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RE: PUBLIC HEARINGS OF :
THE GOVERNOR'S COMMITTEE : TRANSCRIPT
TO EVALUATE THE STATE : OF
COMMISSION OF INVESTIGATION : PROCEEDINGS

July 3, 1975

B E F O R E

HONORABLE JOSEPH WEINTRAUB
HONORABLE EDWARD F. BRODERICK

A P P E A R A N C E

RICHARD W. BERG



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Dante Marelli, Jr., C.S.R.
Official Court Reporter

1 JUSTICE WEINTRAUB: Justice Jacobs
2 unfortunately is not feeling well and is unable
3 to be here today.

4 (There is a discussion off the record)

5 SENATOR AMMOND: Well, one of the
6 reasons I came is because I have a very great
7 interest in the State Commission of Investigation
8 and partially the S.C.I. story is tied to my
9 caucus ouster.

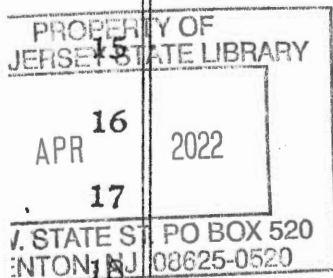
10 I'm handing you a New York Times story
11 which explains. This is dated January 21, 1975.
12 I was ousted from the caucus on January 20th,
13 two weeks prior to, and the date is hazy, my
14 aide, Rosemarie Hospadore went up to the Majority
15 Room on top of the Senate to get me some coffee
16 and this was immediately after the findings were
17 made public of the State Commission of Investigation's
18 probe of Lindenwold, New Jersey. Senator Maressa
19 from the next district is the solicitor to
20 Lindenwold and had been subpoenaed to testify
21 before the S.C.I., but handed the subpoena back
22 and testified voluntarily. He had testified
23 that he had advised the Lindenwold officials
24 as their solicitor that it was perfectly okay
25 for them to buy land at public auction through

1 a secret buyer which, to most of our knowledge,
2 had always been illegal.

3 Well, at any rate, Rosemarie went upstairs
4 to the Majority Room, and this is where they
5 serve coffee, and Senators Maressa -- no, Musto,
6 Lynch and Merlino were loudly proclaiming that
7 they were going to get rid of the Spick and the
8 Spick they referred to was Chairman Rodriguez
9 of the State Commission of Investigation and
10 Merlino was screaming "I told you to get rid
11 of them. Look how far they've gotten. Look
12 what they're doing to poor Joe Maressa." And
13 Musto said "Next thing you know we'll be next".
14 So, of course there wasn't anything we could do
15 about it because it was only her hearing it.
16 However, an hour and a half later I walked in
17 and Maressa was sitting down very quietly and
18 Merlino, Musto and Lynch were continuing the
19 conversation very loudly and started with the
20 same tone all over again. Merlino said "I'll
21 fix -- I'll fix him. I'll cut his appropriation
22 by \$200,000 and he won't be able to investigate
23 a fly." And Lynch said "You're God damn right.
24 Who does he think he is." And Musto said "We'll
25 be next if this keeps up". So, this conversation

1 went on about a good fifteen minutes and I recorded
2 on a yellow pad which I keep with me at all times
3 what I heard. And when I went home I called
4 Rodriguez and I said "What would happen if you
5 were cut?" He said, "Well, our budget isn't too
6 hot anyway. \$200,000 wouldn't do us any good."
7 I told him the conversation. I said that I
8 think I'm going to make it public. Well, of
9 course that's considered a quote unquote a secret
10 caucus and now two of us heard this conversation.
11 There were two people and my feeling was at the
12 time that if I didn't make it public the budget
13 would be cut for reasons of economy which is
14 what they said would be done. As you know, we
15 are in a serious economic crisis in New Jersey
16 and both the press and the public would have
17 accepted this.

18 Now, I felt it was a serious coverup,
19 an intervention on the part of politicians to
20 interfere in political -- judicial investigations.
21 We had waited for many many years in Camden
22 County for probes of municipal government with
23 respect to building corruption. Bob Scarborough,
24 one of the major south Jersey builders who
25 builds in Cherry Hill and everywhere else in



1 south Jersey testified before the S.C.I. and took
2 the Fifth and I understand he still has refused
3 to testify unless he made comments before a Grand
4 Jury since then. We were hoping that the S.C.I.
5 probe would continue on from Lindenwold and
6 skip into communities as it would have to because
7 when you call a builder, before you -- he doesn't
8 build in just one community, it has to spill over.

