said sometimes they could write their names because the children had taught them. I know that to be a personal fact, through my own family.

Q People were asking for assistance all day long?

A Not all day, no.

Q What part of the day? A. Anyone that needed it. I couldn't say what part of the day.

BY MR. YOUNG:

Q You say that you assisted about five people, Mrs. Delfino? A. I did.

Q And three people were unable to read and write?

A They were not able, and they made a mark, a cross, and I wrote next to their crosses, "That is her mark."

Q What about the other two out of these five?

A I told you they said they could only write their names.

Q So you went in with them? A. I went in with them.

MR. YOUNG: Where did you get the figure of 26?

MR. WIENER: There were 26 people in this district who voted by means of "Xs." That is right from the poll book.

MR. YOUNG: Of the 26 illiterates who voted with "Xs" Mrs. Delfino assisted three. Of the number of people who received assistance she assisted five altogether.

MRS. DELFINO: I assisted five who said they could not write.

MR. YOUNG: And there are no means at all, from the poll books or the signature copy registers or from the affidavits of identification or any other means, of knowing how many people were given assistance, is that so?

MR. WIENER: Except by the ballots which we have here and there appears to be about 120 definitely marked by the same hand.

MR. YOUNG: We will take a look at those later.

BY MR. WIENER:

Q Mrs. Delfino, what were you doing at the time they had this little riot down there? A. I don't know what riot you are alluding to.

Q Do you remember Captain Torpey coming in and chasing everybody out of the hall? A. That was toward the end of the recount.

Q There was a riot? A. There was so many people in there. I asked him to please call the police; my head ached.

Q Was that the only reason? A. That is the only reason I know.

Q Wasn't there some pushing around, loud talking, some intoxicated, and so forth? A. That was the only reason.

Q It wasn't the fact that it was a headache?

A It was my headache.

Q You mean that their conduct was such that it resulted in your getting a headache? A. Yes.

Q Just when did that take place? A. Shortly before the Board closed. I didn't keep it in mind.

Q How long did that continue? A. How long did it continue?

Q How long did it take Captain Torpey to chase them all

out? A. I couldn't tell you how long it took him to chase them out.

Q How long did this gang hang around the polls that day? A. They came in and out all day. It is a public barbershop.

Q How many were in the place? A. I couldn't say.

Q It was pretty crowded all day? A. That place, if it has three voters, it is crowded.

Q How many were in it when Torpey was called? A. I couldn't say.

Q Twenty-five or fifty? A. I couldn't tell you.

Q But you knew you had a headache? A. That is all I know.

BY MR. PALESE:

Q What was the headache from; too big a day's work?

A There is plenty of work, any member of the Board, and people smoking and everything, and it is hot.

BY MR. WIENER:

Q Did Kelly make any attempt to have the place cleaned out during the day? A. We always try to make everyone--

Q I am asking you about Kelly. A. He did.

Q You had hangers-on almost all day, people hanging around there almost all day? A. They always do.

Q Do you know who they were? A. No, I don't.

ing because I never got anything from anybody and I am

Q What would you think they are there for, to sneak in a vote every once in a while? A. I couldn't tell you, Mr. Wiener. They certainly didn't do it while I was there; I told you before.

Q Did they do it while you were out? A. I don't know anything about that.

Q Did they tell you to leave when they wanted to do that?

A No. When I was hungry and it was lunch time I just went.

Q How many times that day did you get hungry?

A The same as any person that is healthy.

Q You are rather fortunate in being healthy.

BY MR. PALESE:

Q When you are away, Mr. Martin is the other Republican member? A. I don't know. I couldn't tell you what he does. I don't know what goes on while I am out of there.

Q Did somebody tell you what was wrong when you came?

A I am not saying that anybody told me anything. As I told you before, I can't account for anybody else on that Board. I am up here to account for myself and no one else.

BY MR. WIENER:

Q You are doing very well. A. I can't remember anything else than that what I actually do.

Q You only tell what you know? A. I don't know anything because I never got anything from anybody and I am

just telling you what I actually saw go on, of my own free will, not what anybody else tells me, because I was poor and I am still poor. I am getting nothing from nobody.

Q You have a lot of company. I don't see what should make you think that you got anything from anybody.

A When I had nothing I had to go on relief.

Q In other words, you say that the only time this place was cleaned up was just about closing time, when Captain Torpey of the Jersey City Police Force called? A. I don't know who he was.

Q Otherwise, there was the hangers-on in and out all day long? A. There was.

Q How big is this place? A. It is a very small place.

Q What did you do when they started to count the ballots?

A What was that?

Q What did you do when they started to count the ballots, or what was your job in the counting of the ballots?

A I tallied the sheet.

Q Who tallied with you? A. Mr. Gangemi.

Q That was when everybody was chased out? A. Yes.

Q And the boys went to work? Your job was to just mark them off as they were called? A. Yes.

Q How were they called? Straight Democrats, straight Republicans? Were the ballots all divided? A. Whatever he

called I marked down.

Q Were the ballots called by party classification?

A No, just as they came out of the box he called them.

Q About how long did it take to count these ballots?

A I got out of there at eleven o'clock, between eleven and half-past.

Q When did you start? A. At exactly eight o'clock, when the polls closed.

Q And you say that you quit a little after eleven?

A I did.

Q It took you a little over three hours to count these ballots? A. It did.

Q 525 ballots? A. It did. It might have been later, but it was around that time, anyhow.

Q Who else was tallying? A. John Gangemi.

Q Did you disagree during the count? A. In what way?

Q Did you ever get to the stage where he had one more than you or you had one more than he did? A. Yes. Once or twice we had to make up. He had a few more than me, and we were looking at the stubs that were strung up.

Q You went back and counted over? A. No; the ballot, before they are strung, they are marked.

Q In other words, if he had a total of 200 and you had 80, and he had-- A. It was never that bad.

Q We haven't come to anything bad yet. When you disagreed--

I am trying to get at what you mean; I am trying to help you express yourself-- when you disagreed you went back and counted the total number of ballots? In other words, if he was one short you just gave it to Moore? A. The ballots that were strung we did not give to anyone. If you look at the sheet you will see they are counted by five, and there is a number on the top that tells you how many is tallied.

BY MR. YOUNG:

Q Did any voter ask for another ballot? Was there any ballot spoiled in that district? A. What do you mean?

Q Did any voter spoil his ballot and come back and get another one? A. Not that I know. They don't do those things, that I know of. They never done it before. I don't know why they should do it now.

Q Were you given any instructions as to your duties as member of the Board, when you went on the Board?

A No. As I told you, I was supposed to be the inspector. That is what the members voted, and this Mr. Martin, as I said, he was new. He didn't know just what to do. He asked me would I please do the writing.

Q You have been on it now three years? A. Yes.

Q And you have acted as clerk before, have you?

A Yes.

Q So that you know the duties of clerk? A. Yes.

Q Have you acted as judge? A. No.

Q You have acted as inspector before? A. Yes.

Q Always inspector? A. Yes.

Q The first time that you went on this Election Board did you ever ask for or receive instructions as to your duties as a member of the Board? Did the County Board of Elections, for example, ever tell you or teach you what was supposed to be done? A. Not personally. As we all sat down there we knew our duties.

Q The first time that you ever went on the Board did you know your duty? A. I had been on and off the Board since 1932. I am working around the polls, and when times are dull-- I was in the Sixth Ward or Fifth Ward; always working, one way or the other.

Q You have been, as you say, since 1932 around the polls? A. I have.

Q These are the only three years that you have ever served as an election Board member? A. Yes.

Q And in the other years you would act as a party worker, I suppose? A. Yes.

BY MR. WIENER:

Q Is this the official tally sheet (showing the witness a paper)? A. Yes.

Q That is your signature on it, and that of the other members of the Board? A. It is.

Q When these ballots were called off was every name

called individually? A. No. He just said, "straight Democrat" or "straight Republican."

Q And you marked all the way down the line?

A I just marked as he said.

Q How many spoiled ballots did you have? Did you have any? A. I don't remember. I can't keep everything in mind, I told you, Mr. Wiener.

Q Don't you remember him calling any ballots which were part Republican and part Democrat? A. I don't remember.

Q What kind of neighborhood is this district? What is the type of population? A. They are mostly Italian.

Q Frank Dominick Spaldi, running for the Assembly on the Republican ticket, got 18 votes, as every other member of his ticket got, except Senator Clee, although it is an Italian district; and on the Democratic ticket Peter Artaserse and Benedict Beronio, two Italian gentlemen, received 506 votes, which is exactly identical with the other 16 candidates?

A I can't vouch for the votes.

Q Will you look at that, please? I want you to refresh your recollection as to the manner in which this sheet was marked and the circumstances under which it was marked, and tell the Committee whether this was an honest count of the ballots in the box? A. Mr. Wiener, I told you before I marked down every ballot that was called out to me, as it was called.

Q And you want this Committee to believe that every Democratic candidate, with the exception of the Governor, got 506 votes? A. I don't expect anyone to believe. I am just telling you what actually happened.

Q Likewise we turn down to the Republican ticket, and every member of the Republican ticket, about 17 in number, with the exception of Clee, got 18 votes. A. That is what they called out and that is what I marked.

Q And the great office of Justice of the Peace, Nat Gordon, on the Democratic ticket, received 506 votes, as many as received by the other members of the Democratic ticket, except the Governor? A. Whatever his mark is just as it was called.

Q You don't remember any split tickets being called?

A If they called any it would be on there.

Q There is nothing on the tally sheet which designates between split and straight tickets? A. In that I say if there was any called out you would see it right there.

Q Usually when you call "straight" or "split" you have them marked differently? A. Absolutely.

Q You keep a separate record of the straight and a separate record of the split, so they should be here?

A I am telling you I just marked as he called them.

Q You kept no separate records of the splits and no

separate record of the straights? A. How could I?

Suppose that there is no separate records?

Q In other words, you had your head down and all you did was to hear and not see?

BY MR. YOUNG:

Q You say that you just marked straight along as they called out "Straight ticket"? You just marked all the way down to the bottom? A. Just as they called, "Democrat" or "Republican."

Q You say that you didn't count the straight tickets separately? A. I don't get just what you mean. If he called out "Straight Democrat" we marked "Straight Democrat" with no--

Q Some Election Boards, Mrs. Delfino, when they come to a straight Republican ticket they take a suitable place somewhere on the tally sheet and mark "Straight," "Straight Republican" and "Straight Democrat" and then they string this out here (indicating) and then they mark individually the split tickets. Do you see what I mean? A. No, I don't.

Q The reason that I asked you, and why I thought you might know something about this is because on the vote for John W. Sweeney you have got two sets of crosses, and this (indicating) ends here at 231. You have that at each one?

A Each one, yes, sir.

Q And you went all through just exactly--

A (Interrupting) As it was called.

Q And the thing miraculously totals up to 506 for each Democratic member? A. Mr. Young, if the man is calling, naturally I mark as he calls out. If he calls just Democrat or Republican, naturally it is going to come to one--

BY MR. WIENER:

Q In other words, you say that 36 out of 38 candidates, divided in their respective political divisions, got exactly the same number of votes, when there were 525 cast?

A That is the way they called them out.

Q There was no time during the evening when Mr. Kelly said, "Let us give all except the Governor 506, and let us give Moore 504, and let us go home"? A. Mr. Kelly does not run the place.

Q He doesn't? A. No, he doesn't.

Q Who did he run? A. I told you the things were called out just as he said.

Q Did you receive any instructions, as to your quota, as to how many votes you were supposed to get for your candidate there, Senator Clee? A. Yes. I think he said 64.

Q 64 votes for Senator Clee? Did you vote for Senator Clee, by the way? A. I did.

Q I ask you to look at these ballots. What kind of a ballot would you call that? A. I would call it a split

ballot.

Q Look through all the others.

MR. YOUNG: Here is a tally of the votes for five Republican members of the Assembly and five Democratic members of the Assembly, and for all other Democratic candidates. That is a split ballot.

THE WITNESS: As I told you, I wasn't watching the ballots. The other man was watching the ballots.

Q Do you remember when Mr. Kelly was calling the ballots?

A Yes.

Q Do you remember him at any time calling a split ballot? Did he ever say "Split ballot"? A. No.

Q Do you remember at any time having taken down the five Democratic Assembly candidates and immediately thereafter five Republicans? A. What do you mean? The ballots?

Q Did Mr. Kelly read this ballot off in this fashion? Moore-- A. (Interrupting) No. He would just look it over and said, "Straight Democrat" and "Straight Republican."

Q That is about all he said? A. Yes.

Q Split ballots were not even counted?

A No, I wouldn't even know when they were counted or not.

Q Now, Mrs. Delfino, you stated that Mr. Kelly called the ballots off there, "Straight Democrat" or "Straight

Republican"? A. He did.

BY MR. PALESE:

Q And that sheet over there is your writing, is it (indicating)? A. Yes.

Q And that shows that there are 506 votes for every one of the Democratic assemblymen, of which there are 12, and it shows 18 for each of the Republican assembly candidates?

A Yes.

Q And it shows 497 for Moore and 27 for Clee?

A Yes.

Q And these marks on here (indicating) were made as a result of what Mr. Kelly, the chairman of the Board, said?

A What Mr. Kelly called out.

Q And this would mean that he called 506 Democratic votes for the assemblymen, 497 for Moore and 27 for Clee, and 18 for the rest of the Republican assemblymen? A. Yes.

Q Are you sure that you didn't make any mistake in putting these marks here unless they were called out by the Judge? A. I didn't put any marks unless they were called out by the Judge.

MR. PALESE: Isn't there another tally sheet?

MR. WIENER: Yes.

MR. PALESE: Who made the other sheet?

THE WITNESS: That is Mr. Gangemi.

MR. PALESE: The first is the same as this?

THE WITNESS: Yes, sir.

BY MRS. SANFORD:

Q Is he the Democrat? A. Yes.

BY MR. PALESE:

Q If there are 30 split ballots, either you made a mistake in putting the "X" or the judge of elections made a mistake when he called the tickets out? A. I just marked what he called.

Q You are sure that that is the truth, whatever he called you made that?

MR. WIENER: She made that very plain. She said that Mr. Kelly called nothing but the straight Democratic or the straight Republican tickets. He never said, "This is a split ballot." They couldn't possibly call the split ballots and ^{have} gotten out of there by 11:15 or 11:20, whenever they did.

BY MR. WIENER:

Q Mrs. Delfino, do you remember where you were when these ballots were erased? Will you look at them? I show you all these ballots, where the straight Republican ticket in almost every instance is erased for the benefit of the Democratic ticket.

MR. PALESE: You see the erasures yourself?

THE WITNESS: Yes.

Q Do you see them all the way down? A. Yes.

Q Did anybody ask you for an eraser during the day?

A No.

Q Did you see anybody use the eraser? A. No, I didn't.

Q Do you recollect this taking place? A. There were no erasers at all on the pencils in the booth and no erasers around the booths at all; in fact, in the place I saw none at all.

Q Let us go back a minute. Do you recall that you stated sometimes when Mr. Kelly and somebody else went into the booth, one would walk out sometimes before the ballot was completed or there wasn't enough room?

A Yes, the place is too small for three people to be in it, and when they walked in, naturally, three people, you know, the booths are full. Naturally, I had to stand right outside the booth, and when the man turns his back to me naturally I can't see.

Q Then you went out and left the voter in the booth?

A When he said he wanted a Democratic vote I went out.

Q You don't know how those erasures could have been made?

A No, I don't.

Q Do you think it happened when you had the last riot, when there was a commotion just before you started to count the ballots? A. That I couldn't say.

Q Do you happen to know that these ballots were all counted and came right in succession, when they were counted?

A No, I don't.

Q 220, 221, 222, 223, 224; that is, they are all in sequence. Most of these came together (indicating). You don't remember seeing them? You didn't look at any ballots?

A I didn't.

Q You didn't mark them here (indicating)?

A No, I didn't.

Q When that so-called riot took place, you don't know just what happened? A. No, I couldn't say.

Q You don't know why the riot was staged at that particular moment, do you? A. No.

Q If anything like that happened in those few hot moments, you probably would not have noticed it anyhow?

A No.

Q Mr. Kelly was reading off these ballots. Did he, at any time, call the attention of the Board to the fact that these ballots were erased? A. No, he didn't.

Q Did you know that on the face of each ballot there is a statement of law which says, "Don't mark this ballot in any other manner than above provided for, and make no erasures. Should this ballot be wrongly marked, defaced, torn, or any erasure made therein or otherwise rendered unfit for use, return it and obtain another"? A. I remember that, but I saw no erasures.

Q Was there ever a vote on the Board, on any of these

nine erased ballots, as to whether the function of the voter was to erase, or whether a mark was made by some other person?

A I couldn't say. I didn't see the erasure until now.

MR. YOUNG: Mr. Wiener, what does the law provide as to erased ballots? Does it provide that it is void?

MR. WIENER: It is void unless it is the intent of the person to so erase.

At one time, before Chief Justice Brogan, we were ready to bring in ten persons who made statements that they had voted in a certain district where we received three votes, and we offered to bring them before the Chief Justice, and he refused to give us the opportunity.

Q I show you what purports to be ballot number 516, which is marked as a straight Democratic ballot, and torn lengthwise in three parts. Do you remember that ballot?

A No.

Q Do you remember one box being completely filled with voted ballots, and when the second box was opened up this ballot was in the bottom of that box, and the men from the Superintendent of Elections had an argument with Mr. Kelly about this ballot, and he grabbed it and tore it up?

A That was the ballot that one of Mr. Ferguson's men tore up.

Q Still and all we find it on the string, marked as 516, and duly counted. I don't know whether it adds that way, but it is on the string and it is not marked "void" as it should have been, and it has evidently been treated as a perfectly valid ballot.

BY MR. YOUNG:

Q What was the occasion for tearing it up?

A I think I remember that; one of the voters came out, with the ballot, with that open. I told him to please fold it. He refused to fold it. I think the deputy tore it.

BY MR. WIENER:

Q Wasn't this the ballot that was found in an empty box, and one of the deputies found it in there? It was never supposed to be issued to a voter? A. That I don't remember.

Q You don't remember that? A. No.

Q Do you remember in the recount, that as the result of the recount Senator Clee gained 19 votes, to increase his total from 27 to 46? A. I read it.

MR. SCHWARTZ: I think it is objectionable.

After all, I don't think it is a proper question to ask this witness.

MR. WIENER: I think Mr. Wiener is the best man to testify to that.

Q And Senator Moore originally had 497 votes, and after

the recount he lost 27 and received 470, making a variation of 36 votes? A. I told you, Mr. Wiener, I marked what was called to me. Anything after that I just read in the papers.

Q Who checked on Mr. Kelly's count? A. What do you mean, "Who checked on Mr. Kelly's count"?

Q Who watched him call off the ballots?

A There was two of Mr. Ferguson's deputies in back of him.

Q How much trouble did they have? A. I don't recollect anything they had.

Q During these riots they were pushed around quite a bit?

A They were still left in the place.

Q You mean they were left alive? Is that what you mean?

A They were still in the place.

Q Can you account for any commotion or anything else, because everybody seems to have voted correctly down there? Was it due to the fact that a few people made a mistake and voted the Republican ticket, that caused all this trouble?

A I can't answer that because I don't know.

Q Did you ever see these two ballots before (indicating)? I am now showing you two ballots which apparently had a bullet vote for Senator Clee in blue pencil, and thereafter, by means of a black pencil, the straight Democratic ticket was voted?

A I told you, Mr. Wiener, I didn't see any of the ballots. I was tallying.

Q Did Mr. Kelly call the attention of the Board--

A (Interrupting) I just told you I just marked down as he called out the ballots. I can't tell you anything about that.

Q Did Mr. Kelly at any time say, "No vote for Governor or the rest of the Democratic ticket"? A. He didn't say anything, to my knowledge.

Q He just called "Straight Democrat"?

A I marked as he called.

Q Did he at any time during the day call out a vote for Clee, and the rest for the Democratic ticket; a split ticket like that, Clee, and the rest for the Democratic ticket? A. Yes, that happened.

Q When did that happen? A. Whenever there was a vote for Clee and the rest of the Democrats.

Q Did you examine any of these ballots? A. Just now?

Q The one with the blue pencil. A. I told you before I didn't see any of the ballots before.

Q Did you see this blue pencil mark (indicating)?

A Yes.

Q Do you see these marks here (indicating)?

A Yes, I do.

Q You have a blue pencil there, and there you have black pencil, an apparently different marking, and in your three years' experience as a member of the Board would you say

the same person and same pencil were used as on another part of the ballot? A. Not if it is blue.

Q Look at the type of "Xs".

A "Xs" don't mean a thing. When I am in a hurry I make all kinds of "Xs". You could never tell the same one is mine again.

Q Then you don't know how these two ballots were counted?

A I couldn't say about these two ballots. I couldn't specify which ballots.

Q Do you remember Mr. Kelly stating, as to any particular ballot, that no governor was voted for or could be counted?

A No, I couldn't.

MR. YOUNG: We are going to adjourn until next Wednesday morning, Mrs. Delfino. We appreciate your coming over today and hope we have not tired you out, but we are going to ask you to come back again next Wednesday at ten o'clock.

THE WITNESS: I will do my best. I have a family to keep, too.

MR. YOUNG: If we find we don't need you, we will send you word.

MR. MURRAY: I think you ought to impress on this lady--

MR. SCHWARTZ: I wish you would do this, take into consideration the fact that she earns \$15 a week;

she has three children to keep on that, and that she will be docked for today's time, as well as for any other day that she may be brought back here.

THE WITNESS: That is not true, any politics, as Mr. Wiener tries to say. I was on relief, and everybody, to be put on, had to apply for employment at 571 Jersey Avenue. In 1935 I put in an application for employment.

MR. YOUNG: What office is that?

MR. SCHWARTZ: The State Labor Department.

THE WITNESS: I applied for work there. That is the usual procedure.

MR. SCHWARTZ: The rule in Jersey City was--

THE WITNESS: They give it to those who put their application in for employment, not as Mr. Wiener said. I didn't get it through anybody.

MR. SCHWARTZ: It is rather a hardship for her to lose \$3 a day.

MR. YOUNG: I am simply telling you, if we send for you next Wednesday you will have to get back.

MR. MURRAY: She has to come back unless she is told not to.

THE WITNESS: I understood that that is what Mr. Young is telling me; if I am not needed Mr. Young will notify me.

MR. MURRAY: You will be needed.

THE WITNESS: I think Mr. Wiener made the statement that the woman holds the bag. I hope he is not trying to have me hold the bag.

MR. WIENER: I want to compliment you on coming here, in comparison with the people who did not have the guts to come here.

MR. YOUNG: Thank you very much.

THE WITNESS: I thank you, too.

(At this point Mr. Wiener called out the names of Chris J. Kelly, James Martin, and John Gangemi, and in each instance there was no response.)

MR. YOUNG: We will adjourn to ten o'clock Wednesday, February 23.

MEMORANDUM OF SPLIT BALLOTS OF THE NINTH
DISTRICT, THIRD WARD, JERSEY CITY, NEW
JERSEY, AT THE GENERAL ELECTION ON
NOVEMBER 2, 1937.

<u>Ballot Number</u>	<u>Explanation</u>
51	shows a vote for Mr. Moore, for Beronio, Pesin, Szadkowski, Ajamian, and Wilson on the Democratic Assembly and the rest of the Democratic ticket, and for the Republican Assembly candidates, Thomas, Law, Brennan, Witzgall, and Stuhr.
424	a vote for all of the Republican candidates through the Assembly, none for the Republican freeholders and none for the Boulevard Commissioners.
386	straight Democratic ballot all the way through, except that. Norman Wilson is cut and Frank Dominick Spaldi on the Republican Ticket is substituted in his place.
373	straight Democratic ticket all the way through except for the fact that Harry E. Bischoff is cut on the Democratic Assembly and Frank Dominick Spaldi is substituted in his place
359	straight Republican ticket through the assembly except for the fact that Max Feinberg of the Republican Assembly ticket is cut in favor of Peter P. Artaserse, Democrat. There are no votes for the freeholders or Boulevard Commissioners on the ballot
379	carries votes only for Lester Clee, George L. Miles, Republican Senatorial candidate, and the first two of the Republican candidates for assembly, namely, Erickson and Hassard.
311	a vote for Lester H. Clee, Republican, Edward P. Stout, the entire Democratic Assembly ticket, the entire Democratic freeholder ticket, and a split vote for the Boulevard Commissioners, one vote going to Vanderbach, a Democrat, and one to Taft, Republican.

<u>Ballot Number</u>	<u>Explanation</u>
274	a straight Democratic ticket except for two places on the Assembly ticket where the Democratic candidates and Malloney and Artaserse were cut, and Republican candidates Hassard and Spaldi received votes.
270	straight Democratic ticket through the Assembly, without any votes for freeholders or any other candidates.
267	straight Democratic ticket except that there is no vote for Edward P. Stout, candidate for Senator.
257	straight Republican ticket except that there is no vote for George L. Miles, candidate for State Senator.
254	straight Republican ticket except that there is no vote for George L. Miles, candidate for the State Senate.
227	has three bullets on it, one for Mr. Moore, one for Benedict Beronio and one for Frank Dominick Spaldi, and no other vote.
228	has four bullets on it, one for A. Harry Moore, one for Benedict Beronio, one for George L. Miles, Republican candidate for State Senate, and one for Frank Dominick Spaldi, Republican candidate for Assembly.
238	a vote for Lester Clee, George L. Miles, on the Republican side, and straight Democratic through the Justice of the Peace.
494	straight Republican ballot except for the fact that the candidates for freeholder are omitted. There are four candidates for freeholder.
475	a vote for Clee, Miles, and the remainder straight Democratic.
468	a vote for Clee; no candidate for State Senate. Straight Democratic Assembly, only one freeholder candidate, Thomas J. Fleming, and no other vote.

<u>Ballot Number</u>	<u>Explanation</u>
218	Voted for Lester H. Clee, George L. Miles, and the first five Democratic assemblymen, Walker, Maloney, Artaserse to Beronio, and the first five Republican Assemblymen, Erickson, Hassard, Weber, Spaldi and Thomas, and no other vote for either party.
50	straight Democratic ticket except that there is no vote for Edward P. Stout, candidate for the State Senate on the Democratic ticket.
32	straight Democratic ticket except that there is no vote for Edward P. Stout, nor for E. Norman Wilson on the Democratic side.
38	Voted for Lester H. Clee and George L. Miles, and for Harry J. Erickson, Cornelius Hassard, and Arthur Weber for Republican assemblymen and a line is thereafter drawn through all the other Republican names.
86	Straight Republican ticket through assembly; n o vote in either party for the freeholders and other offices.
113	Straight Republican ballot all the way through except that Republican assembly candidates Erickson and Law are cut in favor of Democratic Assembly candidates Artaserse and Beronio.
122	straight Republican ballot all the way through except for the fact that there is no vote for the state Senate, and that the Republican candidates for assembly, Erickson and Brennan are cut in favor of Artaserse and Beronio.
147	Straight Democratic ballot all the way through except that Peter Artaserse, candidate for assembly, is cut in favor of Dominick Spaldi, Republican candidate for assembly.
154	votes for Harry Moore, Edward Stout, Harry Bischoff, Thomas Fleming, freeholder candidate, John Sweeney, freeholder candidate, and for one out of the two candidates for Boulevard Commissioner, Mr. Vanderbach being cut on this ballot.

<u>Ballot Number</u>	<u>Explanation</u>
158	straight Democratic ballot all the way through except that Benedict A. Beronio, Democratic candidate for the Assembly, is cut in favor of Frank Dominick Spaldi, Republican candidate.
161	has a cross in front of the name A. Harry Moore and Edward P. Stout and Thomas Glynn Walker. Thereafter, all of the Assembly candidates and the first three freeholder candidates have a line drawn through the box in front of their name, and a cross in the square by the name of John C. Sweeney; a big cross covering both boxes against the names of the Boulevard Commissioners, and a vote for Nathan Gordon.
524	bullet vote for Lester H. Clee.
432	straight Democratic except for the name of Nathan Gordon, which is not voted.
365	straight Democratic except that it carries no vote for John C. Sweeney, Board of Freeholders, to fill a vacancy.
295	straight Democratic except for Nathan Gordon, whose name is not counted.
43	straight Democratic except for Nathan Gordon.
71	bullet votes for Harry Moore, Edward P. Stout, and the two top members of the Democratic Assembly, Walker and Maloney; no vote for any other member.
83	straight Democratic ticket except that Maurice A. Cohen of the Democratic assembly ticket was cut and Frank Dominick Spaldi was inserted in his place and the Republican.
85	straight Democratic except for Nathan Gordon, who received no vote.
95	straight Democratic except no vote for Nathan Gordon
166	straight Democratic except that Peter Artaserse of the Democratic Assembly is cut for Frank Dominick Spaldi of the Republican Assembly.

<u>Ballot Number</u>	<u>Explanation</u>
171	straight Democratic except that the vote is for Clee instead of Moore, and they cut Ajanian of the Democratic assembly without placing anyone in his place.
191	straight Democratic ticket except that there is no vote for Thecla Kleffmann, candidate for Boulevard Commissioner.

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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, February
23, 1938, at ten o'clock in the forenoon.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Rocco Palese

- - - - -

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO, Esq.,
and JAMES F. MURRAY, Esq.
Counsel to the Committee

J O S E P H I N E D E L F I N O, having been
previously sworn, resumed the stand and testified as
follows:

BY MR. MURRAY:

Q Mrs. Delfino, you testified the other day, I believe,
that you were a Republican member of the Board in the Ninth
District, Third Ward? A. I am.

Q Just what were you on that Board? You had a meeting
of that Board when you organized, didn't you?

A Yes.

Q What were you elected, on that Board? A. Inspector.

Q Inspector? A. Yes.

Q Did you act as inspector in the Primary preceding this
election? A. No, I didn't.

Q You didn't act as inspector in the election, did you?

A I was voted inspector, but, as I told you before, on
account of the new member of the Board--

Q I didn't ask you that. Please answer my question.

A No, I didn't.

Q You didn't act as inspector? A. No, I didn't.

Q Who told you not to act as inspector when you went in
on that election morning? A. No one at all.

Q Who told you before you came there?

A Nobody.

Q Why didn't you do as you were sworn to do? A. It held

up the vote, when the man is nervous and didn't know what to do.

Q Who decided that? A. Among ourselves.

Q Who suggested that? A. The members of the Board.
That was my worker.

Q That was your worker? A. This Mr. Martin; he just said he was nervous and I offered to take that.

Q You took Mr. Martin's place? A. I did. I offered to take that.

Q Did anybody suggest that to you? A. No.

Q You knew what you were sworn to do? A. Yes.

Q How long had Mr. Martin been on? A. That was his first time, his first year.

Q How long had you been on? A. I was on this Board three years.

Q You have always been a Republican? A. Always, since 1922.

Q How long have you been in that district or neighborhood?

A Seven years.

Q You had some trouble holding your Republicanism?

A Not that I know of.

Q You didn't? Never? A. Not that I know of. If you can refresh my memory-- I couldn't remember.

Q Are you sure you didn't? A. I didn't; unless you can refresh my memory. to you? A. Just nothing. No said

up the vote, when the man is nervous and didn't know what to do.

Q Who decided that? A. Among ourselves.

Q Who suggested that? A. The members of the Board.

That was my worker.

Q That was your worker? A. This Mr. Martin; he just said he was nervous and I offered to take that.

Q You took Mr. Martin's place? A. I did. I offered to take that.

Q Did anybody suggest that to you? A. No.

Q You knew what you were sworn to do? A. Yes.

Q How long had Mr. Martin been on? A. That was his first time, his first year.

Q How long had you been on? A. I was on this Board three years.

Q You have always been a Republican? A. Always, since 1922.

Q How long have you been in that district or neighborhood?

A Seven years.

Q You had some trouble holding your Republicanism?

A Not that I know of.

Q You didn't? Never? A. Not that I know of. If you can refresh my memory-- I couldn't remember.

Q Are you sure you didn't? A. I didn't; unless you can refresh my memory.

Q Didn't you ever get into any argument down there?

A Any argument?

Q About your Republicanism, being out for some
Republican candidate? A. I just don't get you.

Q You get the question. A. I know I was out for
Clee. That is all there was to it.

Q I mean before Clee. You say that you have been down
there about seven years? A. I have been living there seven
years and nobody ever asked me what to do.

Q I ask you, didn't you have some trouble with Democrats
down there because you were a Republican and you were out for
the Republicans? A. I don't remember.

Q Before you got on the Board? A. Like anybody else,
they asked me what I was. I said "Republican."

Q Didn't you have fights? A. No.

Q Didn't you have arguments? A. I didn't.

Q How did you come to get on the Board? A. Through
Mr. Charles Kilmurray.

Q In fact, it was through Mr. Tom Rollins?

A Yes.

Q He is dead now? A. Yes.

Q Whom did he bring you to see before he put you on the
Board? A. He didn't bring me to see anybody.

Q Are you sure? A. I am positive.

Q What did he say to you? A. Just nothing. He said

to me, "Mrs. Delfino, now that you moved in this district, would you like to be on the Board? There is a vacancy."

I told him, "If they think I will do, I will gladly work for you."

Q How long have you been living in that district?

A Seven years.

Q You have been on the Board for three years? A. Yes.

Q How long was Tom Rollins the leader there?

A I don't know how long he has been leader there but he only lived two years after I got on the Board.

Q You knew him a long while; I mean, two or three years before you got on the Board?

A I knew him but not to speak to.

Q You were in that district two or three years before you were put on the Board? A. Yes.

Q It wasn't just after you moved into the district that they came to you and said, "Now that you live in the district we will put you on the Board"?

A I was asked long before but I didn't do it. I was sick. It was by Mrs. Lena Vesper. She is now deceased.

Q Was that at the time that Rollins was the leader?

A Yes.

Q Didn't you ever see Rollins? A. I don't know just how this all worked out. I had been living in the Fifth Ward, or the ward I was living in, and I moved and when I came

there she asked me would I like to work there, and they would say where it would be.

Q And you said no? A. I had been sick.

Q Did Rollins go to your house himself and ask you whether or not you would like to be on the Board?

A He didn't come to the house. I met him on the street.

Q You were looking for him? A. No.

Q He asked you? A. In the beginning they asked me. After that, when they wanted to run me for Committeewoman, I said I would rather be on the Board.

Q Then you were put on the Board? A. I was put on.

Q How long after he spoke to you were you put on the Board? A. I can't remember.

Q About how long, a year, two years? A. I don't know; I can't remember the time.

Q You can't remember the time? A. No, I can't.

Q Was it the following election that he put you on the Board? A. It might have been.

Q Don't you know? A. I can't remember.

Q How long have you been on the Board? A. I told you, three years.

Q You remember that? A. Yes.

Q When did you go on? What year? A. 1934.

Q This is 1938, and you were on three years?

A Yes.

Q Did you serve in 1934, November? A. I did.

Q And 1935? A. No, I was off in 1935.

Q You were off in 1935? A. Yes.

Q Why? A. I was off in 1936. They asked me to run for Committeewoman, and that was it.

Q Who asked you that? A. Mr. Kilmurray.

Q Did you run? A. Yes, I did.

Q Didn't you have some argument in 1936? Don't you remember? A. Argument about what? I can't understand why I should have arguments.

Q About politics. When you were running down there for Committeewoman in 1936, the year that you got off the Board, didn't you have some argument down there? You did, didn't you? A. What way do you mean? Those arguments go on in any polling place.

Q You had an argument? A. In just what way. I can't understand. What do you mean?

Q Didn't you have some argument with Democrats?

A Why should they argue with me?

Q I am asking you if they didn't. A. I had no arguments with anyone.

Q Did you have an argument with Democrats; not with Republicans? A. I didn't have any arguments with anyone.

Q Who was the Democratic committeeman in this district?

MR. EDWARD SCHWARTZ: I think, in all of this testimony as to this line of cross-examination, and that is what it is, as to what might have been two or three years ago, the manner in which this woman was appointed, her personal character, and whether she had any fights, is certainly beyond the purview of the resolution authorizing this Committee to act. I think this should stop. I don't see why this witness, who has come in to volunteer all the information she possesses, should be harassed in the manner in which she is harassed.