9 Well, at any rate, I went to the press
10 the next day and one of the reporters said, "Well,
11 you know what is going to happen to you" and I
12 said, "They are not going to be very happy." The
13 Senators denied it and said I was a liar and
14 that my aide was a liar; that we never heard
15 these conversations. I said, "Well, let's hold
16 a public hearing and then I will testify with
17 her under oath and I will ask those three Senators
18 to testify and then we can all take a lie detector
19 test and then they changed the story to, "Well,
20 they heard it, but they took it out of context".
21 Two weeks after that Senator Maressa stood up
22 in the caucus. The aides were thrown out and
23 he said, "Fellows, you got to help me. I'm in
24 real serious trouble" and immediately I realized
25 something was about to happen to me. Maressa

1 centered the whole conversation around the S.C.I.
2 He said, "You have heard her comments about the
3 S.C.I.". He said, "Now, I have a great deal of
4 respect for them, but I also have a lot of fear
5 of them and what she has done is absolutely
6 unbelievable". This is when the whole thing
7 started and Senator Dodd said, "Will you defend
8 yourself, Senator?" And I said, "I feel no need
9 for defense" and I explained my position and I
10 said that I wasn't going to let a group of
11 politicians interfere in probes that would help
12 the public interest and my county has been
13 waiting for this for a very long time and just
14 because a Senator was called before it doesn't
15 give us immunity as politicians.

16 You know, I was ousted. I felt the
17 direct cause, even though it was only the straw
18 that broke the camel's back, because I had done
19 a lot of other things they were very unhappy
20 about. This was one of the major reasons I have
21 to be very very suspicious, that it wasn't too
22 long, a month after that, that Senator Greenberg,
23 the Governor's former law partner, wrote the
24 legislation in the Governor's office to abolish
25 the S.C.I. and I talked to Marty and Marty

1 Greenberg said, "Well, you know you are a civil
2 libertarian. You should be concerned about people's
3 rights at the local level." I was approached by
4 Joe Coyle, the local Sheriff, who said to me,
5 "How can you defend them? Look what they are
6 doing to those poor guys in Lindenwold and look
7 what they are doing to poor Senator Maressa."
8 So, I'm getting the feeling there is a pretty
9 tremendous amount of pressure coming from the
10 local level as well as the top to really dilute
11 any of the strengths of the State Commission of
12 Investigation.

13 JUSTICE WEINTRAUB: I appreciate your
14 feeling and what you are telling us, but will
15 you keep in mind that our role is not to consider
16 who is making charges, why, but rather to analyze
17 the S.C.I., its nature, to report as to whether
18 it is an important instrument of government and
19 what changes, if so, should be made, recommended.
20 But, if we get into all of the conversations
21 between you and others and if they want to come
22 in, we'll have reams of testimony on something
23 we'll never pass on because we're not going to
24 decide that.

25 SENATOR AMMOND: I understand, except

1 that it seems, and I'm getting to that, that is
2 what I'm leading up to, and I am not casting
3 aspersions on anyone on the Commission, but after
4 all of this happens they cannot abolish the S.C.I.
5 because the press really took the Governor on,
6 really took him on and he had to back down.

7 Now, we have a Commission to look into
8 the S.C.I., the efficiency of, and I don't mind
9 that. As I said to Marty Greenberg, "There is
10 nothing wrong with that, but I'm highly suspicious
11 of the fact that it started off in such a sinister
12 manner."

13 JUSTICE WEINTRAUB: You mean you are
14 suspicious of we three?

15 SENATOR AMMOND: Not the Commission.

16 JUSTICE WEINTRAUB: The committee?

17 SENATOR AMMOND: No, of the Governor at
18 this point and the motives. I said I'm not
19 casting aspersions.

20 JUSTICE WEINTRAUB: We're not going to
21 pass on the Governor's motives. We have been
22 set up as a committee and we don't look at our
23 creator to find out why he created us. We have
24 a job we will do. If you doubt our objectivity,
25 you may say so.