Q Who was the Democratic committeeman in your district at that time? A. Daniel Turi. In the beginning, Louis J. Meloro.

Q Did Mr. Meloro talk to you and ask you if you would withdraw? A. I live in Mrs. Meloro's house.

Q I didn't ask you that. A. The only time I see Mrs. Meloro is with the rent.

Q Didn't they send someone to you to ask you to withdraw as committeewoman? A. They didn't.

Q How did you get on the Board again? A. Through Mr. Kilmurray.

Q You did not stick, did you? A. I did it to favor Mr. Martin.

Q After that you were put back on the Board? A. Right.

Q I believe you have served ever since, and that leaves three years since you have served? A. Yes.

Q Who took your place as a member of the Board; do you recollect? A. I think it was Peter Spadora. I don't recollect the other man's name. I couldn't remember the other man's name.

Q Did you say that you now have a position on the WPA?

A Yes, sir, I have.

Q How did you come to get that? A. I registered down in Jersey Avenue in 1935, and at that time they put my son on.

Q Who did? A. The relief; when that went through they just came personally to the house.

Q Who came to the house? A. The policeman came from the office of the relief. I think they put everyone that was eligible to go on. I asked him, if he could go on, so that if the boy could get work I could stop and he could go to work. They said, "You sign. It is best for your boy to go on." Then I went down to Mr. Lynch. The boy had a dislocated shoulder, and I asked if I couldn't take his place. He said, "No," but the first chance there was of a vacancy on the WPA I would get it.

Q What year was that? A. A year ago.

Q I thought you said it was 1935? A. I registered in 1935.

Q When did your boy go on? A. I just don't remember when the time was, but the first year, and the first month they

put in WPA workers, the boy was the first to go on.

Q It was after that year that you ran for committeewoman?

A Yes, it was.

Q When did your boy come off, or is he still on?

A No, I am on now.

Q When did you go on? A. Sometime in June or July,
when they were putting the others off.

Q 1937? A. Yes.

Q How old was your boy when he went on? A. He is 22
now. I don't remember how long he is on. He is 22 now.

Q How old is he now? A. He is 22 now.

Q What date? A. July 9. Must I answer personal
questions.

Q Yes.

MR. SCHWARTZ: I will advise Mrs. Delfino at
this time, by virtue of the ruling of the Court of
Errors and Appeals, to refuse to answer any questions
about her personal life, anything except what has to
do with public matters.

MR. MURRAY: This has got all to do with the
makeup of that Board and the reasons why certain acts
were done.

MR. YOUNG: As I understand the situation, we
are not particularly interested in when her son got on
the WPA. We want to find out when she got on and why.

Q Why? That is it. A. I can tell you why.

MR. SCHWARTZ: I submit that the question should be asked that way and let the witness explain.

Q When will your boy be 22 years old? A. July 9.

Q Next July 9 he will be 22? A. Yes.

Q When you got your place on the WPA, what preliminaries did you have to go through before you got it? You had to get a letter? A. I told you I went down to Mr. Lynch.

Q With the letter? A. No. He was the Supervisor. Through Mr. Kilmurray. He said to go down there and find out if I could go on. I did this last year. I went down there last year and Mr. Lynch said he would put me on at the first possible chance there was. I went down to Mr. Lynch several times. I didn't see him personally. I saw others who may have had something to do with it.

Q Whom did you see? A. I couldn't say. I asked to see Mr. Lynch. In a place like that you can't see the man you want to see. They don't show you. It is a new project, like any one else, and I don't need any political pull. There are colored people and people who cannot speak English. Politics had nothing to do with it.

Q I am glad you think so. Mr. Kilmurray sent you down there? A. He sent me down to Mr. Lynch.

Q Didn't Mr. Kilmurray give you a letter?

A He did.

Q You had a letter? A. From Mr. Kilmurray.

Q You didn't go down there just by yourself?

A Absolutely not.

Q Who was the letter from, that you had? A. The letter was closed when I had it.

Q You know who it was from. A. The letter was given to me closed and I gave it to Mr. Lynch.

Q You know who the letter was from, don't you?

A I am telling you the letter was closed.

Q I am not asking you whether the letter was closed.

A It was a closed letter.

Q You knew from whom that letter came? A. Mr. Kilmurray sent me the letter.

Q You know who that letter was written by, don't you?

A I have nothing to do with that.

Q I am not asking you whether you have anything to do with that. I am asking you: Did you know who gave that letter to Mr. Kilmurray? You knew, didn't you?

A I can't testify who gave it to him. Mr. Kilmurray gave it to me.

Q You know who the letter was from. A. I don't know who the letter was from. Mr. Kilmurray gave it to me.

Q He told you who it was from? A. He gave me the letter closed.

Q He told you whom the letter was from? A. He just

told me to go down and see Mr. Lynch.

Q When he handed you the letter he told you who the letter was from? A. He just told me to go down to Mr. Lynch.

Q Answer the question. A. I can't only tell you what actually--

Q Please answer the question. When he gave you the letter he said, "Bring this letter to Mr. Lynch or Merrill Ramsey," or whomever you were to see down there?

He told you who the letter was from? A. He did not.

Q He did not? A. He did not.

Q Whom did you see? Mr. Lynch? A. I saw Mr. Lynch personally.

Q He opened the letter? A. Yes, he did, and read it.

Q Then you found out what it was? A. Yes.

Q Who was it from? A. Mr. McGovern.

Q Which McGovern? A. Philip McGovern.

Q In the Third Ward? A. I don't know where he is from.

Q You know Philip McGovern is in the Third Ward?

A I beg your pardon, I don't know Mr. McGovern at all.

I will take an oath.

Q And you have been living seven years in that Third Ward? A. I never went to anyone for favors.

Q Where does Philip McGovern live? A. That is the truthful answer. I would not answer; I would not think of

telling--

Q Do you know Mr. McGovern today? A. No.

Q Do you know whether he lives in the Third Ward?

A No.

Q What did the letter say? A. He said to me, "Mrs. Delfino, what happened to your boy?" I told him he dislocated his shoulder. He said, "Where is he now?" And I said, "At home," so he said, "I am sorry, I can't do anything at all for you just yet. The first opening there is you can get it."

Q Did he read the letter? A. Yes.

Q Did he read Mr. McGovern's name? A. He must have.

Q Did he read the address? A. No, he didn't.

Q Did you know that Mr. McGovern is the Democratic assistant in that ward, assistant to Mr. Sullivan, the Hague leader in that ward? A. Yes.

Q Do you know that? A. Yes.

Q That is how you got on the WPA? A. For three years I would have to wait for a WPA job. Just because Mr. McGovern spoke-- more than one woman went on way before I did.

Q You didn't go on until after you made the run to be Republican committeewoman? Right? A. Just a moment.

Q Is that right? A. It was after that.

Q Then you didn't run for committeewoman any more, and you

went on the Board? A. I did.

Q After you were on the Board Mr. McGovern, who is assistant to William Sullivan, the Hague leader in the Third Ward, gave you a letter, which letter you took down to the WPA, to Mr. Lynch? Right? A. Yes.

Q After that you were put on the WPA? A. No, sir. I just got on the WPA less than a month ago.

Q You were put on after that letter? A. Yes.
Without registering, or a relief number, I would not have got on.

Q You did not, however, all that time--

MR. YOUNG: I thought she testified that she got on the WPA June or July of last year.

THE WITNESS: That is when they took the boy.
No, sir; I just went on the new project that just came on now.

Q How long was your boy on? A. He was on the WPA first.

Q When did he go off? A. I told you, in June or July of the past summer.

Q He went off? A. He went on and off. Any time they laid anybody off they laid the boy off. When they need them they recall them. They laid them off three or four weeks at a time.

Q When did he first go on? In June? A. No, I think

in September or November, when they first put them on.

Q What year? A. I just don't remember that.

Q 1936? A. Yes, it must have been 1936.

Q He went on in November, 1936? A. I don't know whether it was November or not. Whenever this project came on.

Q I mean November or October, or sometime in 1936?

A It was.

Q He would not have been 21 until the following July?

A Right.

Q So he went on the WPA before he was 21, isn't that right?

A I don't think the age has anything to do with that.

Q How long was he on, Mrs. Delfino? I don't mean that he would be laid off in between. How long was he on?

A Until the past summer.

Q Up until 1937, sometime in the summer?

A During the summer.

Q When was the last time that he worked on the WPA?

A I think in July of this last summer.

Q July? A. Yes. I know they were laying them off.

Q And nobody in your family was on at all?

A No.

Q Nobody was on last November, on Election Day; nobody from your house was on the WPA? A. No. My girl was working at that time.

Q How old is your girl? A. She is twenty.

Q Twenty? A. Yes, sir.

Q So that it was after November-- before Election Day the boy was put off, and you were put on after you took that letter? After you took this letter from Sullivan's henchman you went on? A. Yes. Almost two years after.

MR. YOUNG: May I interrupt? I understand that all the members of the Board have been brought here by Colonel Kimberling, and that one of the members has had a misfortune.

MR. ROBBINS: I don't like to interrupt the proceedings--

MR. YOUNG: All we want to know is about this particular one.

MR. ROBBINS: He is desirous of submitting to the jurisdiction of this Committee, and I may say, most respectfully, to this tribunal that this man, whom I represent, will only be sworn and will not testify, on advice of counsel.

MR. PALESE: Let us wait.

MR. ROBBINS: I thought you wanted to eliminate the return of this warrant directed to Colonel Kimberling to bring these men--

MR. YOUNG: Of course, this man is under your counsel, and I think that the Committee will be willing

to let him go if Mr. Robbins--

MR. ROBBINS: We want to submit to the jurisdiction of this tribunal, and I will stipulate with this tribunal now, if it is the intention of this Committee to cite these three men before the General Assembly tonight I will assure this Committee that the three men will appear before the General Assembly tonight.

MR. YOUNG: We are trying this case. If it is the disposition of the Committee to let him go now they will let him go. Which man is that?

MR. ROBBINS: Mr. Gangemi.

MR. WIENER: I would like the Colonel or the Captain to bring this particular member before the Bar so that this Committee can instruct this prisoner, who is in the hands of the State Police, to return here at a date to be set by the Committee.

MR. ROBBINS: I am trying to expedite matters and not embarrass this Committee.

MR. PALESE: Where are these prisoners?

MR. WIENER: Captain Nichol, will you please produce the prisoners? I want to call the attention of the Board to the fact that these men are under criminal warrant, and that they should be brought forward in the same manner in which it is done in any

criminal proceeding. I demand that they be brought forward and presented to this Committee.

MR. PALESE: Let us wait until they are asked.

MR. ROBBINS: I thought I would cooperate and help this Committee. I am very anxious to do so.

MR. PALESE: You didn't help us out the other day.

MR. ROBBINS: They are not in the same status today as they were the other day.

MR. YOUNG: We want to at least get Mr. Gangemi on and have him refuse to answer the questions.

BY MR. MURRAY:

Q I just want to ask you a few more questions. Who spoke to you and suggested that you give up your place? Did you say that you were the inspector or the judge of the Board? A. The Inspector.

Q Do you know what the duties of an inspector are, on a Board? A. This was the first year I was inspector. I think they go according to the older member, if I am not mistaken.

Q I didn't ask you how they become--

A (Interrupting) This was the first year I was inspector.

Q Do you know what you are supposed to have done, as inspector? A. At the end or after everything was over?

Q I mean right from the beginning. A. As a rule, the inspector just stands there and hands out the ballots and calls

out the numbers.

Q When the tallying is over do you know what the inspector is then supposed to do?

A He marks the ballots, strings them.

Q Who calls them out? A. The judge.

Q You were not the judge, were you? A. No, sir.

Q You were inspector, not Chairman? A. That is right.

Q While you were stringing them you had a chance to look over the ballots? A. Absolutely.

Q After the Chairman would call out the votes that were supposed to be on the ballot, then it would have been handed to you as inspector, open? A. Yes.

Q And you are supposed to fold it and mark it?

A And string it, yes, sir.

Q You gave up that position where you could sit down and look at it? A. I never sat.

Q Well, stand, if you prefer. But where you could look at them you knew that was your duty, as inspector?

A Yes, sir.

Q To look at it and string it and mark it?

A Yes.

Q And you gave up that position and went as a clerk?

A I did.

Q As a clerk you had no opportunity to look at the vote?

A No, I didn't.

Q All that you did was to mark down what they called out?

A Yes, sir.

Q Who did you say took your place as inspector?

A Mr. James Martin.

Q The other Republican member? A. Right.

BY MR. YOUNG:

Q How did you come to get the letter that you took down to the WPA headquarters? A. Through my executive, Charles Kilmurray, Republican executive of the Third Ward.

Q You went to him and said that you want to get on the WPA? A. Yes. I always went to him for everything.

Q He told you it would be necessary to get a letter?

A No. He just said to me, "I will see what I can do for you, and if I can't do anything I will notify you," so this letter was sent by mail; in fact, in another letter to me he told me to please go down to the WPA office. Then I think they were on York Street, and I asked to see Mr. Lynch.

Q And the letter from Mr. McGovern was not at your personal solicitation? A. No, sir.

Q All you did was to ask for a letter, to do whatever he could for you, and it was his own act, ^{so} _^ to speak, that took him to McGovern to get the letter?

A Yes, sir. I really didn't know what was in the letter until it was read to me.

MR. SCHWARTZ: When did you get this letter?

MR. YOUNG: When did you get this letter?

THE WITNESS: This was in 1936. The boy had already been on a few months, and playing football he dislocated his shoulder. As I said before, when you don't appear you don't get paid. I thought it would be best for the boy to do something. I had worked all my life. I thought it would be best for the boy to do something to give us a decent life. I went up to Mr. Kilmurray with that statement, "Do you think I can get on instead of the boy?" And Mr. Kilmurray offered to do just as I told you. He made no promise whatsoever, because nothing ever materialized.

(At this point a recess was declared.)

C H R I S T O P H E R J. K E L L Y, being duly sworn
according to law, testified as follows:

MR. YOUNG: Mrs. Delfino, if you care to go
you can. We have no further questions for you.

EXAMINATION BY MR. WIENER:

Q Mr. Kelly, what is your full name?

A Christopher Joseph Kelly.

Q Where do you live? A. 388 Monmouth Street.

Q Where do you work? A. Margaret Hague Hospital.

Q What is your job? A. Utility man.

Q Were you the member of the Election Board of the
Third Ward, Ninth District, Jersey City, on November 2, 1937,
who read the ballots?

A I refuse to answer on advice of counsel. That goes
for all.

MR. YOUNG: That is sufficient. The
Committee has already decided that that question is
proper.

Q I take it that you are about to refuse, or you do re-
fuse, on advice of counsel, to answer any question pertaining
to your conduct as an election officer in the Third Ward,
Ninth District, on November 2, 1937?

A Through the advice of counsel, I do.

Q Why? A. Ask Mr. Robbins.

MR. ROBBINS: The order was directed to

Colonel Kimberling to produce these men before the Committee to testify today--

MR. YOUNG: And they refuse to testify.

MR. ROBBINS: For the purpose of the record, I submit, for this tribunal, the position and the step that counsel takes--

MR. WIENER: I suggest that Mr. Robbins read the warrant, because the warrant instructs the State Police to produce this man to answer this complaint, "and to be further dealt with as the law directs."

MR. ROBBINS: May I ask the tribunal just what is the intention with respect to these members? Perhaps I can save time and cooperate with the Committee.

MR. PALESE: What is that?

MR. ROBBINS: Just what is the intention of the tribunal with respect to these three men?

MR. PALESE: For them to answer the questions propounded.

MR. ROBBINS: On their refusal to do so, just what position does the Committee take, so that I can cooperate with the Committee?

MR. PALESE: Did you cooperate with the Committee the other day when you sent one of these individuals home?

MR. ROBBINS: That is an unjust and unwarranted

statement. You are dealing in hearsay. In all fairness to the members of the Committee of this sovereign state--

MR. YOUNG: Did you send someone home?

MR. ROBBINS: As a matter of fact, I advised some not to testify when they retained me as counsel.

MR. YOUNG: You told them not to answer the subpoena?

MR. ROBBINS: Am I being subjected to an inquiry?

MR. YOUNG: No, no. You told these individuals, when they were served with subpoenas to appear here to not respond to those subpoenas?

MR. ROBBINS: You are offering things that are not warranted. I told you, when I took the position as counsel, I advised these men that in my opinion it was not necessary for them to testify.

MR. YOUNG: As a result of that they did not respond to the subpoenas.

MR. ROBBINS: I assume that that is the reason they did not respond. Gangemi advised me Friday that his child had been very seriously ill.

MR. YOUNG: Now you want us to tell you what we are going to do with these individuals?

MR. ROBBINS: I am willing to dispose of the

matter, if you are going to make a complaint.

MR. GIULIANO: Maybe you ought to have Mr. Robbins sit up there and tell us what to do.

MR. WIENER: For the purpose of the record, I wish that you, Mr. Chairman, on behalf of the Committee, in accordance with the statement made, to provide now an official order to the Superintendent of the State Police to hold Mr. Kelly in his custody.

MR. YOUNG: I didn't put it in the form of the order but I think that is your duty, Colonel Kimberling, and I request you to do so.

COLONEL MARK O. KIMBERLING: Everybody is ahead of me, to put it so. I consider that our duty has been performed when we delivered these prisoners to your custody, at eleven o'clock, in compliance with the order. If there is anything further you want us to do I wish you would make an official record of it so that we will be legally right.

MR. ROBBINS: If you make that an order I will have no objection to it.

MR. YOUNG: That is fair. It is a matter of record here.

MR. WIENER: It is already on the record.

MR. ROBBINS: All right, you are now in the custody of Colonel Kimberling.

J O H N J. G A N G E M I, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name?

A John Joseph Gangemi.

Q Where do you live? A. 340 Second Street, Jersey City.

Q Where do you work? A. I am a stationary fireman in the Hudson County Power House, Jersey City.

Q How long have you been employed in such capacity?

A About four years.

Q Were you the inspector in the Third Ward, Ninth District, in Jersey City, on November 2, 1937?

A I refuse to answer on advice of my counsel.

MR. YOUNG: That, I think, is sufficient.

We have already determined that question to be a proper question.

MR. WIENER: I take it that on advice of your counsel you will refuse to answer questions put to you concerning your conduct as a member of the Election Board of the Third Ward, Ninth District, on November 2, 1937?

THE WITNESS: That is right.

BY MR. PALESE:

Q Mr. Gangemi, were you served with a subpoena to be here last week before this Committee? A. Yes.

Q And were you here last Friday? A. No, sir.

Q Who told you not ^{to} answer that subpoena?

A Nobody told me not to answer the subpoena.

Q Why weren't you here in response to that subpoena?

A Because my lawyer, Mr. Bennett A. Robbins, his opinion was that I didn't have to testify, so I thought if I didn't have to testify I wouldn't show up, so I went up to take care of the kids.

Q Did he tell you, after you exhibited the subpoena to him, that you were not to appear here before this Committee in response to this subpoena?

A No, sir.

Q Then why weren't you here, as you are here today?

A Because his opinion was I didn't have to testify, and I thought it best not to appear if I didn't have to testify.

Q When did you see Mr. Robbins about the subpoena?

A The following morning I got in touch with him.

Q What do you mean by that? Saturday morning, the day after the subpoena was served on you?

A I was served at night, Thursday night, and I seen my counsel Friday morning.

MR. WIENER: Mr. Chairman, I make the added

request that this man be officially held, and that the same order be issued to Colonel Kimberling to retain this man in his custody.

MR. YOUNG: The same order.

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

EXAMINATION BY MR. WIENER:

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

Q Where do you live? A. 302 Fourth Street, Jersey City.

Q Where do you work? A. I work on the WPA.

Q What project? A. A street project.

Q Where is this project? A. In Union City.

Q Did you tally the votes in the Third Ward of the Ninth District on the evening of November 2, 1937?

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

Q Why? A. Because I have gone over it with him and I am of the same opinion.

Q You mean that you told him what happened on Election Day and, therefore, you can't tell what happened?

A I did not. I refuse to answer it.

Q Why should you be afraid to answer this question?

MR. YOUNG: All right, he refuses to answer.

The Committee has already determined the question to be a proper question.

MR. WIENER: All right, I will put a formal question to this gentleman, too.

Q I take it that on advice of your counsel you now refuse to answer all questions which may be put to you concerning your conduct as a member of the Election Board of the Third Ward, Ninth District, Jersey City, on November 2, 1937?

A Yes, sir.

BY MR. PALESE:

Q Mr. Martin, were you here last Friday in response to the subpoena? A. Yes, sir.

Q Were you in this courtroom? A. No, sir. The courtroom was locked.

Q What time did you come here that morning?

A About 9:30.

Q Had you seen Mr. Robbins before you arrived here that morning?

A No, sir, I didn't.

Q Did you know Mr. Robbins before that time? A. I met him once before, yes, sir.

Q Did you retain Mr. Robbins to represent you?

A I did.

Q Where? A. Right here in the lobby of this court house.

Q Had you talked to him before that morning?

A To retain him?

Q No; had you talked to him before that morning, for him

to represent you last Friday?

A Oh, no, no, not to represent me, not before then.

Q How did you know that you wanted to see him for the purpose of representing you?

A I had been here fully-- well, quite a while. I got here about 9:30 and out in the lobby there was some talk about the two Democratic members not appearing here, and I thought I would retain Mr. Robbins as my lawyer, so I went over and spoke to him.

Q Did you show Mr. Robbins the subpoena that had been served on you? A. No, sir, I didn't.

Q Did he ask you whether or not a subpoena had been served on you to appear before this Committee?

A No, sir.

Q Did he know that you had been served with a subpoena?

A Yes, he knew that.

Q But you didn't show it to him? A. No, sir.

Q Knowing that you had been served with a subpoena to be here before this Committee, Mr. Robbins told you to go home? A. He did not, no, sir.

Q Why didn't you stay? A. It was his opinion I didn't have to testify, and I took it upon myself.

Q To do what? A. Just to leave.

Q Didn't he suggest that you go home? A. No, sir. I just retained him and left him after that.

Q He said you didn't have to testify? A. Yes.

Q And as a result of that you just left the building and went home? A. That is right, yes, sir.

MR. YOUNG: I make the same order in this case.

MR. WIENER: The same order to Colonel Kimberling that this man be retained in the custody of Colonel Kimberling?

MR. YOUNG: Yes.

MR. ROBBINS: May I ask Mr. Young for how long a time these men will be in the custody of Colonel Kimberling?

MR. WIENER: Until they are arraigned and bail is set.

MR. ROBBINS: That is all right. The statute provides the manner in which they are to appear before any tribunal for the purpose of arraignment and bail.

MR. YOUNG: The statute, Section 52-13-3 of Revised Statutes, states that "Any witness who refuses to answer any questions decided by the Committee to be proper and pertinent shall be guilty of a misdemeanor."

MR. ROBBINS: May I suggest to you the position that Mr. Gangemi is in, and the refusal to bring these men before the General Assembly, that we immediately arrange with the County Judge to bring them before him

to arrange for bail.

MR. WIENER: That will be done as expeditiously as possible.

MR. YOUNG: We have to adjourn by 12:30, and I think we may as well adjourn now.

MR. WIENER: Will you please make an announcement?

MR. YOUNG: All other witnesses under subpoena will please come back when notified. I expect that that will be on Friday.

MR. WIENER: Friday at ten o'clock.

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MR. YOUNG: May I have a formal authorization to sign the complaint?

MR. PALESE: I move that Mr. Young be authorized, to sign any necessary papers to properly arraign these three individuals before the court.

MRS. SANFORD: I second the motion.

(Motion carried.)

MR. YOUNG: That motion being carried I will stay here.

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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, February 25,
1938, at ten o'clock in the forenoon.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Frank C. Osmers, Jr.

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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

CHAIRMAN YOUNG: One of the Committee suggested that I read this telegram into the record. I sent a telegram to Rabbi Werner, who it was testified did not live in the Ninth District of the Third Ward, although his name had been voted from that district, asking him if he would come down last week and testify. I received this telegram-- incidentally, collect-- addressed to Henry Young, Jr., Chairman, Legislative Investigation Committee, 744 Broad Street, Newark: "Your telegram to Rabbi David Werner, 25 Mulberry Street, Providence, Rhode Island, referred to undersigned. Rabbi Werner convalescing from recent operation. Because of doctor's order impossible to be in Newark, New Jersey, on Wednesday, twenty-third. Rabbi Werner is willing to give testimony by deposition or affidavit to the effect that he did not vote in Jersey City on November 2nd, 1937. Reply as to what course you desire to pursue."

Signed "Philip B. Goldberg, Attorney for Rabbi Werner, 36 Exchange Place, Providence."

MRS. ROSE VELARDI, having been duly sworn,
according to law, on her oath testified as follows:

MR. WIENER: May we have a receipt prepared
for this box for Mr. Ertle.

CHAIRMAN YOUNG: He is going to stay here, isn't
he?

MR. ERTLE: I am going to stay here, but I
would like to have a receipt for my records of the
delivery of the box here. I received a receipt from
Mr. Young when I took the box back.

(Discussion.)

DIRECT EXAMINATION BY MR. MURRAY:

Q Mrs. Velardi, what is your full name, please?

A Mrs. Rose Velardi.

Q What is your husband's name? A. James Velardi.

Q Where do you reside? A. 309 Third Street.

CHAIRMAN YOUNG: Jersey City?

THE WITNESS: Yes, sir.

Q Is that the Ninth District of the Third Ward?

A Yes, sir.

Q And are you the Republican Committeewoman in the Ninth
District of the Third Ward? A. Yes, sir.

Q Were you present on Election Day in the district, last
Election Day, November, 1937? A. Yes, sir.

Q At the General Election? A. Yes, sir.

Q Were you there all day? A. Yes.

Q What time, about, did you get there in the morning?

A Well, my husband left 7:30, I guess, quarter to eight. He was there eight o'clock. I had to dress the children, and I was there about 8:30, quarter to nine.

Q Who was there when you got there, do you recollect?

A Everyone was there.

Q The four members of the Board there? A. Yes, sir.

Q Do you know the four members of the Board?

A Josephine Delfino, Willie-- I don't know his last name.

Q Gangemi, do you mean? A. Yes, and Kelly and John Martino.

Q Kelly was there? A. Yes.

Q Who were at the books? What were each one of those doing when you got there, do you recollect?

A I guess there was voters there.

Q What was Kelly doing, do you remember?

A Kelly was at the box there taking care of the ballots.

Q As they were handed by the voters he took the ballots and put them in the box? A. Yes.

Q Were you a challenger there for the Republican candidates? A. Yes, sir.

Q You were a challenger? A. Yes, sir.

Q Had you credentials? A. Yes, sir.

Q Did the Board know that you were a challenger?

A I guess so.

Q Did they ask you? A. Yes, sir.

Q Did you show them your credentials? A. Yes, sir.

Q Did you see any deputies there from Mr. Ferguson's office? A. No.

Q You didn't see any. Were you there in the evening when they started to count the ballots?

A Yes, sir.

Q Who was at the box? Which one of the members of the Election Board was at the box taking ballots out of the box? A. Mr. Kelly.

Q And did he take the ballot out of the box and open it and call out the names that had "X's" alongside of their names? A. Yes, sir.

Q He was the one that was supposed to do that, wasn't he?

A Yes, sir.

Q And he did take the ballots out, did he?

A Yes.

Q And at least pretended to call out the names of the parties against whom the "X's" were supposed to be?

A That is right.

Q And were you watching him? A. Yes, sir.

Q And did you observe whether or not Mr. Kelly correctly

called out the names of those voted for on the particular ballot that he had in his hand? A. Not all of them.

Q Did you look at every one? A. Yes, sir.

Q And what did you notice, if anything, while he was calling out, for instance, the name of Moore or Clee or anyone else that was voted for, supposedly voted for on the ballot? In other words, did you notice^{at} any time by looking at the ballot which he had in his hand and by listening to what name he called out as having been voted for on that particular ballot, did you notice any discrepancy or any difference in the one who had an "X" alongside of his name and the name which Kelly called out as having been voted for? A. That is true.

Q What did you observe? A. He called Clee's votes for Moore.

Q He called Clee's votes for Moore? A. Yes, sir.

Q Mr. Kelly, a member of the Board? A. Yes, sir.

Q And you were looking at the ballot he had in his hand?

A Yes, sir.

Q You saw that ballot was marked for who for governor?

A Clee.

Q And you heard Mr. Kelly call that Clee vote for whom?

A For Moore.

Q For Governor Moore, Senator Moore. And what did you do or say when you noticed him doing that? A. I put a

stop to it; I started an argument.

Q You protested and told him that was wrong, right?

A Yes, sir.

Q Did he correct it or leave it go at that time?

A He corrected it and then they continued to call out the ballots until I noticed another thing wrong.

Q Another Clee vote? A. Yes.

Q And he called it out for Moore? A. Yes, sir.

Q Did you protest again? A. Yes, I did.

Q Did you have some arguments with them on account of it?

A Yes, I did.

Q And how often did you do that? Did you do that five or six times or more on Clee votes that he called out for Moore? A. Not five, but about three or four times I guess there was an argument there.

Q Then what happened, if anything? What did any of the members of the Board, or did any-- by the way, was the Democratic committeeman around there then?

A Yes, sir.

Q Who is the Democratic committeeman in that district?

A Daniel Turi.

Q He was there? A. Yes, sir.

Q Did he say anything to you when you protested against the actions of Kelly calling out votes for Moore when they were actually marked for Clee? A. Yes, sir.

Q What did he say and what did he do?

A The other argument was that Kelly had gave Dan Turi a Clee ballot for Moore and he put it in his pocket. So I put a stop to him. There is where the argument started.

Q Will you please repeat that? You mean that Mr. Kelly, the Judge of the Board that was taking the votes out --

A Yes, sir.

Q And there was another Clee ballot came out and he called Moore? A. Yes, sir.

Q And you protested? A. Yes, sir.

Q And then Mr. Kelly gave that ballot to whom?

A To Dan Turi.

Q Is that the Democratic committeeman that you speak about? A. Yes, sir.

Q And he did not give it to the inspector and mark it and string it? A. No, sir, he gave it to Dan Turi.

Q What did Dan Turi do with it then?

A Put it in his pocket.

Q The Democratic committeeman put that ballot in his pocket? A. Yes, sir.

Q Did that raise any disturbance or did you protest against that? A. Yes.

Q What happened then? A. There is where the other argument started, and he called me aside.

Q Who did? A. Daniel Turi called me aside.

Q Then what happened? A. And he tried to talk it into me to let him do what he was doing by taking Clee's ballots for Moore, and I refused, and he offered me the money and I still refused.

Q He offered you money? A. Yes.

Q Mr. Turi, the Democratic committeeman?

A Yes, sir.

Q That is who you are talking about? A. Yes, sir.

Q He offered you money? A. Yes, sir.

Q Did he offer you that money right there and then while he still had the ballot? A. Yes, sir.

Q He still had the ballot in his pocket? A. Yes, sir.

Q How much money did he offer you? A. Five dollars.

Q Did you see the money? A. Yes, sir.

Q Did you notice it was five dollars? A. Yes.

Q Then what happened? Did you take the money?

A No, sir.

Q Too bad you didn't. Then what happened? What did you do when you refused the money?

A He tried to still tell me to get the money to go and buy myself a pair of shoes, and I still refused. So being my husband was there with me during the day, I called up my husband and told him how Dan Turi was trying to sell me off -- buy me off, which I refused, and my husband also responds that he refuses. So Dan Turi saw that, he didn't say anything

else. He said, "Then you don't want it?" I refused, and I said no. So we went out of the room, and as we were inside, the first thing you know the Captain came in and had us put out.

Q Just a minute, please. Did Mr. Turi have this ballot in his pocket all that time? A. Yes, sir.

Q Then when you refused, where did you go? Did you go outside near the Judge of the Board again?

A Yes.

Q Right near the ballot box? A. Yes.

Q Then you say suddenly the police came in? A. Yes, sir.

Q The Jersey City police? A. Yes, sir.

Q Who was in charge of the police that came in, Captain Torpey? A. Yes.

Q You are sure? A. Yes, that was the name.

Q How many policemen did he have with him?

A Just one, and the one that stays at the box.

Q There was a policeman in at the box all the time?

A Yes.

Q Did he hear anything about this offer of money?

A No, sir.

Q Did he hear you protesting with Kelly about Kelly calling Clee votes for Moore? A. No, sir, he just deliberately came in --

Q No, I mean before the captain came, was that policeman there, the policeman that was there all day or evening, was he there when you protested? A. Yes, sir.

Q And what did he say, if anything? A. He didn't say anything.

Q But he heard the argument, did he? A. Yes.

Q What did Captain Torpey and the policemen do then?

A Just Captain Torpey ordered us all to go out.

Q Captain Torpey himself? A. Yes. He told us we were not supposed to stay there, and ordered us out.

Q Who did he put out or who did he leave in? Did he put you out? A. Yes, sir.

Q Was your husband there at that time? A. Yes, sir.

Q Did he put him out? A. Yes.

Q You were a challenger? A. Yes, sir.

Q Did you tell him you were a challenger? A. Yes, sir.

Q You told Captain Torpey you were a challenger for the Republican ticket? A. I guess he seen the challenger pin on me.

Q When he was putting you out you protested with him you had a right to be there as a challenger? A. Yes, sir.

Q What did he say, if anything? A. He just told us to go out, and he left. So I sent for Kilmurray.

Q But Captain Torpey deliberately put you out after that?

A Yes, sir.

Q And he put your husband out? A. Yes.

Q Whom did he leave in there; do you recollect who was there after you were put out? A. Josephine Delfino and Willie and John and Kelly.

Q The four election officers? A. Yes, sir.

Q Anybody else left in there? A. No, sir, just the four.

Q Was the policeman inside? A. The policeman was there, yes.

Q Torpey left the policeman who had been on duty there inside with those four election officers? A. Yes, sir.

Q You are positively sure the only ones left in there by Captain Torpey were the four election officers and one of his policemen, is that right? A. Yes, sir.

Q You are positively sure of that? A. Yes, sir.

Q You did not notice any deputies of Ferguson there,-- or did you notice? A. There were deputies there but they were all outside.

Q Everybody put out, you are sure of that, except the four election officers and the policeman?

A Yes, I am quite sure.

Q Now, you were the county committeewoman of that district, the Ninth District of the Third Ward, is that so, Mrs. Velardi? A. Yes, sir.

Q And who is the county committeeman, the Republican county committeeman? A. Joseph Turco.

Q Joseph Turco, is that correct? A. Yes, sir.

Q Do you know who the Democratic committeewoman in that district is? A. No, sir.

Q Was the Democratic committeeman left inside there, do you remember, by Torpey? A. No, I am sure Dan Turi was outside too.

MR. MURRAY: That is all.

BY CHAIRMAN YOUNG:

Q You say that Mr. Turi had this ballot in his pocket. Did he give that ballot back to the members of the Board before he was put out? A. To tell you the truth, I didn't see. All I know, he took the ballot when they started the argument, and we were put out so soon I didn't see whether he put it back or not.

Q So soon after they came back from offering you five dollars, you were put out and did not see where the ballot was put? A. Yes.

Q Did you see him do anything to that ballot while he had it in his possession? A. No, I did not. I just saw that he put it in his pocket.

BY MR. MURRAY:

Q Just a few more questions. Did the Captain go right away or did he hang around for a while? A. No, he left.

Q He left and left his policeman in charge? A. Yes, sir.

Q Were you permitted to go back right away after the Captain left? A. No, sir.

Q You were kept outside? A. Yes.

Q Did you get back at all? A. Yes, sir.

Q How did you get back? A. I seen that we were put out, and I knew it was wrong, so I sent my husband for Kilmurray and I told my husband to explain what happened, which he did. So he came back with Kilmurray and Kilmurray came and had us put back again.

Q When you were permitted to go in, back into the polling place, were there many ballots left to be counted or were they all counted, or what was the condition?

A No, there was just a few. You might as well say it was over. So they started writing out the big charts.

Q It was practically over when you got back? A. Yes.

Q They started to fix up the tabulation sheet, is that right? A. Yes.

Q When you were put out about how many ballots were counted, do you remember? I think you said you had protested three or four times on Clee ballots, is that right?

A Yes, sir.

Q Do you recollect about how many ballots had been counted altogether at the time you were put out?

A That I couldn't tell, because I was outside.

Q Between the time you were put out. Was it early in the

count that you were put out? A. Well, it started about ten, we were out near eleven o'clock, about an hour only.

Q They only started to count the ballots about ten?

A Yes, about ten or a little after.

Q They were finished at eleven? A. No, they were not finished. That is when we were put out.

Q About eleven you were put out? A. Yes.

Q Do you remember how many votes were cast in that district on that day? Was it over 500, do you remember?

A No, it was four-something.

Q It was over 400, then? A. Yes, sir.

MR. MURRAY: All right, that is all.

J O S E P H T U R C O, being duly sworn according
to law, on his oath testified as follows:

EXAMINATION BY MR. MURRAY:

Q Where do you live, Mr. Turco? A. 319 First Street.

Q Are you employed? A. Yes, sir.

Q Where? A. Unemployed.

Q Oh, I beg your pardon. Are you the Republican
committeeman in the Ninth District of the Third Ward in
Jersey City, New Jersey? A. Yes, sir.

Q Were you on Election Day of last November, 1937.

A Yes, sir.

Q Were you around there all day? A. Practically most
of the day.

Q And were you working there as the Republican
committeeman, or were you also a challenger there?

A Challenger and committeeman.

Q You were a challenger? A. Yes, sir.

Q Were you there in the evening when Captain Torpey came
into the polling place? A. Yes, sir.

Q And did Captain Torpey put you out or order the
policemen to put you out? A. He ordered everyone to go
out. He did not mention any individual names, he said all
go out. Delfino said she was sick, she had a headache --

Q I am not asking you what Delfino said.

A That is how it started.

Q Did she send for the police after she said she had a headache? A. No, sir.

Q Well, it didn't start that way. The police were in --

A They came in.

Q Captain Torpey of the Jersey City Police Department came in with one or more assistants, is that true?

A Yes, sir.

Q You were in there then? A. Yes, sir.

Q And Mrs. Velardi was in there with you at that time?

A Yes, sir.

Q And the four election members of that Board?

A And the two deputies.

Q Do you know them? A. If I seen them I know them.

Q They were there at the time the Captain came in?

A Yes, sir.

Q They were put out with the rest of you?

A No, sir, they were in there, the deputies were in there.

Q Are you sure of that? A. I am quite sure.

Q Are you positively sure? A. Sure.

Q Are you? A. I am sure.

Q Where were they standing? A. They were standing right next to the box.

Q I thought you said that the Captain did not point out any individuals, he said, "Everybody get out." A. No.

He said, "Everybody out."

Q Did everybody go out? A. They did not go out. They had their badges on.

Q Did you have your badge on? A. At the time I did not.

Q Why didn't you have it on? A. I didn't think it was necessary, it was all over.

Q It was all over? A. They were just counting the ballots.

Q But it was not over, was it? A. It was not over.

Q Who told you to take your badge off, anybody?

A No one. I took it off myself.

Q You saw your co-challenger there for the same ticket, Mrs. Velardi, had her badge on? A. I don't remember her having it on.

Q Were you watching ballots? A. Yes, sir.

Q Still the Captain put you out? A. Put us out.

Q Were you kept out? A. Outside near the window, I started looking through the window.

Q Did you get in back again before Mrs. Velardi?

A I got in through the side door, I walked in. There is a back entrance and I walked in there again.

Q And the police did not put you out? A. No, they were gone then. There was one policeman inside. He was writing something down.

Q Couldn't you get in the front door? A. No, sir.

Q Why? A. It was closed.

Q Was it locked? A. They closed it. And I did not bother getting in the front door, so I walked around back.

Q Was there another policeman outside? A. There was one policeman.

Q At the front entrance? A. Yes, sir.

Q In the back entrance, where did that lead to?

A Right around the back, and I walked right in.

Q Right around the back of what? A. Right around the back of the barber's.

Q Back of the store? A. Yes, sir.

Q You had to go in the side door, didn't you?

A I walked in the side door.

Q You mean the door in the front of the house, is that right? A. Yes, sir.

Q Was there anybody at the back door? A. No, sir.

Q Did you see anybody in the back room when you got there? A. No, sir.

Q And nobody told you to get out?after you went in?

A No one told me to go out after I went in.

Q Why didn't you go in the front door? A. I figured they put us all out the front way, I might as well go back the back way.

Q Did you try to get Mrs. Velardi in? A. I told her

to watch until I will go in the back way, so if I got in she can come in after me.

Q How long were you in after Mrs. Velardi got in?

A Just a couple of minutes.

Q You were in there a couple of minutes before Mrs.

Velardi got back with Mr. Kilmurray?

A Kilmurray just came in.

Q You were only inside a couple of minutes?

A That is all.

BY MR. GIULIANO:

Q How many votes did Clee have when you were put out of the place? A. About twenty-two.

Q He had twenty-two. How many votes were counted when you were put out? A. I guess about 200 or 250.

Q How many votes were cast that day?

A I don't know that. I don't remember that number.

Q 200, 300, 400, 500? A. Altogether?

Q Yes. A. I don't remember. Four hundred and something.

Q Sure it was not 525? A. I don't remember the right number.

Q Was it four hundred? A. I don't remember the right number.

Q Approximately. A. That I couldn't say.

Q You are the Republican district leader and you mean to

tell me you don't know how many votes were cast in the district? How many votes were cast in the district?

A I don't remember the number I tell you.

Q Approximately. A. 450 or 475.

Q Suppose I tell you there was over 500, where did the rest come from? A. There could have been. I don't remember.

Q You are Republican district leader? A. I don't remember how many we took in.

Q You are the Republican district leader? A. Yes.

Q How long have you been a district leader? A. This is the first year in.

MR. YOUNG: You were elected last year at the primaries, were you?

THE WITNESS: The same year.

MR. YOUNG: How many votes did you get when you got elected?

THE WITNESS: About a hundred.

Q They only gave Clee twenty-seven and you got a hundred?

A In the Primary he is talking about.

Q In the Primary you got a hundred Republican votes and Clee only got twenty-seven, is that so?

BY MR. YOUNG:

Q Were you working for Mr. Powell or Mr. Clee in the Primary, can you tell us that? A. Mr. Clee.

Q Did you canvass your district for Mr. Clee in the Primary? A. Yes, sir.

Q How many did you find in the canvass you expected to get for Mr. Clee? A. I expected to get about a hundred.

Q You expected about a hundred Republican votes?

A Yes, sir.

Q Now, the actual record of your district is that there were eight votes for Senator Clee and 92 votes for Senator Powell in the Primary, do you remember that?

A I remember it now.

Q You canvassed your district before the Primary?

A No, on the Primary.

Q You canvassed your district before the Primary, did you?

A Yes, I did.

Q As a result of that canvass you expected to find a hundred Republican votes in your district?

A At least a hundred Republican votes. I got a hundred Primary, I figured he would get the same thing.

Q You canvassed your district before the General Election? A. Yes, sir.

Q You know who the Republicans are, do you?

A I had a slip of most of them.

Q As a matter of fact, the actual count was how many turned out in the General Election, do you know?

A I don't know how many turned out at the General Election.

Q Didn't you check them as they came in to vote?

A No, sir.

Q You know your Republican voters in that district?

A I know most of them.

Q And you didn't check them off as they came in to vote?

A I didn't check them, no, sir.

Q And didn't you go out or send out any last call cars to people who had not voted? A. I went out myself. I went out and told them and they said they would be down.

Q How many altogether came in, do you know?

A Well, I know myself about twenty, twenty-five I seen come in.

Q You had a hundred, didn't you? You expected a hundred?

A I expected around a hundred. Being I got a hundred in the Primary I expected the same thing in the General Election.

Q What happened to the other seventy-five?

A I don't know where they went.

Q Did any of them refuse to come out? A. They said they would be down later and they did not come, some of them.

MRS. SANFORD: You think seventy-five of the

Republicans you expected did not come to the polls to

vote?

THE WITNESS: The majority did not come.

Q You say seventy-five Republicans did not come there?

A I wouldn't say seventy-five.

MRS. SANFORD: He expected a hundred and seventy-five did not vote.

THE WITNESS: I expected the same thing I got in the Primary.

BY MR. GIULIANO:

Q Do you know how many votes Clee was given by the official count of the Board? A. No.

Q Didn't you make returns to the County Committee?

A Yes, but I don't know.

Q You don't know? A. I don't know.

Q When the ballots were counted up to 200, Clee had twenty-two? A. Something like that.

Q You know that? A. Around that number.

Q Around how many did the Board give that you reported to the County Committee? A. That I don't know.

Q You don't know? A. I don't know the number.

Q Would you say it was twenty-five? A. I am taking a guess at it.

Q What is your guess? A. About twenty-five to thirty.

Q Between twenty-five and thirty? A. Yes.

Q And when you left only 200 ballots, about, had been

counted? A. Yes.

BY MR. YOUNG:

Q Mr. Turco, you then knew, didn't you, that is, immediately after the count was over, how many Republican ballots had been cast for Clee? Even if you have forgotten it today, you knew then how many votes had been cast for Clee?

A That is what I told him, about twenty-five or thirty while I was there.

Q I mean when the members of the Election Board read off the count you knew how many votes they had counted for Senator Clee? A. I didn't remember the number, but I was surprised when they did count them off.

Q Did you hear them read off the results in that district after they finished the count? A. I did hear them read the result.

Q Then you knew at that time how many votes Senator Clee had received? A. I knew then, but I don't recall now.

Q Did you follow the recount of that district?

A Keep counting?

Q That district was recounted after that, did you know that?

MR. OSMERS: During the recount after the election. You know they had a recount in Jersey City?

THE WITNESS: I know they had a recount.

Q You don't know whether they recounted your district or not? A. No, sir.

Q You are a good Republican district leader?

A That is my first year in there. I didn't understand everything. No one put me wise.

MR. OSMERS: How do you account for the fact there were 100 Republican voters in the Primary Election and yet only about eighteen people voted for the Republican ticket in the General Election?

THE WITNESS: I don't know. Some people did not come out.

MR. OSMERS: Do you mean all of them did not come out?

THE WITNESS: Most of them did not come out.

MR. OSMERS: You did not keep a list of the people that had voted in the Republican Primary and see that they came out on Election Day?

THE WITNESS: I went to a lot of their houses, the list I had.

MR. OSMERS: How many of them did you get out to vote?

THE WITNESS: I got all I could get out.

MR. OSMERS: In numbers, I mean.

THE WITNESS: I don't know.

MR. OSMERS: Do you have in your possession a list of the people who voted in the Republican Primary last year?

THE WITNESS: I did have it.

BY MR. MURRAY:

Q How many votes did you say you got in the Primary for yourself? A. One hundred.

Q Did you have a list of the voters in your district before the Primaries? A. Yes, sir.

Q And did I understand you to say that you visited a good many of these voters soliciting their vote for you?

A Yes, sir.

Q How many, about, did you visit? A. About twenty-five, thirty.

Q Twenty-five or thirty? A. Some people I was not sure of.

Q What do you mean? A. I wasn't sure they were coming out, people I did not know so good.

Q So you only visited twenty-five or thirty? and you got a hundred votes? A. People I knew. People around there that knew me came out to vote.

Q But you did not go to see more than twenty-five or thirty people? A. People I was not sure of.

Q Did you ask them whether or not they had voted in the Democratic or Republican box? A. I told them to come out and vote for Clee.

Q I am not asking you that. You heard the question. Please answer it. A. What question is that?

Q (The following question was read by the stenographer:
"Did you ask them whether or not they had voted in the
Democratic or Republican box?")

A If I had the slip there with Republicans -- with their
names on the Republican slips, they must have voted
Republican.

Q What kind of a slip did you have? A. A yellow
paper. Mr. Kilmurray gave it to me.

Q How many names were on it? A. Thirty names.

Q About thirty names? A. Thirty or forty names.

Q Is that all that was registered as Republicans in that
district, thirty or forty names? A. I don't know that.

Q Well, I understood you to say -- I might have been
mistaken -- I understood you to testify here that you had a
list and it was marked, for instance, "R" for Republican,
and then you assumed that they had voted Republican and that
is why you went to see them. Is that all that is marked
"R" in that district on the list of voters of that district,
that twenty-five or thirty or forty names, whatever you said
you had on your list? A. Some of them are. I still got
more. People that were marked I went to see.

Q That is what I am asking you. You are not so dumb as
you pretend to be, Turco? A. What do you mean?

Q Answer the question. A. What question do you want
me to answer?

Q You said you had a list before the Primary Election?

A Yes, sir.

Q A list of the Republican voters in your district?

A Yes.

Q How many names were on it? A. I told you about twenty-five or thirty.

Q That is what I thought you said. You said you visited those people, only the twenty-five or thirty, because they were marked Republican and in your mind you thought they voted Republican, right?

A Yes, sir.

Q I ask you, is that all that is marked Republican in your district on that list? A. That is all that is marked.

Q Out of the total 500 or 500 and some odd votes?

A That is the only list I had of them.

Q That is all you understand are down as having voted in the Primary as a Republican, right?

A Yes, sir.

Q How many votes did you say you got in the Primary?

A About a hundred.

Q You got a hundred votes? A. Yes, sir.

Q Did you know any outside of the thirty or twenty-five that you visited who you presume voted for you in the Primary? Did you know any of the other seventy who voted for you?

A I know a lot of other people.

Q Were they Republicans? A. They were Republicans.

Q How do you know? A. I know they were Republicans, they told me.

Q Were they on your list? A. They were not on my list.

Q There were seventy not on your list? A. I didn't say seventy.

Q You said you got a hundred votes? A. I got a hundred votes.

Q You said you had a list of twenty-five or thirty marked "R" for Republican? A. Yes, sir.

Q Thirty from a hundred leaves how many? A. Seventy.

Q Then there are seventy that voted for you that are not marked Republican on that list? A. Yes, sir.

Q Do you know^{whether} they were Democrats or Republicans?

A No, sir.

Q You don't know. Then they could have been Democrats who voted in the Republican box? A. Could have been.

Q Did you say some of them told you they were Republicans?

A My friends, I told them to vote Republican.

Q Of that seventy? A. Yes, sir.

Q When did you see them? A. I seen them before election.

Q I thought you said you only saw thirty and it was not

any of this seventy? A. I saw what was on the list I wasn't sure of. That is the people I got the list of. The other ones were my friends.

Q Those thirty were not your friends? A. I didn't know who they were. It was the first time I was in their district.

Q Where did you come from? A. The same district. The first time I ran.

Q How long did you live in that district? A. About fifteen years.

Q How old are you? A. Twenty-six.

Q Who spoke to you before you came here this morning?

A No one.

Q Who spoke to you yesterday? A. No one.

Q What Democrat spoke to you since you got your subpoena?

A No Democrat.

Q You are sure of that? A. I am sure they didn't.

BY MR. OSMERS:

Q You testified here before that when you left the room where the ballots were being counted that there had been about 200 ballots counted so far? A. Yes, sir.

Q And Clee had twenty-two of those votes?

A About that.

Q According to what appear to be official records here, there were cast in the district 525 votes. Now, that means

there were 325 votes still to be counted when you left the room. 200 were counted and 325 to go. Now, according also to these figures, Mr. Clee received 27 votes. Now, in other words, when you left Clee was receiving ten per cent. of the votes. In other words, he had twenty-two out of 200. While you and Mrs. Velardi were out of the room Clee received about one and one-half per cent. of the vote: he got five votes out of 325 votes. Was the fact that you and Mrs. Velardi were out of the counting room responsible for the fact that out of the 325 votes that were not counted in your presence, that Clee only received five votes? A. I don't know. I don't know how many he received after we left.

Q Do you feel that while you were out of the room that the vote was honestly conducted? A. Being the two deputies were there.

Q I thought you said before the two election deputies were out of the room? A. I didn't say that. I said they were in the counting room all the time.

Q All the time? A. All the time.

Q So you feel the count was honest? A. That is the way I feel.

Q All the way through? A. All the way through.

MR. YOUNG: Has any one of counsel got the figures of the recount?

MR. GIULIANO: Yes.

MR. YOUNG: What does it show?

MR. GIULIANO: Moore, 499 originally, recount 470. Clee, 27 originally, 46 recount.

MR. OSMERS: Mr. Turco, do you still feel that the count was honest?

THE WITNESS: Not through the recount. I took the deputies' word because they were in there.

BY MR. MURRAY:

Q How do you know the deputies were in there? How long were you out from the time Torpey put you out, do you know?

A About a half hour, forty-five minutes.

Q It might have been an hour? A. Between a half hour and an hour.

Q And how did you know the deputies were in there?

A I seen them in there with my own eyes.

Q Where were you when you saw them?

A I was outside of the window.

Q Near the window? A. Yes, sir.

Q Were you peeking in? A. I could see through the window.

Q What were they doing in there? A. They were counting them and the deputies were looking at them.

Q Who told you to say that? A. No one told me. I was right there.

Q How wide is that store? A. It is wide enough you could

see.

Q How wide is it? A. About from there across to there (indicating).

Q That is the width? A. That is the width.

Q How deep, about, is it? A. As long as that (indicating).

Q I thought it was a small barber shop? A. It is a barber shop.

Q How many chairs have they got? A. I think they got three there.

Q Where were the ballot boxes in reference to those chairs? A. In the corner.

Q And the entrance? A. The entrance was here (indicating) and the ballot boxes were in the corner.

Q Right beside the entrance? A. The ballot boxes were right near the window, you could see right over.

Q After you went in the entrance and before you reached the chair, where was the ballot box in reference to the first chair? A. Right next to the desk where they were sitting.

Q You are only dumb when you like to be dumb.

A What do you mean, dumb? I am telling you the truth.

Q Look in the dictionary, I said when you go into that store, in the entrance -- do you know what an entrance is?

A I know what an entrance is.

Q Where was the ballot box after you go into the entrance? Where was the ballot box?

A Half-way in the store.

Q Right or left? A. Right.

Q As you go in? A. As you go in.

Q Where were the chairs, right or left? A. The chairs were on the left.

Q Near what chair were the ballot boxes?

A What chair do you mean?

Q How many chairs were there? A. About three.

Q Well, take any one of the chairs. A. The chairs were on the side and the ballots were on that side (indicating).

Q Nowhere near? A. No, sir. The ballot boxes were on the right. They were moved away.

Q Were they loosened from the floor? A. Yes.

Q Were they all bunched together? A. Two or three of them in the corner.

Q All bunched on the left in the corner?

A Yes, sir.

Q The ballot boxes were on the right? A. Yes, sir.

Q Were they nearer the entrance than the chairs or were they further back in the store? A. About half-way.

Q About half-way on the right? A. Yes, sir.

Q Were they further back than the chairs or were they

nearer the door than the chairs were?

A The chairs were on this side and the ballot box --

Q I know about that. A. They were together.

Q I thought you said the chairs were up in the corner?

A The poll box was up in the corner where you go and vote.

Q I thought you said the poll box was down in the middle of the store? A. About half-way between the both of them were.

Q Half-way between, up near the entrance?

A It is midway.

MR. MURRAY: The entrance is midway. All right. That is all.

BY MR. GIULIANO:

Q What faction of the Republican party do you belong to?

A What side?

Q Yes. A. Kilmurray.

Q Kilmurray is Stoebling? A. I don't know what he is. A Ferguson man.

MR. YOUNG: Did you have opposition in the Primary?

THE WITNESS: No, sir.

Q Mr. Kilmurray works in Stoebling's office, doesn't he?

A Yes, sir.

Q He cannot be for Ferguson, can he? A. (No answer.)

MR. YOUNG: Did he testify as to whether he knew the deputies from Ferguson's office?

MR. OSMERS: He said he would know them by sight.

MR. MURRAY: He said he didn't know who they were, if I recollect the testimony, but he thought he could recognize them if he saw them.

MR. YOUNG: Are they here?

MR. MURRAY: Are the deputies here from the Ninth District of the Third Ward on last Election Day, November, 1937?

MR. WIENER: They are not here.

MR. MURRAY: Mrs. Velardi testified they were also put out with the rest of them.

(Discussion off the record.)

DANIEL TURI, being duly sworn according to law, on his oath testified as follows:

MR. BENNETT A. ROBBINS: May I have it noted that I represent Mr. Turi?

BY MR. GIULIANO:

Q Mr. Turi, where do you live? A. Number 9 Colt Street.

Q Is that Jersey City? A. That is right.

Q Is that in the Ninth District of the Third Ward?

A That is right.

Q And where do you work? A. In the bath house.

Q The bath house where? A. Number 9 Colt Street.

Q What other job have you got? A. I work down in the saloon.

Q Bartender? A. Yes, sir.

Q When do you work in the saloon? A. At night. A few hours.

Q Do you know Mrs. Velardi? A. I met the woman, yes.

Q Did you see her at the polls on Election Day?

A She was around there.

Q Do you remember her objecting to Mr. Kelly giving you a ballot which Mr. Kelly had called for Moore which was marked for Clee? A. No, sir.

Q Do you remember offering to Mrs. Velardi \$5 if she would keep her mouth shut? A. I don't see any reason why I should offer her \$5. She is sore at me because I didn't give

her any Christmas basket last Christman.

Q You give out Christmas baskets, do you? Why didn't you give her a basket now that you brought that out?

I didn't ask you for it. A. I just wanted to tell you why she is sore at me.

Q Why didn't you give her a basket? A. Because her husband was working and I was only giving them to who was entitled.

Q Did you think she was entitled to the \$5 on Election Day? A. I didn't offer her no \$5.

Q Don't you think she was entitled to \$5 after the Board had taken 46 votes from Clee? A. I don't know nothing about the Board.

Q Oh, you don't. Democratic district leader, are you not? A. Yes, sir.

Q And you watch the count, don't you? A. No, sir, I wasn't in there.

Q Don't you make a report to the Democratic headquarters?

A I got the count after it was all over. As soon as they closed I went next door and had a few drinks. The saloon opened up and I stayed in there.

Q How many votes did Clee get? A. After the count was over, twenty-seven. I got the report outside.

Q That was an honest count, wasn't it? A. I don't know. I was not in there.

Q You don't know whether it was an honest count?

A To me it was.

Q You change now, is that it? A. I was not in there.

Q You know whether or not it was an honest count, don't you? A. What is that?

Q You know whether or not it was an honest count?

A As far as I was concerned. I was not in there when they were counting them.

Q You were not there? A. No, sir.

Q You talked to the Board members afterward?

A After it was all over? I went in and had a drink.

Q With the Board members? A. I did not, because they went away.

Q You talked to Mr. Kelly, the Judge?

A Not that night.

Q When did you talk to him? A. I seen him probably a week after.

Q Mr. Kelly told you, "We did a pretty good job," didn't he? A. He never said nothing to me.

Q Never told you he did a pretty good job for Moore?

A No, sir, I never discussed that after election.

Q Never discussed it? A. No, sir.

Q When were you put out of the polls? A. I was not in there when they were put out.

Q Where were you? A. I was in the saloon. I walked out, they were coming out.

Q As a Democratic district leader you trusted these four board members? A. What have I got to do with the count? It is up to them.

Q You have got nothing to do with the count as a challenger? You want me to believe that?

MR. ROBBINS: Just a moment.

MR. GIULIANO: Never mind.

MR. ROBBINS: Mr. Clee has the best in counsel --

MR. YOUNG: If you will have a chair we will be heard.

MR. ROBBINS: He should talk to this man like a gentleman. He is shouting and abusing him. A criminal would be entitled to more consideration than the way Mr. Giuliano is talking to him.

MR. GIULIANO: Mr. Robbins does not know my voice. I am only talking in a whisper.

MR. ROBBINS: I am aware of your strength.

Q Do you mean to tell me and this committee, that you, as a Democratic district leader, are not interested in the count and you don't watch the count after the ballots are cast? A. I didn't watch it at all.

Q This night you didn't? A. I did not.

Q Isn't it a fact that the reason you did not watch it was because you knew the Board was going to do its duty?

A No, sir.

MR. YOUNG: Were you a challenger, Mr. Turi?

THE WITNESS: Yes, sir.

Q May I ask you, what are the duties of a challenger?

A I suppose to challenge the votes.

Q What are they? A. I don't know.

Q How long have you been a district leader? A. About six years.

Q Were you ever called in to a large meeting in Jersey City and given instructions? A. I have got postal cards but I never attended them, I was always too busy.

Q And ^{you} work for the city of Jersey City?

A I do.

Q And you have never attended one of these large rallies where you received instructions? A. I never did.

Q You never did? A. No.

Q Do you remember the recount, Mr. Turi, in this district? A. I read it in the papers, yes, sir.

Q What did you read? A. I read where they counted, I think, 19 votes.

Q Did you read that Clee originally had received 27?

A Yes, sir.

Q And on the recount had received 41? A. Yes.

MR. YOUNG: 46.

Q Or 46. Did you read that Moore had received 497 originally and on the recount 470? A. I did read that, yes, sir.

Q Do you believe now that the Democratic members of the Board did their duty? A. As far as I think, they did do their duty.

Q And as a district leader you are going to recommend to the Hudson County Board of Elections, because of their doing their duty, their reappointment? A. I don't know. I have nothing to do with their reappointment.

Q Who has? A. I don't know. I suppose the Board of Elections.

Q Don't you recommend the two members of the Board that serve in your particular district? A. No, sir.

Q You never have? A. No, sir.

Q Who tells you that they are going to be appointed?

A Who tells me?

Q Yes. A. I don't know until Election morning I get introduced to them.

Q They are sent down by somebody and you don't know where they come from? A. No.

Q You know Mr. Kelly pretty well, don't you?

A Well, he has lived in the district for years.

Q You know he has been a member of the Board for a good many years? A. I know that.

Q And you are never introduced to him every time he comes in, are you? A. No, sir, I don't have to be, I know him before he comes in.

Q Do you know Gangemi? A. Yes, sir.

Q You don't have to be introduced to him every time you see him? A. No, sir, I know him personally.

Q You know Martin? A. I never met the gentleman until this election.

Q He was introduced to you? A. No, sir.

Q You are not interested in the Republican members?

A I am not interested inside at all.

Q You know Mrs. Delfino? A. Yes.

Q You were not introduced to her? A. I know her personally before I ever got committeeman.

Q So the only member you did not meet was Martin?

A I seen him, that is all I know about him.

BY MR. YOUNG:

Q Mr. Turi, how in heaven's name did you get to be a challenger, will you tell us that?

A I was committeeman.

Q I don't know the custom of the Democrats in Jersey City, but generally I see district leaders make up a list of the challengers whom they want to serve in their district.

A I never had. I got the badge and put the badge on.

Q You never made up a list of your challengers and turned it into your ward chairman? A. No, sir.

Q How many Democratic challengers were there in your district? A. I think there were two.

Q Two besides yourself or you and two others?

A Me and another person.

Q What is his name? A. James Gibson.

Q Where does he live? A. 388 Monmouth Street.

Q How did he become a challenger? A. I gave him a badge.

Q Didn't he have any credentials? A. No.

Q Did you have any credentials? A. No. Don't that mean challenger when you have a badge?

Q What did this badge say, "Challenger"?

A Just "challenger."

Q Where did you get those badges? A. They came altogether.

Q Came altogether from where? A. I guess from the Election Board.

Q Who handed them to you?

BY MR. OSMERS:

Q Did they come out of the sky? A. No, they were in with the rest of the stuff.

Q What stuff? A. From the Election Board.

Q You said they were all in with the rest of the stuff.

What I want to know is, what was the stuff?

A I don't know.

Q You got them, didn't you? A. Yes.

Q What was it? A. That comes, I guess, from the leader in charge.

Q I am not asking you where it comes from, I am asking you what the stuff was? A. Just the badge, and I put it on.

Q You said the badges came with the rest of the stuff.

A I said maybe it did.

Q I want to know what the rest of the stuff is.

A I figure all the stuff comes together. I don't know.

Q What is the stuff? A. That is handled into the polling places. Don't all that come together?

Q Is it liquid, solid, paper? A. Yes, with the rest of the papers.

Q What papers? A. Papers that they handle in there.

BY MR. GIULIANO:

Q Any blank ballots in there? A. There might be, I don't know. I never looked them over.

MR. YOUNG: Who handed you your challenger's badge this time, do you know?

THE WITNESS: I don't know who it was came around and gave us the badges.

MR. WIENER: Mr. Kelly gets all the stuff and gives it out, doesn't he?

THE WITNESS: Yes.

Q A member of your Board? A. Yes, he is the Judge.

Q Where you there when Captain Torpey came in?

A No, sir.

Q Where were you then? A. I was in the saloon.

Q You were already celebrating? A. Next door is the saloon.

Q You were celebrating in advance because you knew what the vote was going to be? A. No. I couldn't get one all day and I was just waiting for the opportunity to get one, and when I got it I didn't want to leave it.

BY MR. WIENER:

Q Did you recommend Mrs. Delfino to the Medical Center for a job? A. No, sir.

Q Did you know she was going to get a job?

A No, sir.

Q Were you called in and asked whether she was O.K.?

A No, sir.

Q You haven't got such a good system? A. Who, me?

Q Do you mean they would give somebody a job in your district without consulting the county committee leader? Do they ever appoint anybody out of your district without consulting you? A. They never consult me for anything.

Q All you do is get out the votes and make arrangements?

A I got the friends I know. Election Day is the only day I hang outside, maybe a hundred feet away, and greet my friends and tell them who to vote for.

Q Do you tell your friends to vote in Republican Primaries?

A No, sir.

Q How do they do that? A. I don't know.

Q Who gives them instructions, Kelly? A. Not me.

Q It must be Kelly. A. I don't know.

MR. YOUNG: What do you do as a district leader, Mr. Turi?

THE WITNESS: That is all I do, is meet my friends on Election Day.

MR. YOUNG: Exactly one hundred feet from the polls.

THE WITNESS: I didn't say exactly, I said a hundred feet or more.

BY MR. GIULIANO:

Q You started to say -- you volunteered it, I didn't ask for it -- that the reason the lady that testified, Mrs. Velardi, was sore against you was because you did not give her a Christmas basket. A. A year ago last Christmas, yes.

Q And she is still holding that against you?

A She told me that is the reason she turned Republican committeewoman.

Q That is the reason? A. That is the reason.

Q And she would come here and perjure herself and say that you offered her \$5 because she did not get a two or three dollar basket, do you really believe that?

A She is liable to say anything. I am not responsible for what a woman says.

Q Of course, she is a Republican and she would naturally

be against you, is that right? A. Yes, I suppose so.

Maybe that is the reason she wants to get even.

Q Why should she just pick you? A. I don't know.

Q You represent an organization, don't you, a club that gives out these baskets? A. Sure.

Q What club? A. The Daniel Turi Democratic Club.

Q Your name is Daniel? A. Turi, that is right.

Q And you do something else but just stay at the polls on Election Day as a district leader? A. That is all I do.

Q Well, you have Democratic meetings, don't you?

A Just among the members, that is all.

Q Candidates come there? A. Never had a candidate in my club yet. It is just among the friends in the district.

Q How long is it in existence? A. Five years.

Q And the club has never had one of the Assembly candidates? A. Never had any kind of speaking of politics in there only among ourselves. None of the candidates are ever in there.

Q I suppose a lot of the boys, paesani?

A That is it.

Q You know Pete Artaserse?

A Oh, yes, but he was never in the club.

Q Mike Scatuorchio, he was never in your club? A. No.

Q You know Bennie Beronio?

A I have heard of him.

Q He is a Democratic Assemblyman and you don't know him?

A I know his name, but I never met the gentleman.

Q You know Modarelli from Union City?

A I have heard from him.

Q He never came into your club? A. No, sir.

MR. GIULIANO: Mr. Young, I ask this man be put in the back and not say anything when I am cross-examining.

MR. ROBBINS: I think Mr. Giuliano is hearing the echo of his own stuff.

MR. YOUNG: You will be placed in the back.

MR. GIULIANO: I know an echo when I hear it.

Q You know all these men who like yourself and me -- Now, my name is Giuliano -- you want me to believe and this Committee to believe that you as a real patriot have never invited Pete Artaserse or Beronio or any other candidates that bear an Italian name to your club?

A I swear to that, I never did.

Q Did you ever have a Republican candidate there?

A No, sir.

BY MR. YOUNG:

Q Mr. Turi, as district leader, you sort of take care of the people in your district, don't you?

A Take care of them for what?

Q Suppose one of the boys in the Turi club gets out of a job and wants a job, you try to help him?

A If I know anybody, put him in Colgates or Dixon's, but where could I get a job?

Q You could not get him a job? A. What power have I got?

Q You would^{not} know where to go to get a fellow a job?

A No, sir.

BY MR. WIENER:

Q Did you get Kelly his job? A. No, sir.

Q He works for the county? A. Yes, sir.

Q Did you get Gangemi his job? A. No, sir.

Q How long have you worked for the city?

A It will be three years next June.

Q Was Gangemi working for the city before? A. Yes.

MR. YOUNG: How did you get your job with the city?

THE WITNESS: I put an application in, I don't remember just how long before that.

MR. OSMERS: What is the nature of your employment?

THE WITNESS: Laborer.

MR. OSMERS: How much do you get paid for that?

THE WITNESS: It is supposed to be \$6.25, less cut. I am not sure.

MR. OSMERS: \$6.25 a day?

THE WITNESS: Less cut.

BY MR. WIENER:

Q What is your pay check? A. Am I supposed to answer that?

MR. ROBBINS: Yes, you can answer it.

THE WITNESS: One pay it is \$84, one pay --

Q I want to know because you will probably have to turn the next one over to Mr. Robbins.

MR. ROBBINS: There is no necessity for that.

A One pay it is \$84.30 something, and the next pay it is \$90.

Q In other words, it is either \$42 or \$45 every week? In other words, twice a month you get \$82 and \$90?

A Yes, sir.

Q And as a laborer, you get approximately \$2200 a year, is that right? A. Supposed to be.

MR. OSMERS: What is the nature of your work?

THE WITNESS: Take charge of the place.

MR. OSMERS: What place is that?

THE WITNESS: The bath house.

MR. OSMERS: You are on the payroll as a laborer but you take charge of the bath house?

THE WITNESS: Yes.

MR. YOUNG: You have no Civil Service rating?

THE WITNESS: No, sir.

MR. OSMERS: Did you ever make a campaign contribution?

THE WITNESS: No, sir.

MR. YOUNG: What do they have district leaders for in Jersey City?

MR. ROBBINS: Why don't you ask me? I will be glad to help you.

BY MR. MURRAY:

Q Do you know who the Register of Hudson County is?

A Yes, sir.

Q Who is it? A. Mr. Sullivan.

Q What else is he? A. That is all I know.

Q Isn't he leader of the ward? A. Oh, yes, that is right. You asked me what was he and I told you.

Q Did you tell me all that he is? A. That is all.

Q He is leader of the Third Ward. That is your ward, right? A. Right.

Q Wasn't he ever in your clubroom? A. Once, when I opened the club.

Q Then you didn't invite any Italian candidates but you did an Irish candidate? A. That was the night I opened up.

Q So there was a candidate in your club, and that was Mr. Sullivan, the Register? A. He was not even a candidate

then.

Q I thought he has been a candidate for something all his life. Didn't you know that? A. That is something I don't know.

Q Did Mr. William Sullivan, leader of your ward, talk to you before you became a candidate for county committeeman in your ward? A. Why bring Mr. Sullivan into this?

Q Never mind asking me. A. I got nothing to do with Mr. Sullivan.

Q Answer the question. I am talking about yourself.

A I have nothing to do with Mr. Sullivan. I don't meet Mr. Sullivan two or three times a year.