1 SENATOR AMMOND: I didn't say that.

2 JUSTICE WEINTRAUB: I know you didn't.

3 SENATOR AMMOND: I doubt the -- I am very
4 suspicious of the Governor's motives.

5 JUSTICE WEINTRAUB: We'll never pass on
6 that kind of thing, you understand.

7 SENATOR AMMOND: The thing is here how
8 much independence should the S.C.I. have?

9 JUSTICE WEINTRAUB: That's all right.

10 JUDGE BRODERICK: That's what we want to
11 hear from you.

12 What do you recommend, Senator?

13 SENATOR AMMOND: I recommend that it not
14 be -- the appointments be fixed and not be at
15 the pleasure of the Governor. I had to bring us
16 up to this point because I am suspicious of the
17 motives to do this.

18 MR. BERG: Did you understand what the
19 Attorney General's recommendation is? It is not
20 to make the Commissioners serve at his pleasure,
21 but only to make the Chairman in his office as
22 Chairman to serve at the pleasure of the Governor.
23 He would remain a Commissioner if he were not
24 Chairman, if someone else was selected. But, the
25 Chairman would -- I understood that the Chairman

1 of the Commission, according to what Hyland
2 recommended, would be to serve at the pleasure
3 of the Governor --

4 SENATOR AMMOND: Not as Commissioner, but
5 as Chairman and that the basic problem here was
6 a little bit of a lack of communication, so they
7 say, between the S.C.I. and the A.G. on an
8 appointment and that Hudson County, which is not
9 such a great place, was very upset over an
10 appointment by Chairman Rodriguez, correct?

11 JUSTICE WEINTRAUB: He didn't say anything
12 about that.

13 SENATOR AMMOND: This has been in all the
14 papers.

15 JUSTICE WEINTRAUB: The Attorney General
16 didn't testify with respect to that. His
17 criticism was that Governor Cahill made two
18 appointments to the Commission while after
19 Governor Cahill's defeat --

20 MR. BERG: After Governor Byrne was elected
21 in November, the Commissioners were appointed
22 in December.

23 JUSTICE WEINTRAUB: As I understood the
24 Attorney General's criticism, he thought that the
25 fact that an outgoing Governor made so-called

1 midnight appointments could create suspicions
2 in the minds of others as to why that was done.
3 Now, that is what I gathered was the --

4 SENATOR AMMOND: Well, that is what I
5 gathered.

6 JUSTICE WEINTRAUB: -- was the Attorney
7 General's criticism period.

8 SENATOR AMMOND: Well, I find that comment,
9 depending on who the individual was, if it was a
10 poor S.C.I. Commissioner, we could look at it and
11 say it shouldn't be done. If he's as good as
12 Rodriguez, truly independent and doing his job,
13 he would look at it from another way.

14 JUSTICE WEINTRAUB: I didn't want to
15 take you down looking back on whether it was good
16 or bad appointments because that too is distant
17 from our Commission. We are not going to pass
18 on any of that.

19 All right. We would like your views
20 on what you think about the term of the Commissioners,
21 who should make the appointments, if you have
22 any suggestions contrary to the statute, who
23 should select a Chairman, that kind of thing.

24 SENATOR AMMOND: I just think the S.C.I.
25 should be completely independent. It should be

1 allowed to operate in the manner it has been
2 operating. It has fulfilled a tremendous purpose
3 in government. It has given confidence to local
4 citizens that the Attorney General's Office, for
5 any of a variety of reasons, just for even being
6 too busy, has not been able to do. There have
7 been some numerous circumstances of problems
8 with Prosecutors at local levels where citizens
9 have had serious problems and have not been able
10 to turn to anybody.