Q (The following question was read by the stenographer: "Did Mr. Sullivan, leader of your ward, talk to you before you became a candidate for county committeeman in your ward?")

A No, sir.

Q Did you talk to anyone? A. No, sir, outside of my friends.

Q Who were they? A. The friends in the district.

Q Who were they? A. They wanted me to get on the ballot, and I went down and got -- what do you call it? -- an application, and signed it and I ran for it.

Q And you did not consult Mr. Sullivan? A. I did not.

Q Nobody came to you to tell you it was O.K. by Mr.

Sullivan for you to run as committeeman in there?

A No, sir.

Q Are you sure of that? A. I am positive.

Q You are sure you were in the saloon when the count was going on? A. Yes, sir.

Q Do you know whether Mr. Sullivan knows that or not?

A I don't know whether he does or not.

Q You didn't report that to him? A. No, sir.

Q Didn't you meet afterwards with the rest of your committeemen or leader of your ward in reference to the vote in your district? A. No, sir.

Q And you were a challenger? A. Well, I am the committeeman.

Q But you were a challenger, weren't you?

A Well, I had a badge.

Q Did you have any certificate? Did you file any with the Board that day? A. No, sir.

Q Do you know Captain Torpey? A. I do, yes, sir.

Q Where were you when Torpey came there to the polls that evening? A. I was in the saloon.

Q How do you know you were in the saloon when Torpey came there? A. Because when I came back I seen them all coming out, and Torpey was in there.

Q And you saw him putting a bunch of people out of there?

A What was the use of me going in there to be put out?

Q I am not asking you what was the use of you doing this, that or the other. How many were put out?

A I couldn't say.

Q Did you notice any of those that were put out?

A No.

Q Did you talk to the captain? A. As soon as I seen them coming out I went right back.

Q You went back to the saloon? A. Yes, sir.

Q Weren't you around the polling place all day long when the police came around every hour for the record of the number of votes cast? A. I was around the corner, probably in the restaurant having a cup of coffee or talking to some friends.

Q How do you know you were around the corner when some policeman came into the polling place for the record of the number of votes cast? A. That is not up to me.

Q You said when they came around you were around the corner. A. I must have been, if they were not there.

Q Weren't you there any time during the day when a policeman came around? A. I walked in there two or three times that day when the place was empty.

Q You walked in the polling place. Then you were in the polling place during the day? A. Yes, I just walked in, said "Hello," and went out.

Q Were you there at any time when a policeman came around

to note the number of votes cast? A. He went inside there.

Q Who went inside? A. The cop that is on post there, and brought them the count outside.

Q Brought the count outside to whom? A. To whoever came around looking for it.

Q I thought that you said you were around the corner in a restaurant or somewhere else? A. I said that is where I generally hang out, around the corner or on the corner. What should I do inside?

Q Now, you say you were there at times when the police --

A Many times I seen the "Mickey Mouse," as they call it. The cop went in and got the report, but what the report was, I don't know.

Q Then you were in the polling place, not around the corner, when the Jersey City police came there in the "Mickey Mouse"? A. No, sir, I was not in the polling place when the "Mickey Mouse" came. I said I made two or three appearances in there during the day, and that is when they were doing nothing, and joking, and I just walked in and said, "Hello," and walked out.

Q You were in there two or three times during the day when the "Mickey Mouse" came and the policeman on duty came out and brought something out? A. He didn't bring nothing out.

Q What did he do? A. Just told them what the vote was.

Q That happens about every hour? A. Well, I don't know.

Q These two or three times, what was the interval between each of those times? A. Probably three hours, four hours.

Q Three or four hours. Then you were there three or four times between eight or nine hours during the day?

A I figure around two or three times.

Q Do you know who was in the "Mickey Mouse" car that got those reports? A. No, sir.

Q After the voting stopped and the count started, were you there any time when a hundred votes were counted and a report was then given a policeman? A. What do you mean?

Q You know what I mean.

MR. ROBBINS: Suppose, Mr. Young, Mr. Murray clarifies that.

MR. MURRAY: We don't need any suggestions from Mr. Robbins.

MR. YOUNG: Will you please sit down? I understand the question, the Committee understands the question and the witness understands the question.

Q (Question read by stenographer.)

A No, sir, I was not.

Q You were not there at any time when any hundred was counted? A. No, sir. As soon as the polls close I never hang around there, I generally go away. This particular

night I went in the saloon. I was dry and went next door.

Q Was the committeewoman there when you left?

A Not that I can remember.

Q Then you mean to tell this Committee that as soon as the voting hour was over and the counting was started, that you, as a committeeman and as a challenger, and the committeewoman, the Democratic committeewoman, you both left there?

A I don't know about her.

Q But you did? A. I remember I walked away from the place.

Q You stayed away?

MR. YOUNG: I think he has ceased to be amusing, Mr. Murray.

MR. MURRAY: O.K. That is all.

MR. ROBBINS: May I ask, Mr. Young, may he be excused for the day?

MR. YOUNG: Sure.

M A R Y W A L K E R, being duly sworn according to law,
on her oath testified as follows:

EXAMINATION BY MR. WIENER:

Q Miss Walker, on November 2, 1937, the last General Election, you were a Special Deputy Superintendent of Elections? A. Yes, I was.

Q And as such, you were assigned to the First District of the First Ward in Jersey City? A. Yes.

Q And you, I assume, duly presented your credentials when you appeared in the district? A. Yes, I did.

Q Turned them over to the Judge of the Board?

A Yes, I did.

Q Or showed them to the Judge of the Board, I should say?

A Yes, sir.

Q And you were present during the Election Day?

A Yes, sir.

Q Now, getting down to the end of the casting of the ballots and referring directly to the count, I understand there was quite a commotion as soon as the casting was over?

A Yes, sir, there was.

Q Will you please, in your own words, tell the Committee just what happened as soon as --

A Just before eight o'clock I saw quite a number of strange men standing outside of the undertaking parlor, and I called up the Superintendent of Elections to send in some

more special deputies as we knew there was going to be trouble.

As we got the other deputies --

Q How many were there? A. There must have been about seven. With that the deputies entered the undertaking parlor. All these men at eight o'clock came in as though they were cattle.

Q You mean they pushed their way in? A. Yes, and all us deputies were pushed aside.

Q You mean aside from the table where the counting was to take place? A. Yes, sir

Q And the table was surrounded, in other words, by these men? A. Yes, sir.

Q And you, as a deputy, were unable to see through that mob or crowd? A. Yes, sir.

Q And were unable to see what was going on?

A Yes, sir.

Q All right, go on. A. Then, instead of Philip McGovern counting up the ballots, it was an outside man.

Q Mr. Chunka? A. Mr. Chunka looked at the ballots.

Q What was his official capacity at the polls?

A He worked on the outside.

Q He was not a member of the local Election Board?

A No, he was not.'

Q What you mean is, he came in and took control?

A Yes, sir.

Q He read the ballots? A. Yes, sir.

Q This Mr. Chunka? A. Yes, sir.

MR. YOUNG: Who is McGovern?

Q Mr. Philip McGovern is the Judge of this Election Board? A. Yes, sir.

Q And he stepped aside in favor of Mr. Chunka, an outsider?

A Yes, sir.

Q Will you proceed. A. With that, as the count was going on, nobody could see the ballots from the back. I tried to get over. They told me to step aside because they were citizens, and I suppose I had no right to try to see the ballots and to see just how the count was going on. Nobody from the Republican party could see it.

Q Did McGovern say anything about that? A. He told me to step aside so I would not get hurt.

Q You appealed to Mr. McGovern as Judge of the Board?

A No, as the Commissioner.

Q Did the Commissioner come in? A. Yes, with the crowd.

Q He came in with the crowd? A. Yes.

Q That is the City Commissioner, Mr. McGovern, William McGovern? A. Yes, sir.

Q What is his official position in the City Hall?

A Commissioner of Parks, I think.

Q Now, he came in with the mob? A. Yes, he did.

Q Had he been present during the day? A. Yes, he was.

Q All day long? A. In and out.

Q Did he act as a challenger in that district?

A Well, that I couldn't tell you.

Q Now, you say he was directly one of those surrounding the table when you, by virtue of your right as a representative of the Superintendent of Elections, demanded you be permitted to see the count?

A Yes, sir.

Q And he told you to step aside? A. Yes, so I wouldn't get hurt.

Q Go on. A. Then as the count was going on two of the Board members were working, and all of a sudden they changed hands.

Q Wait a minute. Let us be a little more specific. Chunka was counting? A. Yes, sir.

Q Now we have the other members of the Board. Mr. Philip McGovern, what was he doing at that time?

A He was just standing and taking the ballots.

Q Mr. Edward Shinick, the other Democratic member of the Board -- A. He was supposed to be looking at the ballots but he was in a different direction.

Q The two Republican members. Mr. Henry Urbanek?

A He was the clerk.

Q What was he doing during the count? A. He was tallying for a while with the other man.

Q Mr. John Dzubina? A. Yes.

Q Now, you say that after the count was commenced there was a sudden switch of two members? A. Yes, sir.

Q What happened? A. I don't remember the names so well, but Dzubina had taken one of the clerk's place and John Shinick had taken his, and they started to tally, and they got another man to take John Shinick's place in looking over the ballots, who also was an outsider.

Q He was not a member of the Board? A. Yes, sir.

Q He was calling off the votes? A. Yes, sir.

Q You naturally objected to that? A. They wouldn't give us a chance to object to anything; they told us to keep quiet.

Q Then what happened? A. They continued working. Philip McGovern had nothing to do with the work of the Board then; John Shinick took over his hand.

Q Was there a fight later on? A. No, this was early in the morning when the fight was.

Q How long did this crowd continue around the table and not permit anybody to see the ballots? A. From eight o'clock until all the ballots were tallied. That was ten o'clock.

Q Then what took place? A. Everybody went out, and I

was told there was nothing else for me to do but to go.

Q Going back to the morning of Election Day, I understand there was some kind of an argument or fight in this district? A. Yes, sir, there was.

Q Will you please tell the Committee just how the fight or argument started? A. The deputy that was in there the first thing in the morning had to go over and cast his vote. Teddie Zelinski --

Q Who is he? A. He is the Republican deputy who assisted us.

Q He was one of your associates? A. Yes. He took this deputy's place. In the meantime, two people came in to cast a vote, that is, husband and wife, and they happened to go into the one voting place, and Theodore Zelinski went against it; he said there were no two people allowed in the one voting booth. With that, Phil McGovern blocked Theodore's body, he wouldn't let him get in. As Theodore did not raise his hand, in any way, to strike Philip McGovern, Philip pushed him away. They both argued but no one used violent words. With that, Phil McGovern continued pushing Theodore away from him, although the place is very small where they vote, and Commissioner McGovern came in, got hold of Theodore Zelinski and punched him straight in the mouth.

Q You saw that? A. Yes, sir. He pushed me, and

lucky it was the door was closed or I would have fallen down in the basement.

Q You say when Commissioner McGovern came in he walked over to Theodore Zelinski and struck Theodore Zelinski in the face? A. He did.

Q Did Theodore Zelinski try to attack or strike Commissioner McGovern before McGovern --

A No, he did not.

Q Or after McGovern hit him? A. No, he did not.

Q You say you were standing right near Zelinski, and in order for McGovern to get to Zelinski, Commissioner McGovern had to push you out of the way? A. Yes.

Q He physically pushed you? A. Yes, sir.

Q And you were thrown back against the door to the cellar? A. Yes.

Q In other words, if that door had been open, you would have been down in the cellar? A. Yes, sir.

Q And they never both women in Jersey City. Did the police come in at that time after Zelinski was punched in the face? A. Yes. Patrolman Spellman came in with Theodore. I called him to call Medical Center, and Commissioner McGovern told him he could not use the phone in the undertaking parlor.

Q He prevented Zelinski from using the phone?

A The policeman.

Q He was cut and needed medical assistance? A. Yes.

Q He was refused an opportunity to phone for help?

A Yes, sir.

Q What happened then? A. A little while after that Commissioner McGovern came over and asked me if I minded what they did. I said absolutely not, they could do as they liked if they don't raise their hand on me.

Q You meant they could do as they liked about fighting each other? A. Yes. He said, "If you won't mind stepping outside I am giving you the price of a brand new hat." I said, "I cannot step outside," because the other deputy was not there; if he wanted to do business he could do it with somebody else.

Q You say Commissioner McGovern, City Commissioner of Jersey City, in order to make things easy in that district, asked you if you would not step outside of the district so that they could do whatever they had planned?

A Yes, sir.

Q Did he more specifically say what he wanted to do?

A No, he did not.

Q Did he tell you, "If you will step outside we would like to look the books over," or something like that?

A No, he didn't say nothing of that sort because I didn't give him a chance.

Q You told him you were not interested in accepting any money or anything that was offered to you, and you did not go

outside? A. No, I did not.

Q What did he do then? A. He just walked out.

MR. YOUNG: Did you have a badge on?

THE WITNESS: Yes, I did, all day.

MR. YOUNG: What did it say on that badge?

THE WITNESS: "Superintendent of Elections.
Deputy."

MR. YOUNG: You had credentials also?

THE WITNESS: Yes, sir, I did.

MR. YOUNG: What did you do with those
credentials?

THE WITNESS: I showed them to the Board
members, and I think Commissioner McGovern was
there. They wanted to look them over.

MR. YOUNG: Is Commissioner McGovern
acquainted with you?

THE WITNESS: Not exactly. I just know him
from living in the neighborhood.

Q Did anybody else strike Zelinski at the time?

A Well, there were two other men, John Chunka, and the
other was an Italian but I don't know his name.

Q They ganged up on him, in other words? A. Yes, they
did.

Q Now, do you know Henry Urbanek? A. Yes, sir.

Q He is one of the Board members? He is listed as a

Republican election official. Do you know whether he is a Republican or Democrat? A. No, I don't. I know him as a Democrat.

Q You know he has been a Democrat? A. Yes, sir.

Q Why do you say that? A. Because I never remember him being a Republican. And then when Democrats and Republicans work on the Board they always make sure that the Republicans are honest.

Q How about Dzubina, do you know him? A. Yes, I do.

Q He lives 65 Sussex Street. Is he a Republican or Democrat? A. I think he is a Democrat.

Q Do you know whether or not they belong to McGovern's club? A. That I couldn't answer.

Q And when you talk of them being Democrats, have you in mind the result of the count in that district?

A Well, you see, when the four members of the Board got together they always talked together. The Republicans did not keep to their side.

Q You mean when a vote was challenged? A. All during the day.

Q Or there was some question that the two Republican election officers voted with the Democrats? A. Yes.

Q Was that all day long? A. That was all day long.

Q How about the question of assisting so-called illiterate voters? A. There weren't many; there might have

been two; but there was always Phil McGovern and one of the clerks would go in the booth with the person who needed assistance.

Q Do you know who the other clerk was? A. I know one is Urbanek and Dzubina.

Q I show you what purports to be an official tally sheet for the First District, First Ward, Jersey City. Did you ever see that? A. Well, I just saw them when they were signing these here things off, and I think they were signed by the four members of the Board.

Q The result of this tally sheet is 433 for every Democratic candidate, 19; and one vote cast for every Republican candidate, 18. When the ballots were being called, although you could not see the ballots did you hear any split ballots being called? A. We couldn't hear anything. The man who called off the ballots spoke very soft.

Q You could not hear any of it? A. No, sir.

Q Could you see whether or not the ballots were opened up? A. Some were opened full, some were half opened. They were not raised high enough for anyone in the back to see them.

Q How about the general condition of the ballots, do you recall the ballot being handled, wrinkled and thrown down on the floor or anything like that? A. They may not have been folded very nice, but to tell you the truth, whether they were

wrinkled --

Q Well, I will show you a ballot marked 385, with two rubber heels clearly imprinted? A. You see why. The place was so very small, no matter how hard a person would try to be careful they could not. If they got in six voters and four members of the Board, the place was filled.

MR. YOUNG: Can you account for the fact that the only Republican vote for each Republican candidate is put squarely in the center of the first box as though they did not expect any more votes for that candidate?

If you gentlemen want to see it, there it is.

You cannot account for that, can you?

THE WITNESS: No, I guess not.

Q Now, do you live in this district? A. In the First District? No, Second District, First Ward.

Q Do you live in the First District, First Ward?

A No, First Ward, Second District.

Q Now, you know the physical complexion of a district? By that I mean you are supposed to have two Republican members of the district board? A. Yes, sir.

Q Election officers? A. Yes, sir.

MR. YOUNG: Two Republicans and two Democrats.

MR. WIENER: Yes.

Q And two Republican members of the County Committee or

district leaders, male and female, that makes four.

A Yes.

Q In spite of that, we were lucky enough to receive one vote in this district. Did the Board members or the county committee people cooperate with you in any way?

A Nobody did.

Q And have you any idea when these ballots I have here were erased or marked in? A. No. I couldn't even see them.

Q Have you any idea when this work could have been done?

A Well, when I left the ballot box was not sealed, because there was nobody left there only the four members and myself. I was the only deputy there.

Q Do you think that when the table was surrounded and you could not see that it was possible for an eraser to be used? A. It might have been when I left, because they were so anxious to get rid of me, they told me it was getting late and I had no right to stay there, because all the other deputies left and left me there alone.

MRS. SANFORD: By that time there were only the four members of the Election Board and you?

THE WITNESS: Yes.

BY MR. MURRAY:

Q Were there any challengers there for the Republican ticket, the candidates on the Republican ticket?

A I don't think so.

Q You didn't see any? Did you see any people with badges there purporting to be challengers? A. No, I didn't see anyone challenged. The only two Republican deputies that were there was another fellow and myself. Outside of that there was no one there.

Q How long did Commissioner McGovern stay around after he punched Theodore Zelinski? A. How long did he stay there?

Q In the morning. A. About a half hour.

Q Did he come around, did you say, at night at the count? A. He was there mostly all day, but after he beat up Teddie Zelinski he had been there about a half hour in the morning. Then he was not around until afternoon.

Q He was around in the afternoon? A. Yes.

Q Was he inside at the polling place? A. Yes, sir.

Q Was his brother in there then? A. Yes.

Q Philip? A. Yes.

Q Philip was supposed to be Judge of the Board?

A Yes, sir.

Q You testified he was not handling the ballots?

A Yes, sir.

Q Was he talking to the voters as they came in?

A Yes, sir.

Q Was the Commissioner talking to the voters? A. Not in the polling place.

Q Was he outside? A. Yes, sir.

Q Did he have any list of voters in his hand?

A I didn't notice that.

Q Was Commissioner McGovern there in the night when they started to count these votes? A. Yes, sir.

Q And he came in with that rush, you say? A. Yes.

Q And he stayed there afterwards? A. Yes, sir.

Q This is Commissioner William McGovern? A. Yes, sir.

Q Of the Jersey City Board of Commissioners, that you are talking about? A. Yes, sir.

Q Was he there while his brother Philip, the Judge of that Board stepped aside and let someone who was not a member step in there and handle those ballots? A. Yes, sir.

Q You are positively sure? A. Positive, because Commissioner McGovern stood alongside of me.

Q And he was looking at the proceedings going on there?

A Yes, sir.

Q And he saw this outsider handling those ballots?

A Yes, sir.

Q After this outsider -- what did you say his name was?

A John Chunka.

Q After Chunka handled the ballots, to whom did he hand them after he called them out? A. That I couldn't say.

Q But Commissioner McGovern is a much taller man than you are a woman, isn't he? A. Yes, sir.

Q A very big man? A. Yes, sir.

Q And he could pretty well look over the heads -- or could he look over the heads of the average ones in there?

A He could.

Q How long did he stay there during the count?

A He stayed there until the end.

Q And he was there during all these illegal proceedings, right? A. Yes, sir.

Q Commissioner McGovern? A. Yes, sir.

MR. MURRAY: That is all.

BY MR. WIENER:

Q Did Commissioner McGovern at any time show any credentials or any challenge certificate? A. No, he did not.

Q Did either the Republican or Democratic members of the Election Board question his interference? A. No, sir.

Q Was he ever asked by either the Democratic or Republican election officials whether he was a challenger or had any right to intercede in the course of the election?

A No, sir.

Q He just came in and took over the works, and when he was through he walked out again? A. Yes, sir.

MR. YOUNG: Do you know which were the Republican and which the Democratic members of the district board?

THE WITNESS: I don't think there was any Republican on the Board.

MR. YOUNG: Do you know which ones were supposed to be?

THE WITNESS: The ones that were supposed to be were Urbanek and the other fellow, whose name I cannot think of.

Q Dzubina? A. Dzubina. They were supposed to be the Republicans.

MR. YOUNG: Do you know or are you acquainted with the law that the clerks in tallying shall be of opposite parties?

THE WITNESS: Yes, sir.

MR. YOUNG: And the inspector shall be of one party and the judge another?

THE WITNESS: Yes, sir.

MR. YOUNG: Do you know whether that was followed out in the count in this district?

THE WITNESS: No, sir.

MR. YOUNG: It was not followed?

THE WITNESS: It was not followed.

Q Did the supposed Republican members of that Board object to any of those illegal proceedings during the day or in the evening at the count? A. No, they did not.

Q Did they protest when Commissioner McGovern came in

with this bunch of men and took over the counting of the ballots? A. No, sir.

Q They did not object at all? A. No, sir.

MR. YOUNG: If I told you that there were fifty people on the challenge list and said that only seven people voted on affidavit in that district, would that be in accord with your recollection of the number of people challenged and the number of people who voted?

THE WITNESS: There was nobody challenged there at all.

MR. YOUNG: The fact is that seven people voted on affidavit but nobody challenged them. How do you account for that?

THE WITNESS: Well, while I was there I did not see anything at all, nobody signed up the affidavits, nobody challenged them. It was just people that did not know how to write or said they needed assistance. Outside of that there was no one challenged.

(Discussion off the record.)

MR. ROBBINS: Note my appearance as representing the Democratic members of the Board.

P H I L I P M c G O V E R N, being duly sworn according
to law, on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q Mr. McGovern, where do you live? A. 122 Sussex
Street, Jersey City.

Q Are you a brother of City Commissioner McGovern?

A Yes.

Q Where are you employed? A. Bureau of Combustibles,
Jersey City.

Q What is your position there? A. Inspector.

Q And what is your salary? A. I think it is about \$2750
a year, minus a cut.

Q Were you the judge of the district board of elections
in the First District of the First Ward of Jersey City --

A I refuse to answer on the advice of counsel.

Q Do I take it that you refuse to answer all questions
that may hereafter, and the one previous -- that has been
and will be put to you, on advice of counsel, which questions
concern your conduct as an election officer in the First
District of the First Ward of Jersey City on November 2, 1937?

A I refuse to answer on advice of counsel.

Q You refuse to answer, or you say you will not answer
questions on advice of counsel, is that what you mean?

A I refuse to answer on advice of counsel.

Q And if I say to you that this committee in its functions

is seeking information to report back to the Legislature of the State of New Jersey so that legislation can be passed in order that certain frauds which have been brought to the attention of this Committee can hereafter be cured, and no testimony is being asked of you for the purpose of subjecting you to criminal charges, you still refuse?

A I refuse to answer on the advice of counsel.

Q Did you authorize a Mr. Chunka to take your place as the Judge of Elections during the count of the ballots after the polls were closed on November 2, 1937?

A I refuse to answer on the advice of counsel.

MR. WIENER: Mr. Chairman, I formally request that this man be held, subject to being arrested, and charged with the usual misdemeanor.

MR. YOUNG: I think the Committee decides all of those questions were proper?

MR. OSMERS: Yes.

MR. YOUNG: He has made his choice, Mr. Wiener. If he wants to wait we will be very glad to have him wait, but if he does not want to wait we will send to Jersey City for him.

MR. ROBBINS: We will wait. We have awaited your convenience.

E D W A R D S H I N I C K, being duly sworn according
to law on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q Where do you live, Mr. Shinick? A. 212 Washington
Street, Jersey City.

Q Where are you employed? A. Gillespie, Rogers,
Pyatt Company.

Q Where are they, Jersey City? A. 39 Essex Street.

Q Were you a Democratic election official in the First
Ward, First District of Jersey City on November 2, 1937,
that is the last General Election?

A I refuse to answer on counsel's advice.

Q I take it that you will refuse to answer all future
questions that will be put to you or are about to be put to
you as to your conduct as an election official, Democratic
election official in the First District in the First Ward
of Jersey City on November 2, 1937? A. I refuse to answer
on counsel's advice.

MR. YOUNG: Were you present at the counting
of the votes taken in that district on that day?

THE WITNESS: I refuse to answer on counsel's
advice.

Q I further inform you that this Committee is functioning
and is seeking information and facts so a report can be made
to the Legislature of the State of New Jersey concerning

certain frauds which have been disclosed to this Committee so that proper remedial legislation can be passed, and this Committee in no way seeks to incriminate you or prepare criminal charges against you because of your testimony here today?

A I refuse to answer on counsel's advice.

MR. YOUNG: Were you a member of the Election Board on that day?

THE WITNESS: I refuse to answer on counsel's advice?

Q Were you there when Chunka counted the votes?

A I refuse to answer on counsel's advice.

Q Is your name Edward Shinick? A. That is right.

Q S-h-i-n-i-c-k? A. That is right.

Q You live at 212 Washington Street, Jersey City?

A That is right.

MR. WIENER: I respectfully request that the Committee pass upon the propriety of these questions that have been submitted.

MR. YOUNG: I think they are proper questions.

MRS. SANFORD: I think they are.

MR. OSMERS: Yes, I think so.

MR. WIENER: I ask that this man be given the choice of going back to Jersey City --

MR. ROBBINS: We will follow the same procedure, be here and remand before a Common Pleas judge.

(Discussion off the record.)

MR. EDWARD S. HAYDEN: Note my appearance as representing the Republican members.

HENRY URBANEK, being duly sworn according to law, on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Henry Urbanek.

Q U-r-b-a-n-e-k? A. Yes.

Q You live at 46 Green Street, Jersey City?

A That is right.

Q Where are you employed? A. I am employed as a machinist, Independent Biscuit Company, Jersey City.

Q Did you serve as an election official in the First Ward, First District, Jersey City, in the General Election, 1937? A. I refuse to answer under advice of my counsel.

Q You therefore refuse to answer --

MR. OSMERS: I would like to ask one question: Are you a Republican or Democrat?

THE WITNESS: I refuse to answer that question.

Q I take it that on advice of counsel you are now refusing to answer any questions which may be put to you concerning your conduct as an election official in the First District of the First Ward of Jersey City in the General

Election held on November 2, 1937? A. I refuse to answer any questions under my counsel's advice.

Q I also inform you that this Committee is seeking to make a report to the Legislature of the State of New Jersey so that certain frauds which have been disclosed to this Committee can be reported upon in order that remedial legislation can be passed to cure those frauds concerning election matters and at no time whatever does this Committee, in asking you these questions, expect to make criminal charges against you as a result of the testimony that you give as to happenings in your election district. Do you understand that? A. I understand that.

Q You still refuse to answer any questions?

A I still refuse.

Q Were you still present when Mr. Chunka counted the ballots? A. I refuse to answer any question under advice of my counsel.

MR. YOUNG: Those are the ballots from the First District, First Ward. Did you ever see them before? Spread out on the table there.

THE WITNESS: I refuse to answer any questions.

Q Are you one of those fellows that went next door and had a drink with the district leader?

MR. YOUNG: That is a personal question.

MR. WIENER: I withdraw that.

MR. YOUNG: I think the questions are proper and I think the Committee so holds.

MR. OSMERS: Yes.

MR. YOUNG: I want to say to you gentlemen, however, if I have anything to do with the Committee's opinion on this and recommendation to the court, the bail requested here is not going to be nominal bail.

MR. WIENER: I hope I will be permitted to request that \$10,000 bail be set for these gentlemen.

MR. YOUNG: Yes.

MR. WIENER: I hope I have the opportunity of bringing that to Judge Hartshorne.

J O H N D Z U B I N A, being duly sworn according to
law, on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q Your name is John Dzubina? A. That is right.

Q D-z-u-b-i-n-a? A. Yes, sir.

Q You live at 65 Sussex Street, Jersey City?

A I moved since, three weeks ago, 23 Wayne Street.

Q 23 Wayne Street, Jersey City? A. That is right.

Q Did you serve as an election official in the First
Ward, First District of Jersey City, on November 2, 1937,-
that is the last General Election? A. I refuse to
answer on advice of counsel.

Q I take it that on advice of your counsel you have
refused and will refuse to answer all questions put to you
concerning your conduct as an election official in the last
General Election, November 2, 1937?

A Yes, sir.

Q And I also wish to inform you that this Committee in
its functions is seeking to make a report to the New Jersey
Legislature concerning frauds which have been disclosed to it
so that remedial legislation might be passed or enacted in
order to cure those frauds, and that at no time does this
Committee intend that any testimony that you give concerning
your conduct as an election official shall be used against
you for the enactment of criminal procedure against you.

A I still refuse to answer.

Q You understand that and you still refuse to answer.

Were you present when Mr. Chunka read off the ballots in your district? A. I refuse to answer on advice of counsel.

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

MR. WIENER: I ask that this Committee pass upon the propriety of the questions put to this man.

MR. YOUNG: All right.

MR. OSMERS: I think they are all right.

MR. WIENER: I ask this man likewise be held.

MR. YOUNG: Join the club.

MR. ROBBINS: It will be quite an association if the Committee continues.

MR. YOUNG: It is a systematic plan and scheme.

MR. ROBBINS: I suggest that you follow the procedure of citing them.

MRS. SANFORD: Thank you for telling us how to do our own business.

(At this time a recess was taken to two p.m.)

AFTERNOON SESSION TWO P.M.

T H E O D O R E Z E L I N S K I, being duly sworn
according to law, on his oath testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your address? A. 202 Orange Street, Jersey
City.

Q Where are you employed? A. My own business, coal
business, Jersey City.

Q Are you going to refuse to answer on advice of your
counsel? A. Oh, no, nothing to fear. I am an American.

Q Mr. Zelinski, on November 2, 1937, that is in the
last General Election, did you have occasion to be in a
polling booth known as the First District of the First Ward
of Jersey City? A. Polling Place, yes, sir.

Q Were you present in the polling place on the morning
of that day? A. That is true, shortly after the polls
opened.

Q Were you involved in a fracas? A. If you want to
term it that, yes.

Q Will you please tell the Committee what you term
it and how it happened? A. Well, it was shortly after
the polls opened on November 2nd last, when I received com-
plaints from certain citizens downtown that Commissioner

James McGovern and his brother Philip were taking ballots, and instead of depositing these ballots into the ballot box they put them into their pockets. I immediately went down to the First District in the First Ward, which is located at 77 Morris Street, an undertaking establishment. Upon reaching there I inquired from the two deputies stationed there, did they see any of this going on. Miss Walker, who previously told me that she and the other young deputy, told me to their knowledge they cannot see anything there because they are constantly being crowded out and pushed toward the door.

Q How big is this place? A. About six feet wide and about twelve feet in length.

Q When you got there how many people were in there?

A When I reached there there was just the four Board members and two deputies.

Q And the complaint given to you, how many people were stated to have been there? A. The complaint was that these two people, whose names I don't ought to state here now, told me after they have voted, McGovern, Commissioner McGovern and Brother Philip, took their ballots and put them into his pocket, Commissioner McGovern.

Q You do not wish to tell their names?

A Not after my experience, no.

Q Would you give the names to the Committee in private

session? A. Certainly.

Q You are doing this for the protection of those people?

A Absolutely.

Q Go on and tell us about the rest of it.

A As I stated, I inquired of the two deputies and they told me they cannot see anything as each time a voter came in to vote the two deputies were pushed aside.

Q Pushed aside by who? A. By a crowd of men stationed outside the polling place.

Q Were these men outside the polling place when you got there? A. Yes.

Q How many? A. I judge about twenty or twenty-five.

Q Go on. A. And I was there about five or ten minutes when a young lady and young man, I should judge in their thirties, came in to vote. They signed their name in the poll book, and upon doing so each received a ballot. Then they both went into one booth. I protested to Philip McGovern, the Judge of the Board. He told me to mind my own business. I told him it was my business. He told me, "We run these elections as we see fit." Then I made an attempt to get to the booth to have these people go into separate booths. Then Philip McGovern pushed me.

Q That is the Philip McGovern that was on the stand this morning? A. Yes. Then his brother, Bill McGovern, rushed me, and in spite of the fact of the fists that rained on my

face, I could see it was Commissioner McGovern. He struck me in the eye and the mouth. And at that a man by the name of John Chunka and an Italian lad whose name -- I think Floyd Chuck, he kicked me, and John Chunka struck me in back of the head.

Q Were you down? A. Not yet. Then Bill McGovern, Phil McGovern, John Chunka and this boy, Chuck, did toss me around until I did fall down. Upon reaching the outside of the polling place --

Q Were you bleeding? A. Yes.

Q Did you have some teeth knocked out? A. No, I had no teeth knocked out.

Q Blood was coming out of your mouth? A. That is true.

Q Who helped you to your feet? A. Well, I got up myself, held on to the gate and got up myself, and then a police officer came running up to the polling place.

Q What is his name? A. John Spellman. I directed him to arrest these hoodlums --

Q What did you say? A. Hoodlums. That is what I call them, the three of them.

MR. MURRAY: Including the Commissioner?

THE WITNESS: Oh, yes, he is the chief of them.

Then the Commissioner came running out and said, "Here, you, take this damn Polack" -- excuse me for swearing --

"and arrest him." So I seen the best thing was to walk gently with the police officer. He went around the corner to a confectionery store. It was from this confectionery store that this police officer called his superior to send down the so-called patrol wagon. From there he and I left, and on our way back to the polling place, about midway, Commissioner McGovern approached us and told the officer to keep on walking. He said, "Teddle, let us forget about this here." I know him and kept on going down. He grabbed me by the arm and said, "Just a minute. Will a hundred bucks be all right?"

I told him right then and there in no uncertain manner that I was a good Catholic, a good American citizen, and just the idea he would bribe me with a hundred dollars I couldn't see.

Q Did he show you the money? A. He had an envelope. I didn't see the money. He had it in an envelope, but he told me, "Here is a hundred dollars."

Q He offered you an envelope? A. Yes, with the money in it.

Q You didn't take it? A. I regret to this day. I should have accepted it and given it to some charitable organization. It would teach him a lesson.

Q Go ahead. A. Then I went back to the polling place

and demanded to be arrested. He said, "Forget about it." So I got in touch with the policeman who made a call to his superior in the police station. I said, "You are going to arrest me or arrest Commissioner McGovern." So he walked away. About an hour or two later I went up to the County Court House and swore out a warrant for Commissioner McGovern's arrest.

Q Was he arrested? A. To my knowledge, he was arrested, yes.

Q Do you know whether or not he has been indicted as a result? A. I know as a fact he has not been indicted as yet.

Q Were you ever sent for by the Grand Jury? A. No. I have written a letter to Prosecutor O'Regan about what steps, and I have received no reply.

Q When did you file that complaint? A. November 2nd, 1937.

Q Today is February 25 and you have not as yet been called by the Grand Jury? A. No, sir.

Q Were you present in the district any other part of the day? A. Yes, I came back two or three times during the day.

Q Did anything else come to your attention?

A Naturally, I was insulted each time, told I was a so-and-so Republican, a so-and-so Polack, but I am accustomed to that.

Q Were there any further complaints by the other deputies?

A Yes, in the evening on the count.

Q Were you present? A. I couldn't get into the polling place.

Q They wouldn't let you in? A. Absolutely not.

Q Did you assert yourself as to who you were?

A Certainly. Each one stationed inside knew me. The police officer told me, he told me he was helpless.

Q Did you eventually get in? A. No, I did not get in.

Q Do you live in that district? A. No, I live in the Eighth.

MRS. SANFORD: Who told you he was helpless?

THE WITNESS: The policeman on duty there.

MR. YOUNG: What was your official capacity on Election Day?

THE WITNESS: I was authorized by Superintendent of Elections, John Ferguson, to be a deputy covering the entire First Ward of Jersey City, ten districts. And, by the way, I served without pay.

MR. YOUNG: You had a badge?

THE WITNESS: Yes, sir.

MR. YOUNG: You wore that badge?

THE WITNESS: Yes, sir.

MR. YOUNG: You had credentials?

THE WITNESS: Yes, sir.

MR. YOUNG: Issued by John Ferguson?

THE WITNESS: Yes, sir.

MR. YOUNG: You were wearing your badge when you had this --

THE WITNESS: Yes.

BY MR. MURRAY:

Q Now, Mr. Zelinski, were you at any time threatened since Election Day? A. Yes, I have. I received a telegram from John J. Chunka about a week after election. He said to this effect, I don't recall the exact words, but I have the telegram, it is in my possession, both that and a letter,-- he said, "You rat, you had better keep quiet or we will get even."

Q What about the letter? A. The letter was to the same effect. In fact, he implicated my brother, Benjamin, and said, "Rats, we will get even."

Q Did he sign the letter? A. No. It was signed "J.C." I called the telegraph office and inquired. They said this person phoned the telegram in. I took it for granted it must be John Chunka. I called up this fellow, John Chunka, at McGovern's office and said, "Did you send me a telegram?" "Yes, I did." I said, "What is the idea of it?" He said, "You had better keep your mouth shut."

Q Chunka is employed in McGovern's office?

A In Parks and Playgrounds. He is sort of an office boy.

Q Has anything taken place since that time?

A Well, not as yet. I really, speaking frankly, as true as I am an American citizen, I don't fear them, when I am honest but dealing with such people. Naturally, I applied to the courts. Seeing that was useless I appealed to my own priest, spending two hours in his company and giving the full story and detail. He told me, he said, "Teddie, go on and fight. Don't you fear them." He said, "They won't harm you." With that in mind I am not afraid. I shall go on, with the help of God Almighty, and fight these hoodlums.

Q Do you feel that an election return totaling 433 votes for 19 Democratic candidates and one vote for 18 Republican candidates, without any splits in either party, is a normal vote for that district? A. That is ridiculous. Not one of the districts out of the 419, 420 -- there should certainly be more than one split ballot. That is including the best and most intelligent district in the city. People are bound to vote for favorite candidates. It is a known fact, gentlemen, that the Board down there is crooked, and I have been fighting for years. I have been offered all kinds of money and jobs. The people themselves, a Democratic ward, ninety per cent. Democratic, I have their sympathy. They are

all against McGovern. They fear him and they think he is God Almighty. Two of my own people, I am ashamed to admit, I am a Polack, they fell on their knees and kissed this fellow McGovern's hands. Think of it.

Q What time on election night did you go down to the district and endeavor to get in?

A It must have been an hour after closing.

Q An hour after closing of the voting day? A. That was after two deputies complained they could not get in, and two lawyers from Ferguson's office.

Q What endeavor did you make to get inside the polling place? A. I appealed to the policeman on duty, which is proper procedure, and he told me it was useless.

Q Do you know who that policeman was? A. Yes, John Spellman.

Q Is he Polish descent, do you know? A. No, I believe he is German.

Q You don't know his number, do you? A. No, I do not.

Q You are sure of his name? A. Oh, yes, I know the man. He is stationed downtown quite often.

Q Do you remember exactly all or pretty near all substantially just what his words were to you?

A Yes. "I cannot do anything, Teddie."

Q Did he physically try to prevent you from getting in?

A I tried the door and the door was locked.

Q That is what I wanted to find out. You actually tried that door? A. Yes.

Q The door of the polling place was locked?

A Yes.

Q And the cop was outside? A. Yes.

Q Could you look inside from where you were at all?

A I couldn't see a thing.

Q Why? A. The door itself is a modernistic design, very small windows, window-glass. And the same with the window itself.

Q You could not get in and could not see inside and the door was locked? A. Yes.

Q And the Jersey City policeman was stationed outside?

A Yes.

Q In uniform? A. In uniform.

Q And he would not permit you to even try to get in?

A No.

Q Would not help you to get in? A. No.

Q Did you tell him you were a deputy from Mr. Ferguson's Office, the Superintendent of Elections?

A He knew well I was a deputy, but in spite of that I impressed him by, I said, "John, I represent John Ferguson; I am a deputy from the Superintendent of Elections. I demand you open that door." And with that he walked away from me.

Q While you were there, did you see anybody come out from the inside? A. I was there about five minutes when I got another complaint from the Tenth District of the First Ward, and it was in this district where I compelled the police lieutenant on duty to break open the door, which he did.

Q You mean to say the door in the Tenth District was locked? A. Yes.

Q Was there a policeman of the Jersey City police department stationed outside that door?

A Inside. There was a police lieutenant outside.

Q Do you know who that police lieutenant was?

A I am not quite sure now.

Q Did you get his number? A. No, I did not, but I have it. Right at the moment I cannot think of it, but I have that information.

Q Will you give that information to the Committee?

A Gladly.

Q Did you know who the policeman was on the inside?

A No, he was a strange fellow.

Q Was that lieutenant on post there that day, was it Lieutenant Fleming? A. That is the gentleman, Fleming.

Q From the First Precinct? A. I believe so, the First Precinct.

Q Did you appeal to him to get you in? A. Yes.

Q What did he say? A. I appealed to the policeman inside and to the deputies, two young ladies stationed there. They said, "Teddie, they won't let us open the door." Then I shouted for the policeman inside. This policeman inside, along with one of the Board members had the owner or manager of this voting establishment, which is a barber shop, sit at the door to block the door further.

Q On the inside? A. On the inside. Getting no response and no results, just then this lieutenant came along and I told him that I am from John Ferguson's office, and I said, "It is your duty now to have that door opened." He also shouted a few times, "Open that door," about three or four times. He kicked it in.

Q Kicked it in at your direction? A. That is right.

Q Was that Fleming? A. I believe it was Lieutenant Thomas Fleming.

Q Who is the Democratic committeeman in that district, do you know? A. Yes. Frank Waltz.

Q Do you know where he works? A. Stoebling's office.

Q Did I understand you to say the Democratic committeeman in that district works in Stoebling's office?

A That is true.

Q Stoebling is the Republican Commissioner of Registrations in Hudson County? A. Did you say "Republican"?

Q Yes. A. Not to my knowledge.

Q Well, he is supposed to be. A. Yes, that is true.

Q I want to get it right, that he is the Democratic committeeman in that district. A. That is right.

Q Was he present that night? A. Yes.

Q Where was he? A. Inside.

Q Inside the polling place? A. In the Tenth District.

Q Tenth District of the First Ward?

A That is right.

Q And he heard you appealing to these deputies within that place for you to get in? A. That is true.

MR. MURRAY: That is all.

MR. WIENER: I haven't gone through all these ballots yet because of the lack of time, but I wanted to specifically call to the attention of the members of the Committee the condition of a number of ballots in this district, the physical condition.

MR. OSMERS: Is this the First Ward, First District ballots?

MR. WIENER: Yes.

MR. OSMERS: What happened to them?

MR. WIENER: Here is one that has some chewing tobacco juice on it, torn. A piece of it is gone.

MR. YOUNG: Are any of those ballots marked void, Mr. Wiener?

MR. WIENER: No, sir.

MR. YOUNG: Because I have got the returns from Mr. Ferguson's office which show that no ballots were marked void in that district.

Have you got any recount figures on this district?

MR. WIENER: Yes, sir.

MR. YOUNG: What does the recount show? The original count showed 433 for Mr. Moore and one for Senator Clee. The recount showed 425 for Moore and three for Clee. On the recount, six ballots were referred to the Chief Justice because of erasures on them, and they were counted by the court for Mr. Moore, which brought his total to 431.

MR. WIENER: I wanted to point out to the Committee ballot number 434, apparently the only Republican vote counted by the Republican district board, appears to have been counted only because it was marked with red pencil and could not have been erased without doing a definite damage to the ballot, and that was the only ballot that was originally counted by the Board.

MR. YOUNG: Have you found any split ballots?

MR. WIENER: Now, there were several split ballots which were --

MR. YOUNG: Can you find some way to do this

arithmetically?

MR. WIENER: I could read them off. I want to say as to this, here is --

MR. YOUNG: Why don't we simply say "Add 1" or "subtract one."

MR. WIENER: I just wanted to point out what happened to some of these ballots. You had some split ballots that were tampered with and made straight ballots. Here is an example of it. That ballot, originally the Democratic Assembly, Freeholders, Boulevard Commissioner and Justice of the Peace were voted for, and the vote for governor and state senator was not put in, and somebody came along with a different pencil and different marking and substituted or added the gubernatorial and senatorial vote.

MR. YOUNG: I think, Mr. Wiener, this ballot we had better impound for the purpose of having it submitted to a handwriting expert.

MR. WIENER: Here is one where the complete Republican ticket was erased and a different handwriting. Here is another one where the straight Republican ticket is erased. You ought to get the ballot numbers on that. The one impounded is 427. 86 is one with complete erasures, and court ballot number 6 complete erasure. This is 268, complete erasure of

the Republican ticket. This is ballot number 272, complete erasure of the Republican ticket. Ballot 242 complete erasure of the Republican ticket. Ballot 428 is another one where the governor's mark was put in by what appears to be a different hand.

MR. YOUNG: 428 will be impounded by the Committee also.

MR. WIENER: Number 267 is one where several independent gubernatorial candidates had been voted for and three state senators were voted on the Independent Ticket, and the Communist Assembly and Independent Freeholders all the way down the line were voted for and erased.

Now, I would like to read into the record the challenge sheet, the number of votes cast out of the possible to be cast.

MR. YOUNG: Ballot 306 votes for Clee and Miles and then the rest of the Democratic ticket. Ballot number 426 Artaserse cut, and the ballot is being impounded by the Committee.

MR. WIENER: Mr. Chairman, I am now desirous of reading into the record some figures or statistics concerning the First Ward, First District in Jersey City. In the Primary Election of 1937, in accordance with the official return of the County Clerk, the First

Ward, First District of Jersey City showed that Senator Powell received 90 votes, Senator Clee received 13 votes, making a total of 103 Republican votes cast in the Primary of 1937 for a gubernatorial candidate.

In the General Election on November 2, 1937, that is about seven weeks after the 103 Republicans declared themselves in the First Ward, First District, the official return of the County Clerk showed 433 votes for Governor Moore and one vote for Senator Clee. The total vote reported as cast was 434 votes out of a possible 456 votes registered. Only 22 people did not appear out of 456, which is a percentage of a little less than five per cent. 95 per cent. of the vote came out. In addition thereto, I would like to point out and present to this Committee the challenge list furnished by the Superintendent of Elections, containing 50 names, of which seven are reported to have voted. According to the records of the local district board seven people on these sheets were permitted to vote.

MR. YOUNG: They voted on affidavits and I have the affidavits.

MR. WIENER: They signed affidavits. Now, in subtracting the 50 challenged voters from the 456 who were qualified to vote in the district, and the 456

whose names appeared in the registry books on Election day, in accordance with the figure returned by the district board, we have, in deducting, 406 qualified voters. We add to that seven affidavit voters, making 413 voters who appear to have been qualified to vote, of those who voted. As against that we have a cast vote of 434 votes, which means that 21 people who had no right to vote apparently voted.

MR. YOUNG: Put it this way: You seem to be a pretty good mathematician. What percentage more than one hundred per cent. of the people entitled to vote voted in this district?

MR. WIENER: Five per cent. 105 per cent. of the eligible people voted. Is that clear to the Committee? I will repeat it, if it isn't. I think it is very important, because we find 406 people qualified to vote without being challenged and seven people came along and voted in addition to those 406, making 413, but we find 434 who have actually voted. So definitely there are twenty-one people who are not accounted for, and the poll books will most certainly account for them. That is why they are not here.

(Discussion off the record.)

MR. WIENER: Ballot 77 is a split ballot. Beronio, Assembly candidate, is not voted.

(Discussion off the record.)

MR. WIENER: I wish to put in the record that we have here, I believe altogether, ninety-some-odd ballots marked apparently by the same hand. The "X's" in each case are similar, apparently made by the same person. There is no testimony which is available for the purpose of ascertaining who was given assistance and how they were given assistance, in view of the stand which the election officials have taken. I think, however, the ballots speak for themselves. The crosses are unquestionably made by the same person.

MR. OSMERS: Of all of the ninety-odd?

MR. WIENER: 93, I believe there are.

MR. YOUNG: For the record, we want to state that all of the ballots in this box have apparently been examined by counsel for the Committee, and except for those specifically noted on the record, all of them seem to be straight Democratic and tallied in the original count. I think that is all, and we can give the ballot box back to Mr. Ertle. I think for the benefit of Mr. Robbins he had better bring his clients back Monday at ten o'clock.

MR. ROBBINS: I would like to make a suggestion to the Committee. In order to expedite this thing,

you gentlemen are familiar with the basic law of the land, of this state. I can take these alleged defendants and present them before any Justice of the Peace, who is a constitutional officer, waive examination for the Grand Jury, and he can send the papers to the Grand Jury and have the Prosecutor's Office fix bail.

MR. YOUNG: And that same Justice of the Peace will fix bail.

MR. ROBBINS: You can have the Prosecutor of the Pleas fix bail under our state law. As a matter of fact, he recommends bail to the county judge.

MR. YOUNG: The situation is exactly this, the last time we had a gentleman to be arrested we went to the Justice of the Peace in the Prosecutor's Office and we were told that he preferred not to take these complaints. So in view of that fact I think we will do him the courtesy of not presenting these cases this afternoon.

MR. ROBBINS: Do I understand the complaint won't be filed until I present this, and I am sure Mr. Hayden joins me in the suggestion that you don't want to file a complaint without our being aware of it.

MR. YOUNG: You have them here ten o'clock Monday morning. The complaint will be filed at that time.

MR. ROBBINS: Suppose we do, and arrange to go before the judge at ten o'clock in the morning. It is not necessary for the Committee to be there. One of counsel can appear and just turn in the complaints, and then the bail is fixed.

MRS. SANFORD: I would like to be there.

MR. ROBBINS: If this Committee has arbitrarily taken the position that you don't intend to cooperate with anybody, you will not permit these people to be cross-examined -- there are charges --

MR. YOUNG: I think it is worse for you to take that attitude before the Committee.

MR. WIENER: We have already agreed that you can bring these people in at ten o'clock Monday morning.

MR. ROBBINS: Will I have to stay here until four o'clock in the afternoon?

MR. YOUNG: I am sorry. You were told it was at your convenience.

MR. MURRAY: Mr. Chairman, I move to file these complaints and send a warrant, and if he wants to take his men let him take them.

MR. HAYDEN: Mr. Chairman, I would like to say this, if the Committee withholds the complaints until

I appear here, and Mr. Robbins will also, with our clients Monday morning at ten o'clock --

MR. WIENER: We have already said we will do that. Ten o'clock Monday morning.

(A resolution offered by Mr. Osmer and seconded by Mrs. Sanford, authorizing Chairman Young to sign the complaints, was unanimously adopted.)

MR. YOUNG: We will stand adjourned until ten o'clock Monday morning.

(At this time the hearing was adjourned to Monday, February 28, 1938, at ten a.m.)

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 2, 1938,
at ten o'clock in the forenoon.

Present:

Assembly Committee
Henry Young, Jr., Chairman
Mrs. Olive C. Sanford
Rocco Palese

ROBERT H. McCARTER, Esq.,
by DAVID H. WIENER, Esq., JAMES R. GIULIANO, Esq.,
and JAMES F. MURRAY, Esq.,
Counsel to the Committee

MR. WIENER: I will call Myles Lyons to the stand.

MR. BENNETT A. ROBBINS: May I have it noted on the record that I represent Mr. Lyons. I would like to state that the same position that has been taken heretofore will be followed with Mr. Lyons.

M Y L E S L Y O N S, being duly sworn according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Mr. Lyons, what is your name, sir? A. Myles Lyons.

Q Where do you live? A. 72 Bartholdi Avenue, Jersey City.

Q Where do you work, sir? A. Water Department, City Hall.

Q Jersey City? A. Yes.

Q You are an employee there? A. Yes.

Q And as such employee you were a member of the Election Board of the First Ward, Second District? A. Yes.

Q On November 2, 1937? A. Yes.

Q Did you know that it was illegal for any city employee or county or state employee to be a member of an election board? A. I refuse to answer on advice of counsel.

Q This address that you live at, 72 Bartholdi Avenue, is in the Seventh Ward, is it? A. I refuse to answer on

advice of counsel.

Q Were you the Judge of the Election Board on November 2, 1937? A. I was.

Q Were you the man that called off the ballots?

A I refuse to answer that on advice of counsel.

Q Were you the man who stole thirty-one votes from Lester H. Clee? A. I refuse to answer that on advice of counsel.

CHAIRMAN YOUNG: I don't think that is a proper question, anyway.

Q Did you appear at a meeting of the Hudson County Board of Elections on December 15, 1937?

A I refuse to answer on advice of counsel.

MR. PALESE: Do I understand that you are refusing to answer every question on advice of counsel?

THE WITNESS: Yes.

MR. PALESE: Even as to your age?

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

MR. PALESE: You refuse to answer what on advice of counsel? You are refusing to answer what on advice of counsel?

THE WITNESS: I gave the gentleman the information I was supposed to give him.

MR. PALESE: You gave what gentleman?

THE WITNESS: The gentleman that asked me before.

Q Did you on that date appear before the Board of Elections and, in answer to a question concerning whether or not you gave people assistance, state that, "The only time I ever made out an affidavit was when a person could not write," and that you have made an affidavit for every person that needs assistance. There are 600 people in that district and there are over seventy who needed assistance?

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

Q Did you also state, "They can write but they cannot prepare their own ballots. They asked me to help prepare their ballots. I know their families and their children, and they asked for me when they came in, and if I am not there some of them will not come in and vote"?

A I refuse to answer on advice of counsel.

Q Did you further state that "there are about seventy persons who I personally assisted, and if we asked them to sign an affidavit it would embarrass them and I don't think they would go in to vote"?

A I refuse to answer on advice of counsel.

Q Now, I therefore take it that you, on advice of your counsel, are refusing to answer all questions which this Committee or myself might put to you, concerning your conduct

as a public official, the Judge of the Election Board of the Second District, First Ward in Jersey City, on November 2, 1937?

Is that true? A. I do.

Q Now, I am going to inform you that this Committee is a Legislative Committee created for the purpose of disclosing illegal and fraudulent conduct in the last General Election, and this Committee has already disclosed certain frauds which have taken place in Hudson County, and we here, this Committee, does not seek to embarrass you and in any way bring criminal charges against you, or to hold against you any statement that you might make here, for the purpose of criminal prosecution.

They are merely seeking to report back to the Legislature so that a proper remedial program can be made for legislation, and, therefore, we ask you to testify with that in mind.

Do you or do you not agree to testify?

A I refuse to answer this question on advice of counsel.

MR. WIENER: Mr. Chairman, I suggest that the Committee pass upon the propriety of the questions propounded to this individual.

MR. PALESE: I should say that the questions are very proper. I do not understand why he won't answer. There is no doubt about the propriety of the questions. Any individual, whether he is an election board member

or not, should answer. There is no doubt about the propriety of the questions.

MR. WIENER: I suggest that he go through the usual course, and that this man be arrested, fingerprinted, photographed and added to the Rogues' Gallery.

MR. ROBBINS: This Committee has nothing to do with having the pictures taken. I think that statement is improper.

BY MR. YOUNG:

Q Are you a Republican member of the district board?

A I am Democratic.

Q By whom were you appointed to the Board?

A I won't tell you that.

Q That is honest ignorance? A. Yes.

BY MR. PALESE:

Q Lyons, how long have you been on the Election Board?

A Eighteen years.

Q As I understand it, you are also, you say, an employee of the City of Jersey City? A. Yes, sir.

Q How long have you been an employee of the city of Jersey City? A. About eighteen years.

Q And during that period of time you have received pay, I assume, from your service as a member of the district election Board? A. Yes.

Q And you also have been paid by the city of Jersey City for this service as an employee of the city? A. Yes.

BY MR. YOUNG:

Q Is this the first time that you served on this board?

A Pardon?

Q Is this the first time you served on this board in the First Ward, First District? A. No, sir. I just answered that.

Q You have been on the board of the First Ward, First District, for eighteen years? A. The second.

Q I beg your pardon. You have been on that board for that length of time, is that correct? A. Yes, sir.

BY MR. WIENER:

Q Were there any discrepancies in the tally in your district in previous years? A. I refuse to answer on advice of counsel.

Q Who is the director in charge of the department that you work in? A. Commissioner Fagan.

Q What is your salary? A. I don't know.

Q Your salary? A. Mine?

Q Yes. A. \$3000.

BY MR. PALESE:

Q What is your employment? A. Water Department.

Q What is your position in the Water Department?

A Clerk.

Q Is it a Civil Service classification? A. Yes, sir.

Q What are your duties there as clerk?

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

Q You mean that you refuse to tell us what kind of work you are doing in Jersey City, for which you are getting \$3000 a year?

MR. ROBBINS: He has that right, Mr. Palese.

I have advised him not to testify.

Q In other words, you are refusing to tell us, as a public employee of the City of Jersey City, receiving \$3000 a year, as to what kind of work you do?

A I refuse to answer on advice of counsel.

Q Do you work every day? A. I refuse to answer on advice of counsel.

Q How many days a week do you work? A. I refuse to answer on advice of counsel.

CHAIRMAN YOUNG: I think if we can confine the questions to the election we are better off.

MRS. SANFORD: At least we are finding out what kind of questions he refuses to answer.

MR. PALESE: I don't know whether counsel told him to refuse to answer all questions or only certain questions. That was the purpose of my questioning. I don't know where that would incriminate him, as to the type or character of work he does in Jersey City.

MR. WIENER: I don't know where anything he might say would incriminate him, if he were honest.

MR. ROBBINS: That is unjust.

CHAIRMAN YOUNG: Sit down.

EUGENE MAC KAY, being duly sworn according to law, testified as follows:

MR. ROBBINS: May I have it noted on the record that I appear for Mr. MacKay.

EXAMINATION BY MR. WIENER:

Q Where do you live, sir? A. 203 Washington Street, Jersey City.

Q Your full name is Eugene MacKay? A. Eugene MacKay.

Q Where are you employed? A. The WPA.

Q What project, please? A. Timekeeper on Garfield Avenue, Jersey City.

Q Is that a Jersey City project? A. Yes, sir, Jersey City.

Q How much do you get a month? A. I refuse to answer on advice of counsel.

Q Who recommended you for that job? A. I refuse to answer on advice of counsel.

Q Were you a member of the district election board in the Second District, First Ward, Jersey City-- A. (Interrupting) I refuse to answer to advice of counsel.

Q Let me finish the question. Don't be so nasty.

MR. WIENER: Mr. Stenographer, will you read the question as far as I have gone?

(The stenographer read as follows:

"Question: Were you a member of the district election

board in the Second District, First Ward, Jersey City--")

Q (Continuing)-- in the last General Election, on November 2, 1937? A. I refuse to answer on advice of counsel.

Q I, therefore, take it that you will refuse to answer all questions.

MR. PALESE: Mr. Wiener, you had better put the question to him that you have in mind instead of putting a general question. Ask him a specific question.

Q What were your duties as a member of the election board in that election district? A. I refuse to answer on advice of counsel.

Q As clerk of the election board, did you tally the votes? A. I refuse to answer on advice of counsel.

Q Did you give any voters assistance in that district on that day? A. I refuse to answer on advice of counsel.

Q Did you take any affidavits of assistance on that day?

A I refuse to answer on advice of counsel.

Q Did you challenge the votes of any people on the challenge list on that day? A. I refuse to answer on advice of counsel.

Q And if you ^{did} challenge votes, you take affidavits from voters who voted on that day? A. I refuse to answer on advice of counsel.

Q I, therefore, take it that you refuse to answer all

questions that the Committee or myself have put to you or might put to you, on advice of counsel, pertaining to your conduct as a district election board official in the First Ward, Second District, in the last General Election, November 2, 1937? A. I refuse to answer on advice of counsel.

Q You also take the same position, after you were informed that this Committee is a Legislative Committee and does not seek any testimony from you which might incriminate you, or does not intend to use any testimony that you might give for the purpose of seeking criminal prosecution against you, but this Committee is merely functioning for the purpose of recommending remedial legislation to the Legislature of the State of New Jersey as a result of its findings in this investigation? A. I still refuse to answer.

BY MR. PALESE:

Q Are you a member of the voting district of the First Ward, Second District of Jersey City?

A I refuse to answer on advice of counsel.

Q How many members are there on the Board of Elections, First Ward, Second District, Jersey City?

A I refuse to answer on advice of counsel.

Q Did you work on November 2, 1937, as a member of the election board of the First Ward, Second District?

A I refuse to answer on advice of counsel.

Q Have you been paid for this service rendered on November

2 of last year? A. I refuse to answer on advice of counsel.

MR. PALESE: We will take the same course.

MR. WIENER: I suggest that the Committee pass upon the propriety of the questions.

CHAIRMAN YOUNG: I think they are proper.

MR. WIENER: I therefore suggest that this man be ordered to stay here until a proper criminal complaint can be made against him, so that he can be arrested.

MR. ROBBINS: (To the witness) Step down, Mr. MacKay.

J O H N E. S N Y D E R, being duly sworn according to law, testified as follows:

MR. EDWARD S. HAYDEN: May I have it noted on the record that I appear for Mr. Snyder.

EXAMINATION BY MR. WIENER:

Q What is your full name? A. John E. Snyder.

Q Where do you live? A. 63 Sussex Street.

Q Where do you work? A. Pier D, Moore-McCormick, steamship men.

Q Were you a district election board member in the First Ward, Second District, on November 2, 1937?

A I refuse to answer on advice of counsel.

Q You refuse to answer whether you were there on that day? A. I refuse to answer.

Q You mean that you do not even admit that you worked in the election? A. I refuse to answer on advice of counsel.

Q Did you serve as a clerk in the General Election on November 2, 1937, in the First Ward, Second District?

A I refuse to answer on advice of counsel.

Q As such clerk did you tally the votes as they were called on that day? A. I refuse to answer on advice of counsel.

Q As an election official did you assist any people in voting on that day? A. I refuse to answer on advice of counsel.

Q As an election official did you execute any affidavits of assistance on that day? A. I refuse to answer on advice of counsel.

Q As such election officer, did you challenge the vote of any voter on the challenge sheet on election day?

A I refuse to answer on advice of counsel.

Q And if you did, did you have an affidavit executed in accordance with the law, and examine challenged voters?

A I refuse to answer on advice of counsel.

Q I show you the challenge sheets, the challenge lists of the First Ward, Second District, and ask you if the signature of John D. Snyder, 63 Sussex Street, is your signature? A. I refuse to answer.

Q You do not admit that this is your signature?

A (There was no answer.)

Q Are you ashamed to admit that that is your signature?

A (There was no answer.)

Q Are you ashamed to admit that that is your signature, or are you ashamed to admit what you did on Election Day?

A I refuse to answer on advice of counsel.

Q Is that your signature? Don't look at your lawyer. You should have gotten the information and instructions last night.

MR. HAYDEN: I object to that.

A I refuse to answer on advice of counsel.

MR. HAYDEN: I am not giving any information or instructions.

MR. WIENER: It is too bad when a man is ashamed to admit that he signed his own name. We have tally sheets. We will get a picture of this.

MR. PALESE: Do I take it, from your testimony here today, when you refuse to say either yes or no as to the signature appearing on the challenge list for the First Ward, Second District, that your attorney advised you not to answer any questions or just certain questions?

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

BY MR. PALESE:

Q I don't quite understand. You say that you refuse to answer questions; whether your attorney told you to refuse to answer all questions or just certain questions, you refuse to answer that question.

A On advice of counsel.

Q It is the question here as to whether he asked you to refuse to answer all questions or just certain questions. You refuse to answer that on advice of counsel?

A Yes.

Q I take it, then, that you won't even tell us how old you are. Do I understand that you won't even tell us how old you are? A. I still refuse to answer on advice of counsel.

CHAIRMAN YOUNG: Everybody is summoned here to testify. We are not doing this for a joke. There are certain irregularities shown, and we are trying to find out about these irregularities. We are not trying to make a joke of you or of any other members of the election boards. We do want to find what happened when they tallied the votes, we do want to find out about the affidavits, we do want to find out, with the people who had assistance, why the necessary affidavits of assistance were not made, and why the records show that those records were taken. That is why we summoned you here today, not for fun, not to make a joke out of it, and the law says that if you refuse to answer proper questions, and I think that they are proper, you are guilty of a misdemeanor, and that calls for a jail sentence or a fine of a thousand dollars or both. You ought to bear that in mind, and all of the witnesses summoned here ought to bear that in mind when they blandly refuse to answer questions. If we can get information we are not going to make any complaints, and, as I understand it, if we were to ask you these same questions again you would still say the same, is that so?

THE WITNESS: Yes.

MR. WIENER: I do not think that there is any

necessity for my asking any further questions.

Has the witness been instructed that this
Legislative Committee--

MR. PALESE: Propound the questions.

BY MR. WIENER:

Q Do you understand that this Assembly Committee is conducting this investigation for the purpose of disclosing frauds and irregularities in elections, and that this Committee is not interested in using any testimony that you might give here, against you, in any criminal proceedings, and that this Committee is purely desirous of reporting its findings to the Legislature of the State of New Jersey, so that the proper remedial legislation can be passed?

Do you understand that? A. Yes.

Q You still refuse to answer any questions?

A Yes, I refuse on advice of counsel.

MR. WIENER: I ask that this Committee take the the usual course and pass upon the propriety of the questions.

CHAIRMAN YOUNG: Yes, we have passed upon it several times.

T H O M A S D O W D, being duly sworn according to
law, testified as follows:

MR. HAYDEN: I would like to have it noted
that I appear for Mr. Dowd.

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Thomas Dowd.

Q Where do you live? A. 68 Greene Street, Jersey City.

Q Where do you work, Mr. Dowd? A. The WPA.

Q What project, please? A. Secaucus.

Q Is that a Hudson County project? A. That is right.

Q What do you do? A. Laborer.

Q What is your monthly salary? A. \$60.50.

Q On November 2, 1937, were you the inspector in the
district election board of the First Ward, Second District,
of Jersey City? A. I decline to answer by advice of
counsel.

Q Not on the ground that it will incriminate you, but
on advice of counsel? A. On advice of counsel.

Q Not on the ground that it will incriminate you, but
on advice of counsel? A. By advice of counsel.

Q In other words, your lawyer told you not to answer any
questions, is that right? A. I didn't say that.

Q Your lawyer told you not to answer any questions, is
that so? A. I didn't say that. You asked me a question
and I just answered.

Q You are not answering any questions for what reason?

A I have been instructed by my lawyer not to.

Q You have been instructed by your lawyer not to answer any questions? A. Right.

Q And not that your answer might tend--

A (Interrupting) I already answered three questions.

Q Not because your answer might tend to incriminate you? Nothing that you say would make a criminal of you today.

A I hardly think so.

Q Nothing that you would say would make a criminal of you?

A Hardly.

Q Still your lawyer has advised you not to answer any questions, is that right? A. That is right.

Q And that is why you are not answering any questions?

A That is what I answered.

Q As the inspector in the election district, first ward, Second District, what were your duties?

A I refuse to answer that question, too.

Q Did you string the ballots as inspector of the local election board that day? A. I will also refuse to answer that question.

Q Did you assist any voters in voting?

A I also refuse that question.

Q If you did assist any voters in voting did you take any affidavits of assistance? A. I also refuse that question.

Q Did you challenge the vote of any voters on the challenge list in that district? A. I refuse that question.

Q And if you did, did you have the necessary affidavits made? A. I refuse that question by advice of counsel.

Q I show you three challege lists used in the First Ward, Second District. Is that your signature (indicating)?

A I refuse that question.

Q Don't you know whether that is your signature?

A I should know my signature.

Q Is it or is it not? A. I refuse to answer that question by advice of counsel.

Q Is it because of the circumstances under which you signed it, that you do not care to answer it?

A I have nothing to conceal.

Q Why don't you answer? A. I have already answered.

Q You didn't answer the question.

BY MR. PALESE:

Q Who is your attorney?

MR. HAYDEN: I am.

MR. PALESE: Now, wait a minute. We know you are.

Q Who is your attorney? A. Mr. Hayden.

Q What is his first name? A. Edward.

Q When did you see him about your subpoena?

A This morning.

Q Where did you see him? A. I think you can find out.

Q Where did you see Mr. Hayden about him representing you this morning? A. I refuse to answer. You can find out from Mr. Hayden.

Q Hadn't you seen him before this morning? A. No.

Q You won't tell us where you retained Mr. Hayden to represent you? A. I haven't got any money to retain a lawyer.

BY MR. WIENER:

Q You haven't got any money to retain a lawyer?

A No. Why should I? I am not on trial for nothing.

BY MR. PALESE:

Q You say that you saw Mr. Hayden this morning?

A Listen, Mr. Hayden is a Republican--

Q Answer the question.

A I answered your question.

Q You say that he is what? A Republican? A. Yes.

Q And I understand that you are a Republican.

A All right, let it go at that.

Q Am I mistaken or am I not, that you are a Republican member of this election board? Am I mistaken about that?

A Yes, I am.

Q You are, and you say that Mr. Hayden is a Republican.

A I couldn't very well tell you.

Q Why did you volunteer the suggestion that Mr. Hayden is Republican?

A I probably was thinking about something.

Q You were thinking about something? A. Referring to the case.

Q You were not thinking for the press, were you?

A Hardly.

Q You say that you saw him this morning about representing you? A. I refuse that question.

Q Who suggested to you that you ought to have a lawyer here this morning? A. I refuse that question.

Q When did you make^{up} your mind that you thought it was necessary to be represented by counsel?

A I refuse also that question.

BY MR. YOUNG:

Q When did you first meet Mr. Hayden? A. I answered that question before.

Q Just this morning? A. He is here in the courtroom.

BY MR. PALESE:

Q Who suggested to you that you ought to have counsel here this morning? A. I refuse that question, too.

Q Who suggested to you that you ought to have counsel here? A. I refuse to answer.

Q When were you served with a subpoena to be here this morning? A. About four-thirty last night.

Q Did you know that Mr. Hayden was going to be here this morning? A. I did not.

Q You didn't know he was going to be here?

A (There was no answer.)

Q Are my questions not clear to you? A. I got a cold.
Maybe you don't hear me when I talk.

Q I have one, too. We are both in bad shape. You got your subpoena at four-thirty last night, to be here this morning? A. Right.

Q You came here this morning and you saw Mr. Hayden in the corridor? A. I refuse that question.

Q You mean that you refuse to tell us when you saw Mr. Hayden about his representation? A. He is ⁱⁿ the courtroom now.

Q I am asking you. A. I refuse to answer your question.

Q Did you call him on the phone last night after you were served with the subpoena? A. I also refuse to answer that question.

Q As I understand, you have no money with which to retain counsel? A. Not if I was up on a charge, no.

Q You are not up on any charge this morning?

A I don't believe so.

Q Yet you have counsel here. A. (There was no answer.)

Q Why do you hesitate to answer the question?

A I am not hesitating. You are asking the wrong questions.

Q You said that you only need counsel when you are up on charges? A. That is right.

Q Are you up on charges here this morning?

A I don't know. I was just subpoenaed to be here.

Q Why was it necessary to have counsel?

A Mr. Hayden got up just before I sat on the stand, and he said he represented me.

Q Does he represent you? A. Yes, he does.

Q Did you retain him to represent you?

A I didn't retain him.

MR. PALESE: Mr. Hayden, why do you come here and say that you represent this man, when you don't?

MR. HAYDEN: I won't answer any question before this Committee.

MR. PALESE: Then you are not going to represent any witness here if you are not retained by them, as this man testifies. He said that he has not retained you to represent him.

MR. HAYDEN: He testified that he did. He testified and the record will show that he retained me. Then you asked him about the question of a fee and he testified he had retained me.

MR. PALESE: And he also testified that he did not.

BY MR. GIULIANO:

Q Did you ever see these ballots (indicating)?

A I refuse to answer.

Q Did you ever see these ballots? A. You don't have to holler. I can hear you. I refuse to answer.

Q Did you ever see these crosses? A. I refuse to answer.

Q Who put these crosses on there? A. I refuse to answer.

Q Did you vote on Election Day? A. I refuse to answer.

Q How much did you pay your counsel? A. I refuse to answer.

Q Do you belong to the McGovern club? A. I refuse to answer.

Q Can't you answer that, yes or no? Can't you answer that yes or not; do you belong to the McGovern club?

A I answered the question. I refuse to answer.

Q Why are you afraid to answer whether or not you belong to the McGovern club, because you will be found out that you do belong to it? Is that the reason you refuse to answer?

A I think if you talked a little lower--

Q I am only whispering. A. You should get a cold once in a while.

Q Isn't it a fact that you belong to the McGovern club and that you are not a Republican? A. I refuse to answer.

Q You are afraid to answer. Isn't it a fact that you are not a Republican? A. I refuse to answer.

Q Are you afraid to admit that you are not a Republican? Did your counsel tell you to refuse to answer the question?

A I refuse to answer the question.

Q Certainly you refuse to answer because you belong to that club? A. (There was no answer.)

BY MR. WIENER:

Q Do you understand that this Committee is not interested in using any testimony that you might give here today, for the purpose of embarrassing you, for the purpose-

A (Interrupting) You do not embarrass me at all.

Q (Continuing)-- for the purpose of bringing criminal prosecution or instituting criminal prosecution against you as a result of your testimony, and that this Legislative Committee is interested only in illegal and fraudulent disclosures in the conduct of elections in this state, and, as such, they are only interested in making a report to the Legislature of the State of New Jersey so that the proper remedial legislation can be passed? Do you understand that?

A Yes.

Q And that we do not want to bring any criminal charges against anybody that comes here to testify. We are not interested in that; and you still refuse to testify?

A By advice of counsel.

MR. WIENER: I submit that the Committee pass upon the propriety of the question, and that you take the usual course.

CHAIRMAN YOUNG: As far as all the questions, regarding his duties on Election Day, I think they were proper. I suppose we ought to confine it to that.

C H R I S T I N A U R B A N E K, being duly sworn
according to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q What is your full name? A. Christina Urbanek.

Q Where do you live? A. 46 Greene Street.

Q You are the Republican committeewoman?

A I have not served on it yet.

Q Were you elected in September? A. Yes, I was.

Q That means that you became the county committeewoman
in the First District, First Ward, last September?

A Yes.

Q And you were the Republican^{county} committeewoman on November
2, 1937? A. I just came from the hospital a few days
before the election so I didn't serve on the board.

Q You were ill that day? A. Yes.

Q Did somebody serve instead of you? A. I don't know.

Q Did you vote? A. Yes, I did.

Q Republican? A. That is my business.

Q Is yours the only Republican vote that was cast in
that district? A. I don't know about that.

Q Did you vote with a red lead pencil? A. That is a
personal question.

Q Who told you to say that? A. That is the truth.

Q Somebody must have told you to say that. As a member
of the Republican party and as the Republican county

committee member--

MR. YOUNG: Let us get the statement of law so that we have a basis for their answering these questions.

BY MR. YOUNG:

Q Do you know that every district leader who is nominated has to have a petition signed by at least ten people?

You know that? A. Yes.

Q Who say on the petition that they are members of the party making the nomination; that is, if it is a Republican district leader, they have to state that they are Republicans when they sign the petition for district leader? That is correct? A. Yes.

Q And you know this, when a person goes to vote in the Primary he makes a statement to the effect that he has voted for the majority of the members of the General Assembly candidates of that party in the previous general election? Do you know that? You do? A. Yes.

Q Suppose that we go back to the election of 1936, the Primary; were you a district leader then?

A No.

Q When did you become a district leader? A. Just 1937. I just ran for district leader. As I said before, I didn't serve on it. I didn't get a chance to serve.

Q In the Primary of 1936 there were only 77 Republican

votes cast in the First Ward, First District. Did you know that? A. No.

MR. WIENER: I have the figures. Will the Chairman let me bring that out. We want to read this petition to this woman. I was interested in something else first.

MR. YOUNG: Perhaps, Mr. Wiener, we can show why we are asking the question as to her vote.

Q There were 77 people who voted in the Republican Primary of 1936. In the General Election of 1936 there were only two Republican votes.

MR. WIENER: I don't think your figures are right, Mr. Chairman. In the General Election of 1937, Landon got one and the Assembly got none, all the way through.

MR. YOUNG: Yes, and Mr. Barbour got two.

Q There were, therefore, apparently,- since there were no votes for the candidates of the Republican General Assembly in your district in 1936 there were no qualified voters in your district to nominate you for district leader in 1937. Is that so? A. They can change their minds, can't they?

Q Not unless they voted for a majority of the Republican candidates for General Assembly in the General Election of 1937. A. (There was no answer.)

Q How many votes did you get in the Primary when you were

elected? A. I don't know; I don't remember.

Q There were in the Primary election of 1937 apparently 103 Republican votes cast in your district, and on the recount of the district it showed only three Republican votes cast. Do you know that?

A I don't know that.

Q So the reason we are asking you whether you voted Republican is because we have to find out whether the people who signed your petition, and yourself, actually voted Republican in 1936 so that they would be entitled to vote Republican in the Primary of 1937, whether they voted Republican in 1937, to tell us whether they are entitled to vote in the Republican Primary in 1938, so we consider this to be a proper question.

I just want to inform you of that, because the Committee, having determined the question to be proper, you will lay yourself open, if you refuse to answer, to the same charges that have been made against these four people.

A I didn't say I refuse. I don't know the reason or anything, and the way I vote, that is sacred.

BY MR. PALESE:

Q If it is sacred, why did you sign the petition that you did vote Republican for the year 1936, if it is sacred?

A I don't understand what you mean.

Q There is a petition there that you signed? A. To run

for county committeewoman.

Q That is right, and, of course, you have to show in that petition that in 1936 you voted the Republican ticket. Is that correct? You state in that petition that you signed that in 1936 you voted the Republican ticket or for the majority of the Republicans in the election of 1936. It wasn't sacred then, when you signed the petition that you were a Republican and had voted for the majority of the Republican candidates?

A (There was no answer.)

MR. WIENER: Maybe I can clear that up.

Q Did you understand the question?

BY MR. WIENER:

Q Is that your petition for nomination for county committeewoman (handing witness a paper)? Look at it. Look at your signature. A. Yes, that is my signature.

Q Now, you ran for female county committeewoman in the First District, First Ward, Jersey City, and you put your signature on this? A. Right.

Q You signed on that? A. Yes.

Q There is an affidavit made by your husband, Henry Urbanek, 46 Greene Street, and he swears that he is of full age, "Being duly sworn according to law, on his oath says that he is one of the signers of the foregoing petition, and the said petition is signed by each of the persons whose names

are subscribed thereto, in their own handwriting, and such signers are, to the best of the knowledge and belief of the affiant, legal voters of Jersey City, as stated in said petition, and belong to the Republican party; that said petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person therein named in order to secure their nomination as candidates for the office stated in the petition." That affidavit is taken on August 19. I can't make out the name.

Now, that was your petition on which you ran and had your name put on the ballot. Did you take this petition out to get the signatures on it? A. No, my husband did that.

Q Your husband did that for you? A. Yes.

MR. YOUNG: Will you read to her the sentence?

MR. WIENER: Yes, I am getting to that.

Q Did you know that in order for people to sign this they had to be Republicans? A. I suppose so.

Q Did you read the petition before you signed it?

A Yes, I did.

Q And the stating clause of the petition says, "We, the undersigned, hereby declare that we are qualified legal voters in the first election district, First Ward, Jersey City, in which district we all reside; that we are all members of the Republican party; that at the last general election for members of the General Assembly we each and all of us voted for a

majority of the candidates whose names were printed in first place upon the ticket of the said Republican party, and that we, each of us, intend to affiliate with the said Republican party at the ensuing election, and that we, each of us hereby endorse Leonard Stevens--" your running mate-- "and Christina Urbanek--" yourself-- "as candidates for the nomination to the position as a member of the Hudson County Republican Committee, First District, First Ward, Jersey City, and we request that you print on the official Primary ballot of the Republican party the names of the persons above, herein mentioned, and we hereby certify that they are legally qualified under the laws of this state to be nominated to said office, and are members of the political party named in this petition," and thereafter follow twelve signatures of twelve people who have said that they are Republicans.

Now, is this, again, your signature, pointing to the acceptance of your candidacy as a committeewoman, "We hereby declare that we are legally qualified for the office of members of the Hudson County Republican Committee mentioned in the foregoing petition, and we hereby consent to stand as candidates for said nomination at the ensuing Primary Election, and if nominated we hereby agree to accept said nomination; that we do certify that we are each residents and legal voters in the election district in which we are candidates"? Do you understand that?

A Yes, sir.

Q You understand then, the complete petition? A. Yes.

Q Now, that means that these twelve people, one of whom is your husband, signed this statement that they were members of the Republican party and had voted for a majority of the candidates for members of the General Assembly in the 1936 General Election, these twelve people; is that right?

A Yes.

Q And this petition was for the 1937 Primary? Right?

A Yes.

Q Then it says here, "We are members of the Republican party, and at the last election of members of the General Assembly--" the last election would be 1936-- "if this is 1937 the last one would be 1936-- "we, each and all of us, voted for a majority of the candidates whose names are printed in the first place on the ticket of the Republican party for members of the General Assembly." Did you read that?

A Yes, I did.

Q Then we go back to the official records of the Hudson County General Election of November 3, 1936, and we find here the Republican Assembly candidates and the Democratic candidates, is that right? A. Yes.

Q And this (indicating) is the First Ward, First District, is that right? A. I don't know. That is your figures.

Q Read the front of it. Those are the official figures,

aren't they? A. I will take your word for it.

Q Compiled by the Superintendent of Elections?

A Yes.

Q It says here that the Republican members or candidates for the General Assembly did not receive one vote.

A I don't know anything about it.

Q You ran on a petition which had the signatures of twelve people, one of whom was your husband? A. I left it all to my husband.

Q You left it all to your husband? A. Yes.

Q Did you vote for the members of the General Assembly?

MR. YOUNG: What year?

Q In 1936. A. I told you before that is my--

Q You refuse to state whether or not you told the truth in this petition? A. No, I am telling the truth.

Q According to this petition you are a Republican?

A So I say.

Q And you were supposed to have voted the Republican ticket?

MR. PALESE: It showed she was?

MR. WIENER: Yes.

THE WITNESS: At the time I voted I was.

Q Did you in 1936 vote for the Republican Assembly ticket?

A I don't remember that. That is too far back; I don't remember.

Q You don't remember? A. No.

Q Let us come back to 1937. Did you vote for the members of the General Assembly--

A That is my business.

Q Are you going to make an affidavit next year, as you did here, make an acceptance as you did here, that you are a member of the Republican party?

A I don't know.

Q Are you going to lie? A. I don't know what I am going to do next year.

Q Do you know what you did this year? A. Yes, I know what I did this year.

Q Who told you to testify this way? A. Nobody. I am just telling what I know.

Q Whom did you talk to before you came here?

A I talked to my lawyer and he told me just to tell what I know.

Q Why don't you tell what you know? How did you vote in the last General Election? A. That is my business.

Q Are you a Republican? A. Yes, I am.

Q Did you vote the Republican ticket? A. That is my business.

Q Did you vote for the Republican candidates?

A That is my business.

Q I know it is your business. What did you get for that

business? A. Nothing.

Q I have here your record as a member of the Republican party. How long have you been a member of the Republican party? A. About nine years.

Q And you voted, for example, in 1934 to date, you voted in each and every Primary as a Republican?

A I told you I don't remember that far back. How can I remember that?

Q The records disclose that in 1934 you voted as a Republican, in 1935 you voted as a Republican, in 1936 you voted as a Republican, and in 1937 you voted as a Republican. In other words, you are a Republican in the Primary and you don't know what you are in the General Election?

A Well, everybody is liable to change their minds.

Q Do you think it is fair for you to be a member of the County Committee and not know what you are?

A I wasn't a member of the County Committee.

Q Are you Republican now? A. That is my business.

Q Who asked you to run for county committeewoman?

A My husband.

Q What is the position that your husband has on the Board?

A I don't know.

Q Is your husband a member of the Election Board?

A I don't know.

Q He is. You don't know whether your husband is a member

of the Election Board? A. I don't know. That is his business.

Q Is your husband one of the men who refused to testify, and was arrested the other day? A. Yes, he was.

Q Do you know that your husband was arrested?

A That is what I heard.

Q Did you read it in the paper? A. Yes.

Q He didn't tell you about it? A. He told me.

Q Your husband is a member of your election board--

BY MR. PALESE:

Q Do you mean to say that you went in and voted last November 2nd and got a ballot and you don't know-- do you mean to tell us that on last November 2nd, when you went in there to vote in your election district and you had been a candidate for the county committee, that you didn't know who the members of your election district board were, on November 2nd? Is that what you want to tell us?

A Well, I know some.

Q You know your husband? A. He was there but what he was doing, I don't know.

Q You don't know whether or not he was a member of the election board? A. I heard he was something there. What he was, I don't know.

Q Was that the first time he had been there, this last year? A. I don't know whether he was there last year or not.

Q I mean in 1936. A. I don't remember.

Q Do you know anything of the machinery; how people vote?

A Yes, sure, I do.

Q You know that they have four people there, two Republicans and two Democrats? A. Yes.

Q Who were the four people there last November when you went to vote? A. One of them was my husband.

Q Why didn't you tell us all this time that your husband was a member of your election board, instead of wasting five minutes time?

BY MR. WIENER:

Q Your husband is a good Republican, or don't you know what he is? A. That is not my business to know.

Q Your husband voted every year in the Primary the same as you. It is none of your business, but your husband asked you to run for county committeewoman?

A He can ask that.

Q Didn't your husband tell you that Sullivan told you to run?

MR. ROBBINS: He is not in that ward.

Q I mean McGovern. Did McGovern tell your husband to tell you to run? A. I don't know anything about that.

Q Didn't McGovern get your husband a job? A. My husband works in a private place.

Q Didn't McGovern get your husband a job? A. What kind

of a job? My husband works for a private concern as a machinest, and it didn't take Philip McGovern or anybody else to get him that job.

Q You and your husband are both good Republicans, and yet the Republicans in the General Assembly got no votes in 1936 and one vote in 1937? A. Yes.

Q And you are now the duly elected county committeewoman in charge of the Republican elections in that district? You were supposed to take charge and protect the Republicans. That is the statement that you signed when you ran?

A Yes.

Q And you refuse to state how you voted, and you don't know whether you are Republican or not?

A I know I am Republican.

Q If you know that you are Republican why are you afraid to say that you voted for the Republican ticket?

A You can't ask such questions of all the voters.

Q We didn't call all the voters. A. I am allowed to vote as I please.

Q But, madam, you are a duly elected public official, whether you get a salary or not. You undertook to get a job when you signed this. You represented yourself as a Republican who was going to vote for the party, and if you are not going to disclose what you did on Election Day, you didn't tell the truth when you signed this, and you are not

keeping your promise. If you are not going to be a Republican committeewoman you shouldn't run, and you had no right to run. I don't care who was talking to you before you got here.

BY MR. PALESE:

Q Mrs. Urbanek, do they do the same thing in Jersey City as they do in other counties? Do you make a canvass of voters in your district as county committeewoman?

A Yes, they did.

Q Did you? A. Yes.

Q Did any person in your district, under your supervision as county committeewoman, make a canvass of the district before election, to find out whether they were Republican or Democrat? A. I told you I was no committeewoman. When I was elected committeewoman, I did not serve.

Q You were elected? A. That is all.

Q You did not serve? A. How could I? I was ill. I was let out of the hospital just a week before that.

Q How long had you been in the hospital before election?

A I was there fourteen days.

Q Who did you ask to do the work for you while you were sick? A. I asked my husband. I asked Mr. Stevens, the one who run with me.

Q Did your husband go out and canvass the district?

A I don't know about that.

Q Was last year the first time that you were county

committeewoman? A. That was the last time.

BY MR. YOUNG:

Q Who was the county committeewoman before you?

A I don't know.

BY MR. PALESE:

Q You don't know who the county committeewoman was in your district before last year? A. No.

Q Hadn't you been active in politics before last year?

A No.

Q What gave you the idea that you ought to be active last year and become a candidate? A. My husband told me why don't I run for county committeewoman, and I did it. Before I had a chance to run for anything--

Q Had he been the county committeeman at any time in this ward? A. Yes, he was. I don't know how long or how many years. I didn't get a chance to do anything.

BY MR. YOUNG:

Q Mrs. Urbanek, we have had report from the Commissioner of Registration on your voting record. It shows that you voted in the Republican Primary in 1934, 1935, in 1936, and in 1937. Now, it also shows that you voted in the General Election in 1934, 1935, 1936 and 1937. Now, your right to run for a candidate for Republican district leader in your district this year depended upon the fact that you voted for a majority of the Republican candidates in last year's General

Election. If you did not do that then you had no right to run for district leader and you had no right to vote in the Republican Primary this year, and to determine whether or not you had a right to run for district leader, and to determine whether or not you had the right to vote in the Republican Primary we are asking you whether you voted Republican last year in the General Election of 1937?

A I don't remember that far back. I always was a Republican, in the past nine years.

Q How do you know exactly how many years it was, if you don't know-- A. I began to vote the Republican ticket when I was out in Chicago. When I came back here I did the same.

Q Last year was a presidential year, wasn't it? In 1936? A. I don't remember.

Q You don't remember? A. No, I don't remember. There is many lapses in my memory since the operation. I have not been well since then. There are so many lapses; sometimes I don't even remember certain things, things and faces.

BY MR. PALESE:

Q You do remember that you voted nine years the Republican ticket? You do remember that? A. Why, a thing like that, it never struck me before, but you just go and vote and get it over with; that is all.

Q You look at the ballot when you vote it? A. Oh, sure.

Q You looked at the names, didn't you?

A Two years I vote; you can't remember what you vote; in the same year two ballots.

BY MR. YOUNG:

Q I am assuming that you voted Republican in the last General Election. How do you account for the fact that the Republican ticket did not get a single vote?

A I don't know. I don't know nothing about that.

Q Either you voted Democratic or the board failed to count the vote correctly, isn't that so?

A I don't know.

Q You don't know? A. I don't know.

THE WITNESS: Am I free to go home?

MR. YOUNG: Yes.

MR. MURRAY: May I just ask a question?

MR. YOUNG: Yes.

BY MR. MURRAY:

Q When you went in to vote in the booth, did you get assistance? A. No.

Q Do you belong to the McGovern club in the First Ward?

A No, I don't belong to no clubs.

MR. MURRAY: That is all.

MRS. SANFORD: We might thank the witness for answering and not refusing to answer.

MR. YOUNG (Addressing the press): For the

understanding of you gentlemen, as to why we have failed to hold her, we thought that the questions as to the voting in the General Election of this year would be improper but we thought that the questions as to her voting in the General Election of last year are proper, and she did not refuse to answer. She sort of dodged it. She certainly did not refuse to answer.

L E O N A R D S T E V E N S, being duly sworn according
to law, testified as follows:

BY MR. YOUNG:

Q For the purpose of the record, the records of Mr.
Stoebling's office showed that you voted in the Republican
Primary of 1934, you did not vote in the Primary of 1935,
you voted in the Republican Primaries of 1936 and 1937, and
you voted in the General Election of all four years. Is
that true, Mr. Stevens?

A I am a Republican always.

Q Is that your voting record since 1934? A. Sometimes
I ain't in the city. You know, when I am called away.

Q But, in the Primaries and the General Election, here
is the record that I got from Mr. Stoebling's office. Is
that correct? A. I think that is just pretty near right.
We will say that is right.

Q Are you represented by Mr. Hayden? A. No. I know
Mr. Hayden.

MR. WIENER: I think, before we go further,
that we ought to, as a basis for this testimony, point
out that the Republican candidates for the General
Assembly in 1936 received exactly no votes, and,
against that, the Democratic Candidates received 429
votes, without exception; two Democratic coroners

received 429 votes; both candidates for the Congressional district and County Supervisor received 429 votes, and their opponents no votes, and, I can't believe this, Roosevelt got 428 and Landon got one; out of a total registered vote of 472, 432 votes were cast.

MR. PALESE: That is the Primary Election?

MR. WIENER: That is the General Election.

MR. PALESE: In 1936?

MR. WIENER: Yes, and this petition is based upon the fact that twelve people signed it declaring themselves as having voted for a majority of the candidates for the General Assembly on the Republican ticket in 1936.

BY MRS. SANFORD:

Q Is this the first time you ran for committeeman?

A Yes, mam.

BY MR. WIENER:

Q Who was your partner last year? A. What do you mean, last year?

Q Your county committeewoman? A. Mrs. Urbanek. She was just up here.

Q In 1936? A. Oh, no, I wasn't committeeman then.

MR. WIENER: It certainly improved, because in 1936 our Assembly did not get any votes; in 1937 they got one vote. We got two new committeemen and one vote.

Q This is your petition, and that is your signature on the petition that you filed for member of the County Committee? A. Yes, that is mine, all right.

Q And you accepted a place on the Republican ticket as candidate for public office, county committeeman?

A Yes, sir.

Q Did you get any of the signatures on this?

A No, sir.

Q Who got the signatures? A. The downtown Republican leader.

Q What is his name? A. Mike Bresnock.

Q Do you know any of these people who signed this petition? A. Can I look it over? They got the full name (looking at paper). I know some of them.

Q And Mr. Bresnock is the gentleman who works for Mr. Stoebling? A. Yes.

Q And he is the Republican leader downtown?

A Yes, sir.

Q Did you run for him? A. Yes.

Q He asked you to run? A. Yes, sir.

Q Did you attend any meetings, get any pep talks, go out and get the vote in? A. No.

Q Did you canvass your district? A. No, I didn't.

Q Did you have any meetings of the First Ward, Republican County Committee? A. Not to my knowledge, no.

Q Whom did you vote for, for ward chairman?

A (There was no answer.)

Q Who is your ward chairman? The Republican ward chairman? Bresnock? A. Mike Bresnock; that is all I know. He is the Republican leader.

Q When was the last meeting held to elect a ward chairman; do you know? A. He has a meeting every once in a while.

Q Where do they meet? A. Henderson and Newark Avenue.

Q Is that McGovern's club down there? A. McGovern's club? No. Bresnock's club. Do you understand? Bresnock.

Q Did Bresnock call you in before the election and say, "We didn't get any votes on the ticket last year. You ought to be able to get a few this year. Go out and do some work?"

A No.

Q Did you do any work? A. He told me to go out and see what I could do. The people down there speak Polish and when you can't speak Polish, you can't do very much.

BY MR. PALESE:

Q You say that they are all Polish? A. Yes.

Q Have you seen your petition? Is George Anderson Polish?

A No, sir.

Q Anna Hayden? Blanch Daly? Fred Fox? A. No.

Q William Herren? Helen Holland? Louis Moreto? A. No.

Q Your signers were not all Polish? A. Oh, no.

BY MR. WIENER:

Q How many Polish people are there? A. Quite some.

Q It is almost all Polish? A. Yes.

Q And a man by the name of Kurzawski, too--

I believe he lives in Jersey City-- ran for candidate as governor? A. Yes.

Q Do you know how many votes he got? A. I don't.

Q Mr. Kurzawski, a Polish man and he didn't get one vote? A. (There was no answer.)

Q Were you there when the ballots were counted?

A Yes, sir.

Q Did you watch them all? A. I stood there. That is all I could do.

Q Did you see the ballots? Were you able to see them?

A No, there was a big crowd there.

Q Did you challenge any voters whom you didn't think lived in that district? A. No, sir, I didn't.

Q Did you look at the challenge sheet during the day to see who was on that challenge sheet? A. No, sir.

Q Did you ever look at the challenge sheet? A. No, sir.

Q Did you try to look at the challenge sheet? A. No, sir.

Q Do you know what a challenge sheet is? A. Yes, to stop a man from voting.

Q Do they have them down there? A. If it is necessary,

I suppose.

Q Did you ever see them stop a man? A. I don't know of anybody that was challenged.

Q What do you mean, "if it is necessary"? A. If they do not belong in the district.

Q Who determines that? A. I am supposed to determine that.

Q Did you challenge anybody? A. I didn't see nobody.

Q There were seven people who voted on affidavits. Did you know that? A. No, I didn't.

Q The Republican ticket received one vote straight down the line; the Democratic ticket received 433. I suppose I am safe in assuming that you are the only good Republican in that district? A. I am a Republican.

Q You voted the ticket straight down the line?

A I wouldn't answer the question because that is a personal question, what way I voted, because that is a sacred ballot.

Q I am not interested in the way you voted, for the moment. Did you use the regular pencil that was in the booth, the regular black pencil? A. I don't know whether it was black.

Q You would have noticed if it was another kind of a pencil or pen, wouldn't you? A. Yes, sir, I would. I guess it was a black pencil.

Q You voted with a black pencil? A. (There was no

answer.)

Q When you were at the count, did you notice that the
for
only ballot counted, the Republican candidates was a ballot
marked with a red pencil? A. Yes.

Q You didn't wonder what happened to your ballot, did
you? A. I don't know.

Q Did you raise any question as to where your ballot
was? A. I didn't say nothing about the ballots.

Q Safety first? A. No, I wouldn't say that.

Q You have to be a little careful down there, don't you?

A You have to.

Q Were you and Urbanek together at the time the ballots
were counted? Were you around there?

A No. I was in there and there were so many in there
you couldn't see.

Q You had two Republican members of the Board, is that
right? A. Yes.

Q Was Mrs. Urbanek there? A. No.

Q You were there? There are three Republicans and you
are all watching the count? You are all there?

A Yes, and that was a small place, you must understand.

Q You are all in that place? A. Yes.

Q And when the tally wound up, when they finished calling
them off? A. The only tally they called out was 433 to one.

Q You three fellow were standing together? A. I wasn't

near there.

Q You were all in the place? A. Yes.

Q You are all Republicans and all Election Board members and you-- A. Yes.

Q You all work for the ward leader? He appoints all of you? A. Yes.

Q You all belong to his club and go to the meetings at his club? A. Yes.

Q You all know each other? A. Yes.

Q You are all good Republicans, as far as you know?

A As far as I know.

Q The three of you were there when the count total was announced? A. Yes.

Q And when you heard the 433 to 1 vote, you fellows packed up and walked out and said, "Thanks, fellows, for the one; last year we had none"? Is that right?

A That is all I know.

Q The three of you fellows put your heads together-- where were you standing when the eraser was used? Did they erase those ballots with--

A There was no eraser that I saw.

Q You are a short fellow? You might have been in back of the boys? A. You couldn't see either, if you were there.

BY MR. PALESE:

Q You are talking about the Downtown Republican Club. Is

that in this precinct? A. Yes, in the First Ward.

Q Is it in the First District of the First Ward?

A No, the First Ward, not the First District, no, sir.

Q Are there any members of that club that live in the First District? A. Oh, yes.

Q How many members would you say, in that Republican club, live in the First Ward, First District?

A I don't know exactly. I imagine about twenty, something like that.

Q Do the Republicans have any challengers in the First District of the First Ward, Republicans who wear badges?

A They have them in Hudson County, absolutely.

Q You are a precinct committeeman or a county committeeman?

A County.

Q Do they have any precinct committeeman in this first district, or a district leader, as you call it?

A Bresnock, he covers all the districts.

Q Do they have any challengers to see that the proper people vote in this district, Republicans?

A Oh, yes.

Q How many workers did you have on that day? A. Two, to my knowledge.

Q What do you call them in Hudson County; challengers or watchers? A. Watchers. You know, there is two factions there.

MR. WIENER: There are two factions and only one vote.

Q Do you mean by that that each faction has a challenger there to watch each other? A. Well, there were so many watching one another.

Q You, being the leader of the district, whom did you appoint? A. I didn't appoint nobody.

Q Whom did Bresnock appoint to be challengers or watchers in this district? I want the names of the people who had the blue badges or white badges, the Republicans?

A There was only two.

Q Who are they? A. Mrs. Urbanek and myself.

Q You are the committeeman and she is the county committee-woman. You have the whole ward or just the First District?

A No, just the First District.

Q Besides you and Mrs. Urbanek were there any other Republicans there who were challengers or watchers?

A Oh, yes.

Q How many? A. I think there was two.

Q And they are appointed by the Republicans there, to be at this polling place? A. Right.

Q And they had badges on? A. I think they did. I wouldn't say for sure.

Q You don't know whether they had badges or not?

A Some of them did have badges. I had a badge.

BY MR. YOUNG:

Q Who were the other two helpers? A. I don't know.

I think there was another woman, and some deputies.

Q I mean, there were no election district workers, challengers, in your district, except yourself? You were not only the committeeman but the challenger on Election Day?

A Yes.

Q And you didn't challenge anybody? A. No.

Q You didn't see that people who had to have assistance made the necessary statements? A. No.

Q You didn't look at the challenge list, did you?

A No, sir.

BY MR. PALESE:

Q Mr. Stevens, as the Judge of your Election district, in counting off the ballots, where were you standing?

A I was standing in a corner.

Q In the corner? A. Yes.

Q What was your purpose in staying in the polling place that night when the count was going on?

A I wanted to hear how it was going on.

Q Weren't you interested as to the number of Republican ballots in the box? A. Sure. I wasn't getting no money for it.

Q You were not getting any money for it? A. No.

Q And you were over in the corner, listening to the Judge of the Board counting the ballots? A. That is all.

Q When Mr. Wiener asked you-- when the count was over and you knew that in that district there was yourself and the county committeewoman, the two members of the board, and these two challengers, for example, that they were all Republicans, and when the count was 433 Democrats to one Republican, didn't any thought come to your mind as to whether the thing was correct or incorrect? Didn't that thought come to you when you heard the count, "433 Democrats to one Republican"?

A No, it didn't. There was only one thought.

Q What was that? A. To get out of the place.

MR. WIENER (To the witness): In other words, you were afraid that they might come after you, being the fellow who voted the Republican ticket?

THE WITNESS: No.

Q Why did you want to get out of the place? You had a duty as a member of the Republican party, you had assumed responsibility, being a county committeeman. Why did you want to get out of there when you heard that the count was unquestionably incorrect? A. I couldn't say it wasn't correct. It was correct, as far as I could see.

Q As far as you could see? With you and the county committeewoman and the two members of the board, and these two challengers, you thought that the count was correct when only

one Republican vote was counted for the Republicans on that ballot? You thought it was correct?

A (There was no answer.)

Q It didn't give you any concern? You thought it was correct? A. I thought it was correct.

Q Was that because you might not have voted the Republican ticket? Mr. Stevens, I am very much interested in this petition of yours. Where did you get it? There seems to be three or four different types of ink used, different types of writing. Where did you get this petition?

A Mr. Bresnock.

Q Did you sign it first or did you sign it after these other twelve persons had signed it? A. I signed it first and he took care--

Q When you signed it was all of this filled in, "The First District of Jersey City,"? Was that filled in when you signed it? A. No, sir.

Q It wasn't? A. Yes, sir, that was filled, all except the signers.

Q That is in a different type of ink. You didn't put that in there, did you? A. No, sir.

Q Had Mr. Bresnock talked to you about wanting you to be the county committeeman? A. He asked me would I run. I said, "Sure."

Q You didn't write your address on here? Who wrote 76

Essex Street? A. I did.

Q Is this your writing here? (indicating)

A Yes.

Q In other words, you didn't write your name the same as you do Essex Street? Essex Street looks much better than your name. A. That is the same writing. I put that there.

Q Are you sure about that? A. Yes.

Q Why is it you write "Stevens" scribbled, and you write "Essex Street" in a much better hand? Are you accustomed to write that word more than your name? A. No.

Q Doesn't it look different? A. It does look different but it is the same thing.

MR. WIENER (To the witness): Will you write your name and address on here (handing witness a piece of paper)?

(The witness writes on paper.)

MR. WIENER: Hand that to the Judge, please.

(The witness handed the paper to Mr. Palese.)

Q Mr. Stevens, you don't have to be a handwriting expert, but I just want you to look at the word "Essex" that you have just written here. I ask you to look at this word "Essex" that is on the petition.

If someone had presented this petition to you, with this word, and asked you to look at this word "Essex," would you

say that the same person had written those words? I am asking you to be your own judge. Look at this word here, "Essex," that you say is your writing, and look at the word, "Essex," that you have just written now. Does it look to you as though the same person wrote those names?

A It doesn't look it but I did; I know it.

Q It does look like the same person wrote those words?

A It doesn't look like it.

MR. WIENER: There is another place here
(indicating).

Q What are the duties of a county committeeman, such as you were elected in this First District of the First Ward? What were you told were the duties of the county committeeman?

A Just to go around and see if you can get any votes, and just hang around the corner.

Q To go around and see if you could get some votes?

A Yes.

Q Did you do that as part of your duty before the election last year? A. No, I didn't.

Q Why did you take the responsibility of being a Clee man if you knew that that was the duty, to go around and see if you could get some votes for the Republican party?

A I had a chance down at the dock to make a few dollars. I didn't want to lose that.

Q Does the county committeeman get paid in Hudson County

on Election Day? A. I never got any money.

Q Did you, on November 2nd of last year, get any money for your time around the polls that day?

A I never got any.

Q You wanted to be county committeeman?

A I didn't want it.

Q They had to force it on you? A. They came around and asked me did I want to do them a favor, and I said yes.

Q Is it so hard to get Republicans up there that you were doing the Republican county committeeman a favor by running? A. No, the leader.

Q You were doing the leader a favor by running for county committeeman? A. That is right.

EXAMINATION BY MR. MURRAY:

Q Where do you work? A. I don't work at all. I ain't working at all.

Q You said that you worked at the docks and you didn't want to lose your job. A. No. I said I had a chance to make three or four dollars down at the docks.

Q When? A. Around election.

Q Around election? A. Yes.

Q How long before election did you have a chance to make the three or four dollars a day? A. It was only one day.

Q Who did you get the letter from that put you to work?

A I didn't need no letter.

Q You didn't go down with a letter? A. I don't need none.

Q I am asking you, didn't you bring a letter before they put you to work at the docks? What docks were you working on? A. Pier B.

Q Whom did you see when you went down and were put on? Whom did you go to? A. The boss.

Q Who is the boss? Whom did you talk to?

A The boss.

Q I know you are not as dumb as you are pretending to be, so go ahead and answer it. That was a good, plain question in simple English. A. Packey Lane.

Q He was the boss? A. He was the "shenango" boss.

Q What does that mean? A. That means he comes out and hires the men and brings them in.

Q Were you in the gang out there when he came out to hire them? A. Yes.

Q Did he pick you out of the gang? A. Yes, sir.

Q Why? A. To go to work.

Q Why did he pick you in preference to the others? How many did he pick with you, do you recollect?

A Yes.

Q How many? A. About thirty-six.

Q About how many were there? A. About fifty, if not

more.

Q Didn't he call your name when he came out there?

A Yes. He didn't know my name. He don't nobody's name. He just goes that way (motioning with fingers).

Q Did you put up anything? Did you have a bouquet or a boutonniere or anything on the lapel of the coat?

A I had a jumper on.

Q Who sent you down? A. Nobody; myself.

Q You said that you had a chance to go and make four dollars. How did you know that you had a chance to get on there? A. Well, they were going to load the boat with pumice, shaping up. Was I lucky enough, all right; if I wasn't lucky enough, all right.

Q Do you go down there every day the boat is in?

A I go down there every morning. If he comes in at one o'clock they shape up at one o'clock.

Q The Republican leader told you what the chances were if you went down to be put on there?

A No.

Q Who is the Democratic leader in your district?

A (There was no answer.)

Q What district do you live in? A. The first district.

Q The First District of the First Ward? Who is the Democratic committeeman there, do you know?

A Johnnie Chunka.

Q Do you know Commissioner McGovern? A. I know him as a city official.

Q Don't you know him as a committeeman of that district? A. No, I don't.

Q How long have you lived in the First District, First Ward, Mr. Stevens? A. Why--

Q I mean, about how long? Two years, three years, four years? A. Four years.

Q Where do you live now? A. 76 Essex Street.

Q 76 Essex Street? A. Yes.

Q What kind of a house is that? Is that a two-family, three-family, six-family? A. Six-family.

Q A six-family flat? A. Yes, back and front.

Q Back and front? A. Yes.

Q Are you married, Mr. Stevens? A. Yes, sir.

Q Does your family live there? A. No, sir, separate.

Q Whom do you live there with? A. I got bachelor's quarters.

Q Who is the other bachelor that lives there with you?

A I wouldn't want to answer that.

Q You wouldn't want to answer that? Why not?

A They wouldn't want their names--

Q They wouldn't want their names as bachelors? Aren't they bachelors? A. Yes, they are bachelors. Mr. McGee is one.

Q What is his first name? A. John J.

Q And yours? A. Leonard Stevens.

Q How many others are there with you? A. Bill Herren.

Q He is on your petition? A. Yes.

Q Who else is there with you? A. Harry Tryon.

MR. PALESE: What name did he give? Bill Herren?

MR. MURRAY: Yes. He says he lives at the same address.

MR. PALESE: How long has he been living at the same address?

MR. MURRAY: About two years.

THE WITNESS: Two or three years.

BY MR. PALESE:

Q Where was he living when he signed this petition for you? A. He must have been living there, I guess.

Q You know how to read. Look at Bill Herren's address on that petition? A. They got the address wrong. They got 78 Essex. It ought to be 76.

Q They got it wrong? A. Yes.

Q Who put it on there? That looks like your writing, doesn't it? A. No.

Q You look at it. A. No, it has nothing to do.

Q You look at the address written alongside of Mr. Herren's name and look at the word "Essex" that you have

written on this piece of paper. Doesn't that look like the same person wrote both words? A. Yes, but I didn't write that (indicating).

Q What? A. I didn't write that.

Q It looks like the same. A. It looks like the same but I didn't do it.

Q It is rather unusual that the word "Essex" opposite your name does not look like the "Essex" today. Does the "Essex" that you wrote today look like the word "Essex" opposite the word "Herren"? A. Everybody don't write alike.

Q And the address is 78? A. That is next door. They made a mistake in that number.

Q Who made the mistake? A. Mr. Bresnock.

Q If you didn't write it Mr. Herren must have written "78 Essex Street," is that right?

A He must have signed it, but that is wrong. It is 76.

Q 76 is where he really lives, and not 78?

A Yes.

Q It is a mistake on this petition? A. Yes.

Q Do you know, when Mr. Herren voted, whether he put 78 or 76 Essex Street? A. 76.

Q It is not possible that he could have voted from 76 and 78 Essex Street? A. No, 76.

Q Did Mr. Herren vote in the last General Election?

A I guess he did. I didn't see him.

Q Don't you have a little book there? The county committeeman checks back as they come in. Don't you have that in Hudson County? A. Yes.

Q Don't you have a book in which there is a list of all the voters in the district? A. Yes.

Q And you check them off as they come in to vote?

A The only ones I know.

Q The ones you don't know, don't you inquire what their names are as you check them off the list? Isn't that the duty of the county committeeman?

A It is but I don't like to ask everybody what their name is.

Q You don't know whether Mr. Anderson voted on that day?

A No.

Q You don't know whether Anna Hayden voted on that day?

A No.

Q You don't know whether Blanche Daly voted on that day?

A No.

Q Don't you know any of these people who signed your petition? A. Oh, yes.

Q How many of those people do you know yourself, that signed your petition? How many do you know that took an affidavit that they are your sponsor?

A Oh, I know about six of them, anyhow.

Q You know about six and you don't know the other six?

A No, I don't.

Q Here they show, I presume, that they know you and that they certify that they are voting and you are voting. In other words, six people signed this petition and they don't know whether you are Republican or Democrat, to your knowledge?

A Bresnock-- I didn't have anything to do with that.

Q Bresnock had it signed, and you put your name on it?

A Yes.

BY MR. MURRAY:

Q Who else lives there with you in the bachelor quarters?

You mentioned four. A. That is all.

Q Four? A. They come and go.

Q How many rooms have you got there? A. Three.

Q What kind of rooms? What are they used for?

A Two for bedrooms and one for cooking.

Q One for cooking and two bedrooms? A. Yes.

Q How many rooms in the flat? A. Three, front and back.

Q That is now divided off into two apartments?

A Six.

Q Three in the front and three in the back? A. Yes.

Q How many beds are there? A. In our rooms?

Q Yes. A. Sometimes we had three in one room.

Q Three beds? A. Four in the other. They sleep on the floor.

Q You have beds and they sleep on the floor? A. Yes, that is what they have been doing.

Q You mean that you have beds there and they sleep on the floor? A. The beds were full. You couldn't put some of them out.

Q How full were they on Election Day, last year, 1937? Were they sleeping on the floors then?

A No.

Q You are sure of that? A. Positive.

Q What makes you so sure? A. Because I was there.

Q How many did you have, or was it just at that time that you were overloaded there and they had to sleep on the floor? A. Around Christmas.

Q Were they in for the Christmas baskets? A. No.

Q Did you get any Christmas baskets? A. No, sir.

Q None? No one in there? A. No, sir.

Q How many did you have in your apartment around Christmas? A. There was five of us there.

Q How many beds? A. Three in one room and two in another room.

Q Did you have five beds in your apartment?

A Folding cots.

Q Just big enough for one, is that so? A. Yes.

Q You had five of them? A. We did have five. We ain't got it now.

Q How many have you got now? A. We got about two now.

Q Four live there, and you had two beds? A. We got

three beds now.

Q I thought you said you have two beds? A. No, we got three beds now.

Q Who sleeps on the floor? A. Nobody sleeps there now.

Q Didn't you say you had four? Which bed has two in it?

A There is none has two.

Q Maybe I am a little mixed up. I understood you to say that there were three other bachelors now living there, and yourself? A. Yes.

Q That means four? A. Four all told.

Q I understood you to testify that you had three beds?

A Yes.

Q How is it that four get into three beds? Single beds? Are they all men? A. All men.

Q Where does the fourth fellow sleep? A. The fourth fellow works in a restaurant. He don't sleep there. If he comes in he sleeps on the floor.

Q He sleeps on the floor? Which one is that, Mr. Stevens?

A He is a dishwasher.

Q What is his name? A. Harry Tryon.

Q Where does he work? A. He worked in 188 Newark Avenue in a Greek restaurant.

Q That is on the north side of Newark Avenue, near Jersey Avenue? A. Next to the bank.

Q Near the old Mercantile Bank, now part of the Commercial Trust? Is that where he works, in that restaurant close by? A. Yes.

Q He is the one that has to take the floor when he comes in? A. He had a bed and he destroyed it, so we threw it out.

Q Did you vote in the Primary Election of 1936?

A Yes, sir.

Q What box did you vote in? A. The Republican box.

Q You voted in the General Election, did you, of 1936?

A I don't know.

Q You don't know? A. I don't know that I was in the city. You see, I go away once in a while.

Q I wish you would just think back in the year 1936. You say that you voted in the Primary Election. Are you sure of that? A. Yes.

Q The record shows it there. And then, in the 1936 General Election, did you vote? A. Yes, sir.

Q Now, are you sure that you voted? A. I am sure.

Q Did you vote Republican? A. Republican.

Q You voted Republican in 1936? A. I always voted Republican.

Q Doesn't the record of 1936 show that there wasn't even one Republican vote there for the General Assembly?

A We didn't live there then.

Q You didn't live there then? A. No.

Q I asked you and you testified that you lived in the First District of the First Ward for four years?

A The First Ward.

Q The First District of the First Ward, and you testified that you lived there and voted there for four years. You testified that in the beginning. A. Not in that district.

Q You testified that you did.

BY MR. PALESE:

Q Before I forget, how many votes did you get in the Primary Election when you ran last September, on this petition? How many votes did you get as a candidate for the County Committee in the district in which you ran last September?

A I just don't remember that now to tell you the truth.

Q Did you have any opposition? A. No, sir.

Q Then you don't know how many votes you received in the election? A. No, sir.

Q You were not interested, were you? A. No, sir.

BY MR. MURRAY:

Q Did you live in the First District of the First Ward on Election Day, 1937; that is, last year, last November?

A Yes, sir.

Q Did you live there on Election Day?

(At this point a recess was taken until two o'clock.)

AFTERNOON SESSION

LEONARD STEVENS, resumed the stand and testified as follows:

EXAMINATION (continued) BY MR. MURRAY:

Q Mr. Stevens, I was asking you when we adjourned, whether or not you lived in the First District of the First Ward of Jersey City, on Election Day, November, 1936?

A Yes, but you didn't say what district.

Q I am just after asking you. A. Yes, sir, I lived there.

Q I mean the First District of the First Ward. You lived there? A. Not in the First District, First Ward. Tell me the address and I can answer you better.

Q I want to know if you lived in the First District? Do you know what comprises the First District?

A Yes, from Washington down to Hudson Street.

Q Did you live at this same address, 76 Essex Street, in 1936, November 1936? A. I lived at 54 Essex; I lived at 76 Essex, and 126 Essex and 138 Essex.

Q When? What year? A. It was 136 in 1936.

Q In 1936 you lived at four different addresses?

A I moved from one place to the other. We got put out of one place and moved to the other.

Q Where were you living in November, 1936, on Essex Street? Where were you living on Essex Street? Do you

remember? A. 76 Essex Street.

Q All right, you did live at 76 Essex Street in November, 1936, Election Day, November, 1936?

A Yes.

Q And, then, in November, 1935? A. 54 Essex Street or 126. I ain't certain on that now.

Q Are you certain that you were not in 76 Essex Street?

A No, absolutely.

Q You were not? A. No, sir.

Q In 1934, did you live at 76 Essex Street; November, 1934? A. No, sir.

Q You did not? A. In 1934, no.

Q So that in 1934 and 1935 you did not vote out of 76 Essex Street? A. No.

Q You did not? A. No. It must have been either 54 or 126.

Q Then, in the Primary of 1936, did I understand you to testify before that you voted in the Republican box, in that Primary? A. All the time. I am always a Republican.

Q I didn't ask you whether you are always a Republican. I am asking you whether you voted in the Republican box in the Primary of the year 1936? A. Right.

Q Did you vote in the November election of 1936?

A Yes, sir.

Q And did you vote the Republican ticket on Election Day

of 1936? A. Yes.

Q You did? A. Yes.

Q Do you know that the records show that in the election of 1936 in the First District of the First Ward there wasn't one Republican vote recorded?

A I don't know.

Q You don't know about that? A. No, sir.

Q In 1937 did you vote in the Primary? A. Yes.

Q Did you vote in the Republican box? A. Yes, sir.

Q Did you vote in the General Election of November, 1937 in the First District of the First Ward? A. Yes, sir.

Q Did you vote Republican? A. Yes, sir. That is kind of a personal question.

Q I don't mind being personal. A. I know you don't, but I ain't supposed-- I ain't got no lawyer or nothing.

Q I am not eating you. A. You shouldn't ask me that question.

Q Who pays your rent where you live? A. Myself.

Q You do? A. When I got it.

Q Yes, that is what I want to get. When you have your rent you pay it? A. No, but if the other fellows get it--

Q Who gives you the money to pay the rent?

A When I work and earn it. There ain't anybody giving it to me.

Q Didn't you tell anybody, before you came to testify

here, that the Republican committeeman there gives you the rent and therefore you go out and do what he wants you to do on Election Day and Primary Day? A. Yes, he did pay one month's rent. That was Bresnock.

Q Did he tell you he was going to give you money?

A No.

Q Are you sure? A. Absolutely.

Q Didn't he tell you that the Democratic committeeman was providing the money? A. No, sir.

Q Are you sure he didn't? A. No, sir.

Q Didn't he tell you that Commissioner McGovern had a fund down there to take care of those things? A. No, sir.

Q Where did he say he was getting the money from?

A I never asked him.

Q Did he tell you he was getting it from Charlie Stoebling's organization? A. I always thought he was getting it from the Board of Elections.

Q What made you think that? A. Because he was the downtown leader.

Q Because he was the downtown leader? A. He is yet.

Q Do you know who is on the County Board of Elections?

A No, sir.

Q Do you know that Mr. Corcoran, the Hague Democrat, is a member of that Board? You know that, don't you?

A No, sir.

Q Were you up at the recount that took place, of the districts in Jersey City, since the last November election?

A No, sir.

Q Do you know Paddy Sullivan, who is a member of the Board of Elections? A. No, sir, I don't.

Q You know that the Board of Elections is composed of two Democratic members and two Republican members so-called, don't you? A. I read it in the paper.

Q When did you read it in the paper? A. Sometime ago.

Q Did you know that that Board was supplying the money to your leader in your ward, and that he gave you some of that money to pay your rent? Right? A. Yes.

Q On condition that you would run for committeeman in your district, is that so? A. That is right; only once.

Q You only ran once? A. That is all. This is my first chance.

Q What is his name? A. Mike Bresnock.

Q What does Mike do for a living? He works for Stoebling? A. He works for the Election Board.

Q Up in the Spingarn Building? A. Right.

Q He wanted you to get out and work around the polling place? A. Yes, he expected me.

Q He wanted you to do as he directed, around the polling place? A. He expected me to do a lot.

Q Did you do a part of the something that he expected you to do on November 2nd around the polling place of the First District, First Ward, Jersey City?

A No, sir, I didn't.

Q You mean that you let him down? You didn't do any work? A. Yes.

Q You took compensation for something that you did not perform? You don't mean that?

A Don't I have to pay him back the money?

Q I don't know, A. I got to pay the man back.

Q Did you give him a note? A. No, I gave him three dollars back. I owe him seven more.

Q So he took three dollars back? Did he take it back because you didn't perform your work on Election Day?

A No. That was a personal loan.

Q Were you at the polling place in the First District, First Ward on Election Day, in November? A. Yes, I was around there.

Q Were you on the inside of the polling place?

A Once in the morning, and once in the afternoon.

Q Where were you in between? A. Down at the docks.

Q You were not working that day? Were you on the docks? A. No, I wasn't working.

Q Were you in the saloon that adjoins the polling place at all during the day? A. No. There ain't no saloon there.

Q Isn't there? A. No. It is an undertaker shop.

Q Do they take care of dead ones or live ones?

A That is their business.

Q They take care of both? Were you a challenger in that district on Election Day? A. Yes, sir.

Q You were a challenger? A. Supposed to be a challenger.

Q Did you have your credentials? A. Yes.

Q What were they? A. A certificate and a book.

Q Did you file a certificate with the Election Board on that day? A. No, sir.

Q How did they know that you were a challenger?

A Well, the way I thought, they did not need me because they had so many cops there.

Q There were a good many cops there? A. Every man coming in had a badge on.

Q Did you go and look at the badges? A. I sure did and it said "Deputy."

Q Who told you to say that? A. Who told me to say what?

Q That there was "Deputy" on the badges?

A I seen it.

Q Before, when Mr. Wiener asked you a question, you said that you were shoved over into the corner.

A That was in the night.

Q That was in the night? A. Yes.

Q You saw these deputies during the day? A. The deputies were all around there.

Q How many? A. I guess about eighteen.

Q What time of day was that?

A I don't know how many. I didn't count them.

Q But you are sure there were twelve to eighteen, but you didn't count them? A. There were quite some.

Q What do you mean by "quite some"? A. There was a bunch of them.

Q What do you mean by "a bunch"? A. Well, eight or ten. I don't know how many.

Q Did you see any Jersey City policemen in uniform there?

A I seen one, I think.

Q Did you see any in plain clothes? A. No.

Q Do you know Commissioner McGovern of Jersey City?

A I know him as a city official, that is all.

Q Do you know him, to see him? A. Yes, I saw him.

Q You see him quite often down there? A. No.

Q You know him, though, don't you? A. No, I don't know him.

Q I thought you just said you do know him? A. I know him to see him.

Q I know he doesn't occupy the bachelor's quarters with you, but you know him to see him? A. Yes.

Q You saw him on Election Day? A. I seen him once.

Q What time was that? A. That was about three o'clock in the afternoon.

Q Was that before he assaulted one of the Republican deputies down there or after? A. I don't know.

Q You don't know? A. No.

Q Didn't you hear about a disturbance there during the day, in which Commissioner McGovern and Zelinski and some more took part in? A. Yes, I heard about it.

Q Were you around there when that took place?

A No, I wasn't.

Q You said you were in twice during the day?

A Yes.

Q What was the other time that you were in there?

A I was in about ten o'clock.

Q Ten in the morning? A. Yes, but I went in and voted early and then went to the docks and came back.

Q To vote again? A. No.

Q Did you have your overcoat on the first time you went in? A. No, I didn't need no overcoat.

Q Was it warm? A. Yes.

Q Did they challenge your vote? A. No.

Q Did you get help to get into the booth with you?

A No.

Q Did anybody go into the booth with you? A. No, sir.

Q How did they look at your ballot to see how you voted?

A They didn't look at my ballot, that I know of.

Q Wasn't there anyone looking over your shoulder when you marked your ballot? A. No, sir.

Q You marked your ballot with a black pencil?

A Yes.

Q Do you know that there was only one Republican vote that came out of your district, and that ballot was marked in red pencil or red ink? Do you know that?

A I don't know nothing about that.

Q You didn't mark your ballot in red, did you?

A No.

Q You voted Republican, didn't you, on November 2?

A Sure, I always vote Republican.

Q Last November you voted for the straight Republican ticket? A. Yes.

Q Are you sure of that? A. Sure I am sure.

Q So you were there ten o'clock in the morning and three o'clock in the afternoon? Right?

A Yes, sir.

Q What did you do in between that time? Down at the dock all the time? A. No. I walked down to see if the ship came in, and came back again.

BY MR. PALESE:

Q A ship load of men? A. No. You got to wait for the ships to come in if you want to go to work.

BY MR. MURRAY:

Q You didn't want to go to work on Election Day? You didn't want to run out on the man who was paying you to do work around the polls? A. I didn't get no pay around the polls.

Q You didn't get paid for Election Day, especially?

A No.

Q Didn't you go around and try to get the Republican voters in that district? A. No, I didn't.

Q Didn't you go around and try to get the Democratic voters to go in and vote? A. No, sir.

Q Didn't you try to get any voters to come to the polls?

A No, sir.

Q I thought you testified before that you had a book with the names of the voters that you were checking up on?

A No, I didn't check up.

Q Were you there when the polls closed? A. Yes, sir.

Q What time did they close? Do you remember?

A They closed around nine o'clock.

Q How long did you stay inside there? A. I guess it was around twenty minutes to nine. I ain't exact on that.

Q I mean, approximately, twenty minutes? A. About

twenty minutes.

Q Before, when you testified, Mr. Wiener was asking you a question, asking you about seeing something or why you didn't see, and you said to him that "you would not be able to see if you were there either". A. Yes.

Q What do you mean by that? A. Because I was in the corner.

Q Which corner? A. Do you want me to describe it?

Q Yes. A. Say this is the small place (indicating). They were all around, a crowd.

Q Who? A. Deputies and everybody.

Q McGovern? A. And I couldn't see over their heads.

Q You know that McGovern is a big fellow?

A McGovern was way in the back. I didn't see him.

Q Which McGovern, Phil or William?

A William-- no, Phillie was at the box.

Q You know one from the other? A. Oh, yes.

Q They don't look so much alike that you would mistake them, one from the other? A. No.

Q Phillie was in the front and Billy was in the back?

A Billy was in the back. I can't just describe it to you because there was so many in there. If I told you--

Q Did they all come in as soon as the polls were closed or were they in there? A. The polls was crowded with cops, as I told you before, and these deputies, before anyone got in.

You couldn't get there. The place was small and jammed up.

Q Were you there when Commissioner McGovern came in with his force? Is that the time when you were swept into the corner? A. I was pushed into the corner.

Q That is when he came in with the crowd and you were one of those swept into the corner? A. I got pushed. I can't describe it to you.

Q They were big fellows and they had power and they pushed you in the corner with some others? A. Yes.

Q You were a challenger? A. Yes.

Q You were supposed to watch the count for the Republican ticket? A. Yes.

Q Did they permit you to watch the count?

A I couldn't see nothing.

Q You were not able to get at the ballot box?

A Oh, no. I could get there if I wanted to push somebody over, and there was two or three there, a big bunch. What are you going to do? Cut right in?

Q I would cut right in if I was supposed to do what you were supposed to do, but you didn't. A. No, I didn't.

Q You know that Philip McGovern was Judge of that Board, and that part of his duty was to take the ballot out of the box and call it? A. You could hear from where I was.

Q I am asking you if you know that Philip McGovern was

the Judge of that Board? A. Yes.

Q But Philip McGovern was not at that box; he was in another part of the room? A. He was at that box. I am pretty sure.

Q You said he was down in the front? A. I can't say for certain. There was so many there. If I told you one thing I would be telling you wrong. I am telling you the truth. There was so many in that if I told you he wasn't there I would be telling you something different. Here is the idea; they were all around, the crowd and the ballot boxes were there (indicating). I was way in the corner. I couldn't see what happened.

Q Were you in the corner in back of the place or towards the front of the place? A. I was in the back, to breathe.

Q To what? A. I couldn't breathe.

Q So that you had no chance to look at the ballots at all as they came out? A. No.

Q Did you hear them called out or did you only hear the total? A. He hollered out "433 to one."

Q 433 for Moore? A. Yes.

Q And one Republican? A. Yes, one Republican.

Q Then, did you ask the Republican committeewoman whether or not she did what she should have done that day, and voted Republican? A. No, I didn't.

Q Did you ask any of the Republican election officers of

that Board whether or not they voted Republican?

A No, sir, I didn't.

Q Did you know that the Republican ballot was marked in red at that time? A. No, sir, I didn't.

Q So you didn't inquire whether anyone else besides yourself voted the Republican ticket? A. No, sir.

Q Right? A. Right.

BY MR. PALESE:

Q When did you go to live at 76 Essex Street?

A I just can't remember now.

Q How long ago would you say it was?

A Oh, it is about two years.

Q When? A. About two years. I don't know offhand, to be frank with you.

Q You said about two years? A. I said about two years.

BY MR. GIULIANO:

Q Didn't you think it was unusual, as Republican committeeman, that the Republican candidate for governor should receive one vote? A. No, sir, I didn't.

Q You didn't? A. Didn't when?

MR. GIULIANO: Mr. Stenographer, will you please read the question to him?

(The last question was read by the stenographer.)

THE WITNESS: What could I do? I don't know nothing about that. I wished he would receive more,

but I can't help it.

Q Were you the district leader in that district in the Primary, too? A. District leader? No, sir.

Q In the Primary? A. Yes, I was on the ballot. I was running.

Q How many votes did you get? A. I don't know just offhand.

Q Ten, fifteen, twenty, thirty, forty, fifty? How many did you get?

A I don't know.

Q Did you get ten? A. Oh, I got more than that.

Q Did you get more than twenty? A. I can't say exact.

Q Did you get more than twenty or less than twenty?

A I think it was about eighty.

Q Didn't you think, as a great statesman, that if you received eighty votes that it was quite peculiar that a candidate for governor should receive one vote, after you received eighty votes in the Republican ticket?

A Yes, sir, but they can change their minds from one election to the other.

Q You think they changed their minds? A. That is what I think.

Q How many board members have you got on that board in that district? How many work on that board? A. Me and the lady.

Q I mean the local board in that district. Maybe you and the lady did work on that board. How many are supposed to be officially on that board? A. Do you mean the Board of Elections?

Q The local Board of Elections, the men or women there in charge of the ballots and the books?

A Four.

Q You know the two Democratic members, don't you?

A I know of them. I don't know them good to talk to.

Q You don't talk to them? Do you talk to the two other men that are supposed to be Republican?

A I don't know them. They are all strangers to me.

Q Did you recommend these two men to the Board of Elections for appointment? A. No, sir, I didn't.

Q Who recommended them? A. I don't know.

Q Who took the challenge slips? Who gave you the challenge slips? A. Mike Bresnock.

Q When you got the official return you were quite proud of this district, 433 to 1, and you took it to headquarters, didn't you? A. We had to take it up there, yes, sir.

Q Where are the headquarters? A. Henderson and Newark Avenue.

Q Whom did you take it to? A. The downtown leader, Mike Bresnock.

Q Where was he? A. Right there.

Q Where? A. In the club.

Q What is the club? A. The club is where we meet.

Q Did Mike Bresnock pay you off for that day, after that, after doing such a good job? A. He didn't pay.

Q He didn't give you anything? A. No, sir.

Q How long have you been a Republican? A. All my life.

Q All your life? A. Yes, sir. As long as I have been voting.

Q How many people do you know in that district?

A Oh, I know a lot of people. I think I know some, anyhow. I go away on boats.

Q What boats? A. Tugboats.

Q When you come back do you ever canvass your district?

A No, I didn't.

Q You never canvass the district? Didn't your leader think that was bad, as a Republican leader, not to canvass the district? A. He never told me. He never said nothing to me.

Q You canvassed your district when you ran for district leader? A. I just asked them.

Q You just asked them to vote for you? A. Yes.

Q How many people did you ask to vote for Clee?

A I didn't ask no one.

Q And the reason that you didn't ask no one is because you are a Democrat, isn't that so? A. No, sir.

Q You voted Democratic in the General Election, didn't you?

A. No, sir.

Q You voted Democratic before? A. No, sir.

Q Do you mean to tell us that you voted Republican?

A Yes, sir.

BY MR. YOUNG:

Q Then you say that the count is crooked?

A I wouldn't say that, no sir.

BY MR. PALESE:

Q What does that mean to you; if you were to put a Republican ballot in the box, and when they are counting them at the end of the day there aren't any Republican ballots in the box? What does that mean to you? A mistake?

A It must be.

MR. GIULIANO: Do you think you ought to continue as Republican district leader after this showing?

MR. YOUNG: We are not interested in that.

THE WITNESS: To tell you the truth, I don't care.

MR. GIULIANO: I guess you have got your resignation ready, or you should, if you haven't.

BY MR. MURRAY:

Q In 1936, the election of 1936, you said that you voted the Republican ticket in the General Election? Right?

A Yes, sir.

Q And in 1936 in that district there wasn't a Republican vote recorded. Under those circumstances, don't you think that the count was crooked in your district?

A Well, if you will let me explain, I can explain that to you.

Q You can answer without explaining.

MR. YOUNG: Let him explain.

A I lived at 54 Essex and I lived at 126, and I lived at 76 Essex and 138 Essex.

Q All at the same time? A. No, at different times. In that time I might have been in another district.

Q What has that got to do with the question?

A You said 1936.

Q You testified previously here that in November, 1936, you lived at 76 Essex Street, and that you voted from 76 Essex Street, and that 76 Essex Street is in the First District of the First Ward? A. Right.

Q You testified that you voted Republican? A. Yes.

Q And the records show that there wasn't a Republican vote counted there, and I ask you now, don't you think, then, that the count was crooked by that Board in your election district when it didn't count the vote that you said was Republican, and they didn't count it as such?

A It might have been a mistake.

Q Were you watching the count that night? A. No, sir,

I wasn't.

BY MR. PALESE:

Q Did you go to the district board after the count was in and say, "Five hundred Democrats and no Republicans"? And tell them that you had put one in? Didn't you go to find out why there had been a mistake?

A I didn't go there.

Q Is that what you think of your vote, when you put it in and it is not counted? A. I put a vote in.

Q And you were not counted, when it wasn't put in the box? A. I can't check on that.

Q If the count shows that there were no Republican ballots you just don't care? A. (There was no answer.)

BY MR. MURRAY:

Q Were you born in the United States? A. Yes, sir.

Q Where were you born? A. 275 Washington Street.

BY MR. GIULIANO:

Q You are going to reappoint these two members of the Board? You are going to send their names back to the ward chairman? A. That is not up to me.

Q You think that that Board ought to be reappointed?

A That is up to my boss, Mike Bresnock, if he says to put them there.

Q You are not going to kick? A. I ain't got nothing to kick for.

Q If they are reappointed it is perfectly all right? I
mean, you don't care? A. I don't care.

MR. YOUNG: That is all.

M A R Y B O B O W I C Z, being duly sworn according to
law, testified as follows:

EXAMINATION BY MR. WIENER:

Q Mrs. Bobowicz, where do you live? A. I live at
523 Grove Street, Jersey City.

Q Did you serve as Deputy Superintendent of Elections?

A Yes, sir.

Q On November 2, 1937? A. Yes, sir.

Q I believe you served in School Number 37? A. Yes.

Q That is known as the Pavonia Avenue School?

A Pavonia Avenue and Ninth; it is Erie.

Q They are two polling districts? A. Right.

Q Were you instructed or deputized to work in both
districts? A. Yes.

Q That is the third and fourth districts of the Second
Ward, is that right? A. That is right.

Q You reported there in the morning? A. Right.

Q I believe that you had as associate deputy a Mr.
Jerome Green, who worked with you? A. That is right.

Q Will you be kind enough to relate to the Committee
some of your experiences on Election Day?

A Well, it was, say, around four o'clock, three or four
o'clock-- no, it was earlier than that, because we had
trouble twice. It was around--

Q Two-thirty? A. Two-thirty. My brother entered.
He comes from Greenville.

Q What is his name? A. Joseph Okonski.

Q Who does he work for? A. The Public Service. So,
as I seen him come in I thought something happened home at
my mother's, so I just went over to him and I says, "What is
it?" And he says to me, "You have no right to be here,"
and he seized the badge that was on my coat and tried to rip
it off. He said he would step all over--

MRS. SANFORD: Your brother?

THE WITNESS: My brother.

A (Continuing) And he says, "I want you to get out of
here," and, of course, he started in to say things which he
should not have said, so I thought if I walked out of the
place and not let everybody know the business, so I walked
outside and there was a cop and I could^{not} stand the way he was
keeping on calling after me.

Q There was an officer? A. Yes.

Q Was he calling you filthy names, dirty names?

A That is it, because he thought he would get me out of
the polls.

Q What was the officer's name? A. I couldn't remember
his name. My husband, I think, can tell you that, so I asked
the officer would he be so kind and have him arrested. He
said to me, "I know your brother very well. I am not going to

have him arrested," so what else was I to do, so I left the polling place and I ran around the block.

First I called up Mr. Ferguson's office and I explained. They told me to get in touch with my husband, so I went around the block. I met my husband coming down the block. I explained to him and my husband came to the school and he was gone.

MR. YOUNG: Your brother?

THE WITNESS: Yes.

A (Continuing) And after that I stood at the polling place and another man comes around and he approaches me to drink coffee. He is the Judge of the Election Board.

Q What is his name? A. Mike Keegan. He asked me to have a cup of coffee. I said, "No, thank you, I just live around the corner. I can have a cup of coffee. I don't mind making my own coffee."

He said, "What are you afraid of, a Mickey Finn?"

I said, "I don't know. I never had the experience of having a Mickey Finn. I don't know what that is," so he kept on coaxing me to have some, so I always refused. Then later, towards the evening, he came over and asked me if I would have a drink because they had plenty to drink in the back.

Q You mean liquor, hard liquor? A. Yes. I told him that I don't drink. I never drank. I don't drink and I

don't care for any. He said, "I will send out and make a highball for you." I said, "No, if I want any I will make it up myself."

BY MR. PALESE:

Q That is the Judge of Elections? A. Yes. So he left his board, came over and sat right next to me, put his arm around me, so I tried to move away. I don't like that, so I got away from him. Then came along another man by the name of Hanley. His wife works in the Margaret Hague Hospital. I think she drives the elevator up and down.

BY MR. WIENER:

Q An elevator operator? A. Yes. He came over and he said, "Listen here, I am going to have my wife and her sisters come over here to vote, and see that you don't stop them," so I just said, "Just let them try," so when I told them that my husband came along and my husband says, "Just try if you could get the vote in."

He said that he wants to vote the opposite ticket. He says that they got orders to have so many votes in; so that was almost the end.

When the end-- when it came to the counting part Mike Keegan was drinking very heavily. Every time he would take one ballot out, a couple of ballots, he would go in back and take another drink and come over and do the same thing. Of course, he started using very bad names. He asked my

husband if he needs a high-chair to see over his shoulders. He asked the officer to have my husband removed a hundred feet away from him.

BY MR. PALESE:

Q In that room where they were counting? A. Yes, in the school.

Q Large rooms? A. Oh, yes, quite large. So my husband would not move for him, and, of course, the officer knew better not to move him, but when I was standing there one man came over and whispered to watch my husband, "Because they are all set for him, to give him the works," and he told me not only that but he said, "Don't be afraid. We are very proud to see that somebody is not afraid of them. We will be right behind you no matter what will happen, and they are not going to harm your husband as they did at the last election." What they heard about it, "about your husband," they won't do this time, so I thanked him very much, but later on there was a few cops and Captain Mulvanerton.

While they were counting the ballots Mike Keegan said to my husband, "How would you like to settle for fifteen votes?" My husband says, "No, I am not settling. We want the right account."

He said, "When you start in counting the ballots put them one by one and not open or half closed every time." My husband talked and told him to open up the ballots. He said

that he was the Judge of the Board and as he counted them, that is how they go, so my husband couldn't do very much. He did all he can for them. That is all he could have done.

BY MR. WIENER:

Q How many votes did the Republican candidates finally get in that district? A. Fifteen.

Q Fifteen votes? A. Yes.

BY MR. YOUNG:

Q What district was that? A. That was the Fourth District, Second Ward.

MR. WIENER: 409 to 15.

MR. YOUNG: We have it here 415 to 9.

MR. PALESE: The Fourth District, 415 straight and 9 straight.

THE WITNESS: That wasn't our district. That is the Third District you have.

MR. PALESE: The Third District was 353 straight and 2 straight.

THE WITNESS: That is not our district.

MR. WIENER: Those are the returns of the County Clerk.

MR. YOUNG: This is the Assembly that we have here, and this is, perhaps, the return --

MR. PALESE: For Freeholders and State Senate and Governor.

MR. WIENER: That is right, 409 to 15.

MR. YOUNG: For what?

MR. WIENER: 409 for Moore and 15 for Clee.

Q And Mr. Keegan told you or your husband that you were going to get fifteen votes, before the count was over?

A Before the count. Mike Rochford is the committeeman. He approached me outside. He said, "Listen here, we got orders and we have to carry them out. Now, all I ask is to see that your husband does not have this whole ward upset. We usually have it straight Democrat, and still got it that way," and I says, "I am awful sorry but as a Republican I will see that the Republican voters get a chance," and many Republican people in the neighborhood which voted many times, their votes were never counted. They asked me would I be so kind to see, on the voting day, they could go into the booth without anybody annoying them or writing up their ballots. I promised them, so they did come down and voted, and that is how we got those votes; not only that, but in the Third District another party that voted asked me would his ballot be opened because, he said, if they open his ballot they will look for trouble, because he is a young boy about twenty-two years old, and, of course, it is a very tough neighborhood, so I told him and his sister if they came down to vote I will see to it that their ballot will not be opened.

They voted in the Third District. So, as I seen them

coming in to vote I went over towards the booths, and as I did the man on the election board, Third District-- I don't know his name-- he walked over and he is telling the girl to mark the cross for the opposite candidate, and I told her to use her own mind, and she says, "Listen here, I am born here and I will write my own ballots," so he didn't bother her. Of course, I blocked where the boy went into the booth.

When he came out he handed the ballot to the man and he opened the ballot wide open so the fellow looked at me and said, "I thought your promise was good." He said, "It wasn't, and they opened my ballot, so if anything happens to me, really you are responsible," so I told him I was sorry. I should have told him to take the stub off and put the ballot himself in the box. That would have saved him from any trouble.

Q This man that opened the ballot, was his name Casserly? A. No. I don't know what is his name.

Q Is Casserly the one who went into the ballot booth with almost all the voters? A. That must be him. He was going in and marking the ballots.

Q He was the one who forced his way in on the voters, whether they wanted him there or not? A. Yes.

Q He pushed his way in and demanded that they receive his assistance? A. Yes.

Q He is the fellow that took this one voter's ballot and opened it up without the voter's permission? A. Yes.

Q Because the voter had refused to permit him to go in and assist him? A. That is right.

Q Did you see voters coming in to the Fourth District or into the Third District and sign their names in the poll book, and vote, and go across to the other district and vote?

A Yes, quite a few.

Q A number of them would go in the next district and vote? A. Yes. I tried to stop them. They are all city employees. They work for the city. They come around, and the minute your back is turned you can't stop them.

Q They just paraded from one district to the other? Every time they have to slip a few in they do it?

A Not only that, but again I saw something that happened in the Primary.

Q Go ahead. Say anything you like. A. In the Primary they got orders to bring out a hundred in each district for Powell.

Q Never mind the names. A. That was what Stoebling was instructed.

Q Who told you? A. Mike Rochford told me that, the committeeman, the Democrat. My husband was put on it, running on the ticket, too, and one of the workers on the Election Board-- his name was Sullivan-- he was running on the ticket. Everytime he got the chance he walked right into the booth and marked the ballot up himself, and all for Powell.

So I spoke to him several times on it. Later on I explained it to my husband and he called up Mr. Ferguson. Although the men came down and we had him taken off the board-- as we had him taken off the board they replaced him this General Election, right back in the Third District, because he knows how to do the work for the opposite party, so he is working now in the Third District on this same work, so it is awful hard, no matter how straight you try to do, if they take and put him in the district they make it harder for the other party.

Q In the Third District that you speak of, which is directly opposite, I notice that there were 356 votes cast out of 363 on the registry lists. Only seven people did not come out to vote in that whole district. Now, these 356 votes that were cast in that district, you say, were made up to some extent of people who had voted in the Fourth District and gone over to the Third?

A Right.

Q What time did the polls close? A. The polls closed at nine o'clock.

Q Did you notice when the Second Ward, Third District Board members had completed their count? A. In about an hour's time.

Q They counted 356 ballots in an hour? A. Oh, yes.

Q And I notice by the returns that all the Democratic

candidates received 353 votes and the Republican candidates received either two or three votes.

MR. PALESE: Mr. Murray made a good run in that district, too.

MR. MURRAY: I don't know.

MR. PALESE: How many did you get?

MR. WIENER: He got none.

Q Did you challenge those people that you knew did not live in that district? A. I didn't, but, of course, it didn't help any.

Q Did the Election Board take any vote on the challenges?

A There is one Democratic party; he works for the city. He came in to vote for somebody around Hamilton Place.

Q You mean you heard him give someone else's name?

A Yes. I know him well, and I stood up and spoke with him and just as I tried to stop him he gave the wrong first name. Instead of giving it "John" I think it was "James" or something and they told him it was in the book, because I stood near it, and, of course, he wrote his first name in the book. His name is in the book but the ballot had to be put aside.

Q There were a number of people that you actually knew yourself who came in and voted on names other than their own?

A Right.

Q You saw them? A. Positively.

Q You would be willing to supply those names to this Committee in private, I assume? A. Yes.

MR. WIENER: I didn't think it would be advisable to ask you to give it publicly.

Q How about Mr. Green who worked there with you; do you know anything of the employment that he had?

A Poor Mr. Green, I felt sorry for him. He had to stay there and just say nothing, just stay there, because if he had raised his voice or hand he would not be able to stay there long enough.

Q Is he the man who wrote down all the information of everything that happened? A. Maybe he wrote it himself, but he didn't write any for me.

Q When you say that he couldn't do anything, do you mean that you heard him threatened or something like that?

A Yes, I did.

Q What was said to him? A. They told him if he tries to stop any votes that he would not be able to, and they will take care of him.

Q Were you there when he tried to stop Hanley from voting a woman's name? A. Yes, I did. They told him to sit down.

Q Do you remember when Chris Hanley came in and gave the name of a woman? A. Yes. He don't live in the district, either.

Q Chris Hanley does not live in that district? A. No.

Q He came in and voted on his own name previously?

A Yes.

Q Then he came in and voted on a woman's name?

A Yes.

MR. YOUNG: Do you recollect the name of the woman he tried to vote?

THE WITNESS: No, because of all the excitement.

Q Was it Jean Meshick? A. Something like that. It might have been that name. In the excitement--

Q Do you know that woman? A. Well, I have known her.

Q Were you there during Mr. Green's conversation with Mr. Keegan, when Green said, "What are you going to do if Mrs. Meshick comes in to vote later on?" A. He did say. He said he would take care of it.

Q Did he say, "Don't worry; she will not be in. She is not in town today"? A. Something like that.

Q And, sure enough, she didn't come in, did she?

A No.

Q In the meantime Chris Hanley had voted the name of a woman and signed her name and went in, and ran right out?

A Went in and got the ballot.

Q Were you there when a mother came in with her daughter and the daughter signed the book for the mother?

A No.

Q And Mr. Green had a fight with the board about that?

A I have been out then.

Q You say that throughout the count Keegan was intoxicated; drunk? A. Yes, very.

Q Would you say that he knew what he was doing?

A Oh, yes, he knew what he was doing.

Q Did he open the ballots as he called them?

A Not all of them. He pulled them out, and if we tried to tell him to open them so that we could see he said he is the Judge of the Board, and as he says that is what goes.

Q Did you hear any split ballots called? For example, six Democratic Assembly and four Republican?

A Yes, there was quite some split ballots.

Q They were being called out? A. After we started the rumpus.

Q When you started to protest they would count some of them? A. Yes. My husband was always arguing with them through every ballot that he opened.

Q How about the city employees? Did they hang around in the polling place all day? A. They do, and they have a badge and say they have a right to hang around because they have a badge.

Q They are not challengers? A. They are not challengers but they have badges.

Q A city badge? A. They have them outside on their coats.

Q About how many city employees would you say hung around that particular polling place? A. About thirty.

Q They were there all day? A. Yes.

Q Do most of them live in that district? A. Right.

Q You saw most of them vote? A. The minute one of us tried to go out they were against the wall and in line, and then they would line up and vote again.

Q And vote for the seventh or eighth time, if necessary?

A Yes. When I tried to go over they all go against the wall again.

BY MR. MURRAY:

Q Did you say that a Mr. Casserly was a member of the Board? A. Of the Third District?

Q The Fourth District, Second Ward? A. I think so.

Q Who is the Republican election committeeman there? Do you recollect? A. I don't know who was in that district. I don't think there is any.

Q What I want to find out is this; in either of those districts that you have been testifying about is it true that a member of the election board was also the county committeeman in that district? A. That was in the Fourth District?

Q That was in the Fourth District. A. Yes, that is where we live.

Q Who was that? A. Sullivan.

Q John Sullivan? A. Yes.

Q He is a Democrat? A. He is supposed to be a Republican.

Q Sullivan is Republican? A. Yes.

Q In the Second Ward of Jersey City? A. Yes.

Q He is also Republican committeeman? A. Yes.

Q And he is a member of the Board? A. That is right.

Q What was his office on that Board? Do you remember? Was he the Judge, or what? Did he take the ballots out of the box? A. He was something. He didn't take them while I was there that day, because we had him knocked off.

Q You had him knocked off? A. Yes.

Q That-a-girl. What do you mean by that?

A Thrown off.

Q Taken off the Board? A. That is right.

Q What for? A. Because he was going in the booth and marking those ballots for himself, and, of course, that Powell ticket, what you call. They had to call for Clee.

Q That was at the Primaries in 1937? A. That is right.

Q He was a member of the Board? A. Yes.

Q He was a member of that particular Board and he was running for the county committeeman for the Powell group against the Clee group? A. Yes.

Q And he would get up from the table where he was a member of the Board, and he would go in with whom? A. Whoever came in he would walk himself right in. I stopped him. He

said, "I am republican, and I have a right to go in and show the people how to vote."

Q Did the Hague Democratic members of that Board protest when this so-called Republican was going in a polling place and voting for the Powell candidate there?

A No, they all worked together.

Q They all worked together? A. Yes, that Board all worked together.

Q You mean that the Democratic members and the so-called Republican members worked together? A. That is right.

Q And they permitted that? A. Yes.

Q That was in the Third District? A. In the Fourth District.

Q Where is this Mr. Casserly that I heard you mention? Is he an election officer? A. He is in the Third District. I think he is Judge of that district and Walsh was there. He was writing out ballots and putting them in a box in the Primary. I went over and stopped him because he wrote about thirty or forty ballots before I had a chance to tell him to stop it. I went over to him and I said, "Mr. Walsh, I wouldn't do that if I was you."

He said to me, "Listen here, you mind your own business and go over there where you belong."

Q Where did he get the names; in the binders?

A Yes. They have everything, and, of course, the whole

bunch worked together. They just marked the ballots and put them into the boxes. In other words, they don't need any voters to vote.

Q They just need one voter, then, to vote thirty ballots?

A Not only thirty but he would vote more.

Q And vote for Moore, did you say?

BY MR. PALESE:

Q How many did you say Mr. Powell was to get in that district? A. A hundred. They got orders over town.

Q They kind of "gypped" him; they gave him eighty-five.

A In our district they gave him less than that.

Q In the Second they only gave him eighty-five instead of a hundred. In the Fifth they gave him one over; they gave him 101. A. In our district I think that day he got like something_A that.

Q What district was that? A. The Fourth District.

Q In the Fourth District 34, but in the Second, 97; in the Fifth they gave him 101, 92 in the Ninth and 87 in the Tenth? A. They got orders all over to have a hundred for Powell that day, and whoever would give some for Clee, of course they would get into a big fight.

BY MR. MURRAY:

Q You say that you had some trouble with the police in the Fourth District? A. Yes, I did. That was in the Primary.

Q Did you have any on Election Day? A. That is Election

Day; this Election Day?

Q Yes, November. A. That is about my brother that day.

Q Your brother is a Hague Democrat, isn't he?

A Because one of my brothers works for the city.

Q Is one of your brothers a detective on the Jersey City Police Department? A. He is a lieutenant, now, I think. He got promoted.

Q Is that why they were quarrelling with you, because you were on the opposite side that day? A. That is right. You see, this is how it happened. Mr. Murray, if you don't mind, I will tell you. When I became a Republican my brother came down and asked me to see to it that my husband will not be a Republican, because if my husband is a Republican I have to be a Republican, because you got to side with one another, so my brother came down and he said, "Your husband is well known in the neighborhood. He is well known among all the Polish people in lodges, Unions, and so forth, and he is a popular man. Why do you let him be a Republican?"

I said, "What harm is it if you want to be a Republican?"

He said, "It is going to make it hard for me." He said, "I wouldn't be able to get promoted."

I said, "Gee, Frank, I am awful sorry. After all, I have to live; so have my children and so has my husband.

The way we want to live is our business. You just take care of yourself." So he went out and he told my husband that by four o'clock he wants to know if my husband would be still a Republican.

Q Four o'clock of what day? Primary Day or before?

A That was before Primary.

Q But your husband did not become a Democrat. He went out and worked for the Republicans?

A It was before the Primaries. It was Presidential election, this November.

Q On Election Day, on November 2nd, last, did you have some trouble at the Fourth District of the Second Ward, and did the police from the Second District, under Captain Mulvanerton come into the district while you were there?

Q They came down, but, of course, he didn't say nothing that day, but on the Primary I had trouble when the police came down.

Q Did you have occasion to go to the court and endeavor to make a complaint against anyone? A. I did.

Q What court did you go to? Did you go to the Second Criminal Court in Jersey City? A. That is right.

Q Is that where Judge Saturniewicz presides?

A That is right.

Q You went to Judge Saturniewicz, did you?

A Yes, I did.

Q Is this the same Mr. Saturniewicz who used to be the secretary or stenographer in the office of Mayor Hague in Jersey City? A. That is right.

Q Did you go and make a complaint against someone, to the Judge? A. I did.

Q And did you ask the Judge to entertain that complaint?

A I did.

Q Were you willing to sign the complaint? A. Yes, I did sign it.

Q Before the Judge? Was he there? A. Yes.

Q The Judge himself was there, Saturniewicz? A. No, it was the other one, but Saturniewicz gave orders.

Q Was Flaherty there? A. Yes.

Q He was the one sitting there? A. But he got in touch with Saturniewicz and he told him I had no rights in that court.

Q So, even though you signed the complaint, the Judge there would not entertain the complaint?

A That is right.

Q In other words, they told you they would not do anything for you? A. That is right.

Q Did you talk to anybody else connected with the Hague Democratic machine over there about the injustice of such proceedings by a judge of the Criminal Court there?

A Yes. I run in to Bill Sullivan.

Q Which Bill Sullivan is that? The Register of Hudson County, do you mean, and the leader of the Third Ward, Jersey City? A. That is right. I know him well for many years, so I seen him and I said, "Mr. Sullivan, what is the matter? I went to court and they seemed to not want to help me. What is wrong?"

Q What did he say? A. He said "what is wrong? You ought to know; your husband is a Republican and when you are a Republican you have no rights in the court."

Q You are sure that he said that? A. Positively. I could tell him to his face any time.

Q But you didn't get a complaint? You couldn't make a complaint. You couldn't get a warrant or subpoena issued for the one that you made the complaint against?

A That is right.

Q Getting back again to this name, Casserly, do you know anybody by the name of Casserly in any of the districts? I thought I heard you mention that name as being the name of an election officer on one of the Boards?

A Yes, sir, in the Third District.

Q Do you know Casserly? A. He is a stout man, I think.

Q Do you know whether he is on the city or county payroll?

A He must be. They all are.

Q Do you know whether he is or not? Do you know how

long he has lived down there? How long have you known him?

A I couldn't tell you how long I know him. Of course, I was born in that neighborhood and raised--

Q Has Casserly been down there long? A. He must be down there quite a long time.

Q You don't know whether or not he is the same Casserly that fled the jurisdiction of the Hudson County courts not so many years ago, after he had been indicted for a crime over there? You don't know whether or not it is the same Casserly? A. I don't know. It might be.

Q Do you know where this Casserly lives? A. No, I don't. He is in the neighborhood but I don't know the address.

Q Was he an election officer on November 2, 1937?

A Yes, he was.

Q In the Third District? A. Yes.

MR. MURRAY: That is all.

MR. WIENER: I want to point out that in this district, the First Ward, Second District, the total number of voters on the registry list is 648, of which 577 cast a vote. That is about eighty-five per cent. On this return, as made, Senator Moore received 535 votes. The General Assembly and other Democratic candidates all received either 525 or 526 votes. I believe two of them received 526 and the

rest of them received 525 votes, and the Republican candidate for governor received 41 votes and all the other Republican candidates received 32, 33, 34 or 35 votes.

Now, Mr. Chairman, I would like to submit ballot numbers 574, 572 and 577, which were passed upon by the Supreme Court. All three originally were bullet votes for Senator Clee, and then some person, in a vicious manner, came along and stuck a very explanatory large "X" on each ballot in the Moore block, voiding the ballot completely. It is very interesting to note the identity of those three "Xs" which were added later. I suggest that you retain these ballots and have your handwriting experts pass upon them.

MR. YOUNG: Did the Court void those ballots?

MR. WIENER: That is right. In addition thereto, there were three ballots upon which there was no vote for any gubernatorial candidate.

In segregating these ballots we find that we have twenty-nine split ballots, thirty-one straight Republican ballots, and six ballots which were declared void, as far as gubernatorial candidates was concerned, making a total of 66 ballots which were not marked straight Democratic all the way down the line,

leaving 511 straight Democratic ballots. Now, of the 29 split ballots, seven were in favor of Governor Moore and twenty-two were in favor of Senator Clee. By "split" I mean that the rest of the ticket on the ballot are votes either all opposite to Senator Clee's political faith or all opposite to Moore, or there was a split where there might have been two Republican Assembly and eight Democrats, and so forth.

Now, these twenty-nine split ballots, along with the thirty-one straight Republican ballots, and the six void ballots, make a total of 66. If we subtract the seven Moore split ballots we have 59 votes which Senator Moore could not have received in a tally or in any count of the vote.

Now, in deducting the 59 from the 577 we get a maximum of 518 votes which Senator Moore could have received if he was given credit for every vote but the ones that were marked otherwise, and the district made a return of 535 votes. In other words, added by some means seventeen votes to Governor Moore's total, and deducted twelve votes from Senator Clee's total. The recount showed a difference of thirty-one votes. As a result of the recount we had the seventeen votes as well as the blank ballots which were counted for Senator Moore, and if we add three to the seventeen that

would be twenty, and the eleven votes taken from Senator Clee or twelve, you would have the difference of thirty-one in the count.

Now, it is also very interesting to note that although we had twenty-nine split ballots some were part of the Republican ticket vote and others were part of the Democratic ticket. All the Democratic candidates for Assembly and Freeholder and Boulevard Commissioner, received only a variance of one vote, as to each other, and here we have twenty-nine ballots which show a marked split as to rest of the ticket, starting from governor down, and in spite of that this Board in tallying the votes, equalized, more or less, the results, evidently not calling the split ballots.

MR. YOUNG: Have you got any figures as to how that would affect the final result? For example, how did the Democratic Assembly come out?

MR. WIENER: We can take Senator Stout, the next candidate.

MR. YOUNG: The return here is that all of the Assembly candidates on the Democratic side received 525 votes, except for Harry Bischoff, who got 526.

What is the return for Senator Stout?

MR. WIENER: Just to describe a sample of it,

one of the other candidates, Senator Stout, was cut twenty-six times, and the six void ballots, the three blanks and the three void, along with the thirty-one straight Republican ballots, make a total of sixty-three ballots. Subtracting 63 from a total vote of 577 we have a maximum vote of 514 that Senator Stout could have received, as against an accredited total of 525.

MR. YOUNG: We have no means of telling what his actual vote was?

MR. WIENER: His actual vote was 514.

MR. YOUNG: What I am driving at is this; you say that down there you have all of the straight Democratic tickets?

MR. WIENER: Yes.

MR. YOUNG: On each of which there is a vote for Senator Stout, as an example?

MR. WIENER: That is right.

MR. YOUNG: And they total how many?

MR. WIENER: 511.

MR. YOUNG: Then, unless we can find in these 29 ballots enough votes for Senator Stout, to make up the difference between 511 and 525, that is the margin of error on his vote, is that correct?

MR. WIENER: No. My total gave Senator Stout

a maximum of 511.

MR. YOUNG: How do you arrive at that?

After you have taken out the thirty-one straight Republican ballots you still have 546. The only thing is to find out how many straight Democratic ballots there are and then add to that the number that appear on the split ballots for Senator Stout. You can't subtract the Republican ballots and the Democratic split ballots from the total. By counting the votes for Stout on the split ballots, you can find out what he should have had.

MR. WIENER: There were eight on the split ballots.

MR. YOUNG: So that the correct vote for him should be 519, is that correct?

MR. WIENER: That is right.

MR. YOUNG: And the same thing applies to Mr. Walker, for example, is that right?

MR. WIENER: That is right.

MR. YOUNG: If you find eleven votes for Walker in this group he ought to have 522.

Have you got anything about the number of challenges in this district?

MR. WIENER: Six out of twenty on the challenge list voted, and no affidavits were taken.

I want to point out to the Committee that a number of these ballots were not strung and marked originally, and during the recount a number of them had no number. The normal ballot would be one that has two numbers on it, one in the original count by the district board and one by the County Board in the recount. For example, 395 on this one (indicating) is the number of the County Board on the recount. 394 is the number of the County Board on this (indicating), and here is one that is 393 and 320; in other words, the one marked 393 is the County Board and 320 is the local board, meaning that these ballots were not properly marked and strung.

MR. YOUNG: This one with two numbers on was properly marked and strung, and those with only one number on are only by the County Board?

MR. WIENER: Showing that they were either counted in batches or not counted at all, and an arbitrary figure might have been set.

Here is another with just a County Board number. I can point out the condition in every ballot. Every ballot is crushed or torn in some fashion.

Now, here is one that is properly marked and here is one that is improperly marked. Here is another one that was not marked properly. Here is another.

Here are four more (indicating).

MR. YOUNG: How many are there? I have twelve here.

MR. WIENER: I would say there are about a hundred that way.

J O H N P. B O B O W I C Z, being duly sworn according
to law, testified as follows:

EXAMINATION BY MR. WIENER:

Q You are employed by the Superintendent of Elections' Office, Jersey City? A. That is right.

Q Were you assigned to the Second Ward of Jersey City on Election Day? A. All the districts.

Q All the districts? A. Yes.

Q You heard your wife testify concerning the conditions in the Third and Fourth Districts of the Second Ward on that day? A. I did.

Q Were you at any time present during the experiences that she had in the Third and Fourth Districts?

A I was present the most part of the day.

Q Will you, as briefly as possible, tell the Committee some of the highlights of your experience?

A I don't know whether you want this with the Primary Election or the General Election.

Q Just the General Election. A. Of course, I can say more about the Primary Election, but on the General Election I noticed one thing came to my attention, and that was the fact that there was a box there broken, one of the boxes-- there was two boxes all told-- and one was broken, and I happened to be out making a call, and when I came back the box was broken.

Q Where was it broken? The glass? A. Yes, the glass was broken.

Q And there were voted ballots in that box? A. That is right. And I asked how that happened, and the Democratic election officer was there right by the box, and I found out afterwards that he kicked it in. He was supposed to have passed a remark or something, "I wonder how many the Hell Republican voters are in this box."

Q What is his name? A. Mike Keegan.

Q The fellow who was treating everybody with liquor all day? A. Yes. So I went over and I reported to the office and I called up at the City Hall, the City Clerk's office, and I asked them if they wouldn't kindly send another box over because the glass of the box was in such condition that you couldn't very well take the ballots out without cutting your hand, and things like that, so I called up Mr. Ferguson's office. I called up first Stoebling's office. Neither one seemed to know how to get a box down there. Finally, they got a box down. That was one thing.

Another thing; a fellow came over to me and said, "Why don't you play ball with us?" He said, "After all, it is not going to get you anywhere by you standing there." He said, "I want to go over and vote in the Fourth District," and he is from the Third District. You see, there are two districts there, the Third and Fourth, in that school, 37, so

when you stand there you can see what is going on and vice versa.

He said, "I came over to vote in your district."

I said, "You are not going to vote while I am here."

He said, "Why don't you be nice?" He said, "I know if you start anything like that you will stop the whole thing."

Q Is that Chris Hanley that you are talking about?

A Yes. I told him, "You are not going to vote here while I am here." He told me that he voted for me as Justice of the Peace. I said, "What took place once before does not concern me this time. I am interested to see that everything is on the up and up," and that was all, and finally when the box arrived, and all during the count, just before the count started, I asked the two officers who were there.

Q The policemen? A. Yes, this time they were there, after we had the trouble on Primary election, and on General Election the two officers were there. Just about the time the count started there must have been thirty or forty people mobbed around. I thought there was going to be some trouble. I tried to get in the middle. I says to the officer, "Will you kindly instruct the people to get away from the table, from those boxes so that I can see what is going on," so they com-

plied with the request. Of course, above five minutes later these fellows got around.

Whether they were entitled to get around, I don't know. Even the Democratic committeemen were there; in fact, about thirty, if not more, with the result that I had to keep looking. Every time Keegan got a Republican ballot he would not bother to open it up. "Straight Democrat; straight Democrat." He would not even look at it.

I said, "Just a minute, Mike. What do you mean 'straight Democrat'?" I said, "You don't know whether it is a straight Democratic ballot."

He said, "I am the election officer and what I says goes."

I said, "That might go, as far as you are concerned, but not as far as I am concerned," so he said, "I will call a recess now. Let us have another drink," so they go over and take another drink in the booths on the side, and come back ten minutes later, look around, thinking to get me by the lapel and try to get me cornered, and he wanted to settle with me for fifteen votes.

I said, "Nothing doing. I don't care whether there was going to be five." That is before I knew there was fifteen in there. Whatever it was in there I wanted to see that it is counted right. They were counting them so darned fast I had to keep looking over his shoulder, and, of

course, I know some of them were skipped because on the recount I think there was a difference of five.

Senator Clee gained five. We wound up with fifteen.

Q When you say that Keegan wanted to settle with you, what do you mean? A. One box was already completed.

Q How many did you have in the first box?

A I think there was eleven in the first box, Republican, and the rest Democrat, and when we came to four more that made up the fifteen. There was still a lot more to be counted. He said, "If you want to settle with me for fifteen votes," he will give me fifteen. I said, "Nothing doing. We count them right throughout," so you know, he got kind of sore. He must have called recesses about five or six different times.

Q You didn't get any more after that?

A All we got was fifteen.

Q That is when he said you were not going to get any more? A. That is all we had. We wound up with fifteen. When he said, "straight Democrat," and when I looked at it it appeared to me that it wasn't straight Democrat, and I opened it on the table and found it was for Clee and the Republican party, and I said, "There you are, Mike. What do you mean, 'straight Democrat'?"

He said, "You ought to take this fellow out for a ride.

Then he asked me if I wanted a step-ladder so that I could see over his shoulder. He is not much taller than I am so I could see over his shoulder.

Q Who were these people that were hanging around there, city employees or county employees? A. Most of them.

Q Were they challengers and district leaders?

A The only district leader there was the Democrat, and there was Jeremiah Sullivan. We had him knocked off in my district, the Fourth District, and he was immediately replaced in the Third, so on Election Day he didn't even bother to see what is going on there.

Q Were you present at any time when they walked into the Fourth District and voted and then went to the other district and voted? A. I couldn't say exactly that. I had to run in and out. I had to run in and out. Counsellor Sepenuk can bear me out. I had different things to do. They had me running back and forth, but I did spend most of the time in my district to see how things were going on. I knew how they were going to work, because they are in the Third and Fourth District.

Q How do you feel about the conduct of the election in that particular district, the polling place? Do you think that there was a good honest election?

A I don't think everything was on the up and up, no.

Q Do you think that the members of the Election Board

conducted themselves in a proper legal manner?

A I don't know whether you call it a proper and legal manner when they use profane language and offered liquor to my wife, offered me liquor, and I refused to drink. I wouldn't even have one drink, and then we wound up counting the ballots, it must have been around half-past two in the morning, which never happened before. Other times we are all through about eleven o'clock at the latest.

Q How about the Third District? A. About an hour and a half, all through.

Q Is that Casserly's district? A. Casserly was in that district.

Q Were you present at any time when he forced his way into the polling booth to assist the voters?

A I didn't see him assist voters but there was a fellow by the name of Flannery. He had charge of that district. I didn't see no one going into assist anyone on Election Day in the Third District but they were pretty well lit up, what I mean, you know.

Q A lot of drinking? A. Yes, a lot of drinking, and this here Keegan passed the remark when they were tallying that the tally sheets-- he says like this, out loud, he says, "I came here to see that it is not going to happen again, on Election Day." He says, "This God damn Polack is not going to hold me up to half-past two in the morning any more." I

was right in back of him. I said, "Listen here, Mike, cut out the profane language," but he already said, "I am sorry, John," just like that, and, of course, on Primary Election as the wife testified, we wound up with fifty Republican votes where there should have been fifteen. I canvassed the district and I figured, honest, legitimate votes should be about twenty, and we wound up with fifty in the Primary.

To make the whole thing short, from early morning to four o'clock we only had fifteen Republican votes on Primary Election, and then when he came around and wanted to give me the works we had the Prosecutor's staff and we went up before Judge Kinhead and lost three hours, from four to seven o'clock. When I came at seven o'clock there was thirty-four more slipped in there, and we wound up with fifty, and the district opposite was eighty-five or ninety-three.

Q Were those districts recounted in the Primary probe?

A Yes.

Q Were any of those Board members indicted? A. Yes.

In the Third District they were all indicted. That is how Sullivan was taken out from the Third District and put in the 4th District.

Q The same people who were indicted served in November?

A The same people was-- only one, Walter Walsh was the Democratic election officer-- he didn't exactly serve as

election officer but he had a bunch of slips and he was checking off names, sitting alongside a little table; I should judge a distance of maybe about forty feet from where the ballot boxes were, checking up on who came in and who went out and all that kind of stuff.

BY MR. MURRAY:

Q Who is the Democratic committeeman in the Third District, Second Ward? A. I believe it is Gallagher.

Q Do you know this Casserly who is a member of the Board?

A To tell you the truth, I don't know the names so well. I have seen them. I know most of them but this one particular name I am not positive, although I think I know him.

MR. MURRAY: That is all.

MR. YOUNG: We will adjourn to Friday morning at ten o'clock.

(The following testimony was taken from Mr. and Mrs. Bobowicz in secret session.)

MR. YOUNG: You testified that there were certain city employees whom you say voted on that day in the Third and Fourth district boxes of the Second Ward, Jersey City?

MRS. BOBOWICZ: That is right.

MR. YOUNG: Can you give us the names of those employees?

MRS. BOBOWICZ: Danny Jurkiewicz. He is a city

employee. He seen the book and he got the voting sheet, the ballot, and he was about to go in, and the first name was wrong, so they took the ballot and put it aside. I think that is what they call a void ballot. He signed someone else's name.

MR. YOUNG: Had he voted in the Third District?

MRS. BOBOWICZ: In the Fourth District he voted himself.

MR. YOUNG: He voted in the Third District, did he?

MRS. BOBOWICZ: No. That one, he voted in the Fourth District.

MR. YOUNG: He gave the wrong name?

MRS. BOBOWICZ: Yes, the wrong name and wrong address. There is another one, Hanley, who voted many times in both places. Chris Hanley; he is from the Third District, and his wife works for the Margaret Hague Hospital. His wife works for the Margaret Hague Hospital and he is always hanging around.

MR. MURRAY: Did you see him vote many times?

MRS. BOBOWICZ: Yes, many times, when he went in, and I stopped him. The minute I walked towards the door he would run in and mark the sheet, mark it. By the time I got from the door-- it was quite a distance.

MR. MURRAY: You saw him write in the poll books?

MRS. BOBOWICZ: Sure, I did.

MR. MURRAY: Who had the poll book?

MRS. BOBOWICZ: Mrs. Pasquale. She is the Republican member of the Board, and she took the ballots and had them left on the desk, and these ballots they went and put in what they felt like. If you catch them you get them, but if you don't -- they do it so fast, those ballots, you don't know how they ever got there.

MR. YOUNG: Do you know of any other people besides these two?

MRS. BOBOWICZ: There are quite a few but I just don't remember the names.

MR. MURRAY: Are they people who hang around?

MRS. BOBOWICZ: Yes.

MR. MURRAY: From being in that district, do you recognize their faces?

MRS. BOBOWICZ: Their faces, yes, I do. The women who hung out with the committeewoman.

MR. BOBOWICZ: I know a lot of people in that neighborhood. I was a floating deputy. The wife does not know them as well as I do, and, of course, my job was to look out for as many districts as I could, and

I saw the voting most of the time in my district, the Third and Fourth, and in the meantime I was all through Sullivan's ward on Election Day with the seals and the boxes. I went in there early in the morning and about ten o'clock distributing seals, and Bill Sullivan looks at me and he says to me when I was about to go out, "What ^{are you} doing here?" I said, "What do you mean?" He said, "What did they do; give you the works down at the Second Ward? You had better stay out." On Primary Day I got punched and my wife got punched. We had the Prosecutor's staff and we went before Judge Kinkead. Wittreich was down; Corcoran was down; Scheetz was down; we had Jeremiah Sullivan knocked off in the Fourth District. He is a member of the Election Board, running for county committeeman against me, and there was people in the booth. He was assisting them against my objections, telling them how to vote. He would not show me the credentials. I insisted on them and they showed me.

"Still," I said, "that does not give you the right, if you are an election officer, you can't be a candidate." That does not mean anything to them. From early morning until four o'clock we had fifteen votes. It is a Democratic stronghold and Frank Hague was born in our district.

I canvassed from house to house. There should not be more than fifteen legitimate votes, or about twenty. I figured I would try to get them out. It is not much, but there was one that moved out of the district. They bothered him so much he moved out.

MR. YOUNG: You were not in the Third and Fourth Districts a great part of the time on Election Day?

MR. BOBOWICZ: On Election Day, most of the time I spend in the ten districts of the Second Ward. I had to devote my time just to look around.

MR. YOUNG: And you say that you know the people whom your wife is not able to identify, by name?

MR. BOBOWICZ: That is right.

MR. YOUNG: But you were in there, so that you could see them at the time they voted four or five times in each district.

MR. BOBOWICZ: Not at that time. The wife told me.

MR. YOUNG: And all you have to say is this, that people whom your husband could identify but whom you cannot identify by name, voted several times in the two ballot boxes for the Third and Fourth Districts?

MRS. BOBOWICZ: That is right.

MR. YOUNG: How many of those people-- you men--

tioned one by name, Danny Jurkiewicz, and the other is Hanley?

MRS. BOBOWICZ: Yes.

MR. BOBOWICZ: The woman they took in the back, they gave a drink. She was supposed to get a half dollar. I don't know her name. She was hanging around with the committeewoman's sister and the committeewoman.

MR. YOUNG: You say that they actually took these ballots and voted several times?

MRS. BOBOWICZ: That is right.

MR. YOUNG: Were there any more than that?

MRS. BOBOWICZ: There was a fellow that was there.

MR. YOUNG: Did you see him vote in both districts?

MRS. BOBOWICZ: His wife voted.

MR. YOUNG: In both districts?

MRS. BOBOWICZ: Yes.

MR. YOUNG: Did she vote more than once in both districts?

MRS. BOBOWICZ: She voted first in the early part of the day in the Third, and then in the evening, when this man was annoying me, she was coming out of the booth.

MR. YOUNG: That was in the Fourth District?

MRS. BOBOWICZ: Yes.

MR. YOUNG: That was twice that she voted that day?

MRS. BOBOWICZ: Yes, twice that day.

MR. YOUNG: Did you notice any others besides her?

MRS. BOBOWICZ: There were others but they were strange faces. I never seen them in the neighborhood.

MR. BOBOWICZ: I saw a number of strangers myself. They were standing in a group, about twenty-five or thirty.

MRS. BOBOWICZ: There was a fellow who came in and said he was supposed to get a quarter for a ball.

MR. GIULIANO: Approximately how many floaters would you say voted in these districts?

MRS. BOBOWICZ: People I don't know, strange faces. I would say about fifty.

MR. GIULIANO: In the Third District?

MRS. BOBOWICZ: The Third and Fourth, both.

MR. GIULIANO: They all voted in the same districts?

MRS. BOBOWICZ: They would come in in the early part of the day with a different hat or coat, but the

same face.

MR. BOBOWICZ: They would disguise themselves with the clothes.

MR. GIULIANO: In other words, you figure that around fifty people voted in the Third District, Second Ward, more than once, and that the same fifty people voted in the Fourth District, Second Ward, more than once?

MRS. BOBOWICZ: Yes.

MR. MURRAY: Did you see them sign the poll books and then get a ballot?

MRS. BOBOWICZ: Yes.

MR. MURRAY: They actually went to the poll book and signed the poll book, these floaters?

MRS. BOBOWICZ: That is it.

MR. MURRAY: And they actually got a ballot?

MRS. BOBOWICZ: Yes, but they don't know where they lived.

MR. YOUNG: What district board did you say was entirely indicted?

MRS. BOBOWICZ: The Third.

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MRS. BOBOMICK: The little

entirely together;

MR. LONING: What quarter road did you say was
known where they lived?

MRS. BOBOMICK: Yes, but they don't

MR. MURRAY: And they certainly got a better

MRS. BOBOMICK: That is it.

book and agreed the boy book, these together;

MR. MURRAY: They certainly went to the boy

MRS. BOBOMICK: Yes.

books and then got a better

MR. MURRAY: Did you see them after the boy

MRS. BOBOMICK: Yes.

What, more than once?

Little people lived in the County District, second
second little, more than once, and that the same
young little people lived in the little district.

MR. GIULIANO: In other words, you think that
after the others.

MR. BOBOMICK: They would describe themselves
same place.