11 In Ocean County there is enormous evidence
12 of land corruption with organized corporate
13 assault on land, taking land away from citizens
14 in that community. This has been going on since
15 1969. The Prosecutor threatened the very citizens
16 with indictment who complained and it wasn't til
17 the Atlantic City Press took up their cause and
18 wrote a series of seven articles. These people
19 said they complained to the A.G.'s Office. No
20 one has ever helped them. This is bad. It could
21 go up and down the whole State of New Jersey.
22 In Atlantic County a group of four housewives
23 approached me and finally someone in the
24 Attorney General's Office said to them, "We don't
25 want you to go to Senator Ammond". She said

1 "We're going anyway". Anyway, they have got five
2 indictments or four indictments within a matter
3 of months. The S.C.I. serves a purpose. It
4 should be completely independent. It should be
5 allowed to -- if it were mine I would even get --
6 give it more strength and as far as the current
7 Chairman is concerned, there has been no better
8 Chairman intellectually, judiciously or honestly
9 or as far as integrity is concerned and I'm sorry
10 I can't say the same thing for the Attorney
11 General's Office on a day to day basis over a
12 number of years. Not this administration, but
13 going back. It would be doing a great injustice
14 to dilute the strength of the Chairman and the
15 manner in which he's appointed and take any
16 strength away from him.

17 MR. BERG: Do you think that the
18 Commission should be made permanent?

19 SENATOR AMMOND: Yes, I do.

20 MR. BERG: It is presently temporary.

21 JUDGE BRODERICK: Do you think it could
22 be enlarged?

23 SENATOR AMMOND: It could be enlarged.
24 I would like to see the Commission even get a
25 larger appropriation.

1 JUDGE BRODERICK: In numbers?

2 SENATOR AMMOND: In numbers, but with a
3 larger appropriation it could do more in municipal
4 corruption. Now, local Prosecutors' Offices have
5 gotten, some of them have applied for Federal
6 funds to form municipal corruption units. But,
7 I am going to tell you right now they are not
8 going to be effective. They don't have enough
9 money. They don't have enough men and they don't
10 have the expertise. I have been dealing with a
11 few of them and you are not going to do the job.

12 MR. BERG: Isn't what you are really
13 saying then that there are institutions that are
14 set up to perform these functions that the S.C.I.
15 is not now performing, but they are not funded
16 properly or they are not doing their job properly
17 and maybe you should address yourself to that
18 question rather than -- as well as whether or
19 not the S.C.I. should be continued?

20 SENATOR AMMOND: Again there is a local
21 municipal corruption unit. There is a detective
22 heading it up. He's very very sincere. He's a
23 third year law student. This is in Camden County.
24 I'm not going to mention names, but I've spent
25 at least eight hours with him and I tell you

1 right now he's going nowhere.

2 First of all, he's not going anywhere
3 because the Prosecutor's Office continues to get
4 political. You and I both know that the County
5 Chairman for some reason have a great in to local
6 Prosecutor's Offices. Secondly, they don't have
7 the training and ability and that is the most
8 important thing, training and ability.

9 MR. BERG: So you would say that the
10 S.C.I. is valuable too because of the deficiencies
11 that cannot be corrected in the Prosecutor's
12 Office or A.G.'s Office or do you think they can
13 be corrected and should be corrected?

14 SENATOR AMMOND: Well, I don't think they
15 will be corrected. I mean I think this is a
16 matter of having a super agency. The history
17 of the Prosecutor's Offices already have proven
18 that. You are just going to have to change law
19 enforcement completely from beginning to end.
20 Now, as I said to Senator Greenberg, if you want
21 to hire outside consultants who are experts in
22 the field of law enforcement and do an efficiency
23 study from top to bottom, A.G.'s Office or the
24 Prosecutor's Offices, you know that there has
25 to be a lot of reform in this field and we all

1 know that. But, we don't have the money for that
2 right now. As long as we don't have the money for
3 that, they are not going to do the job.

4 MR. BERG: I think you are a little hard
5 on some institutions. Some of them, I think, are
6 incapable at this point of doing everything because
7 of funding and because they don't have enough
8 attorneys.

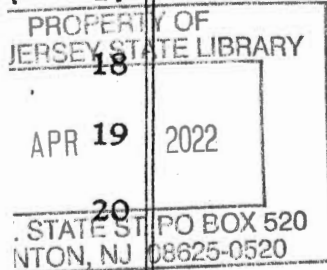
9 SENATOR AMMOND: I said that we don't have
10 the money.

11 MR. BERG: Isn't the S.C.I. then
12 duplicating their efforts? And what if this
13 money that S.C.I. is using is applied towards
14 these other agencies?

15 SENATOR AMMOND: There isn't enough
16 money for that. The S.C.I. isn't getting that
17 much money. You would have to pour in millions
18 of dollars into the system at the local level
19 and then what are you getting for it? You are
20 still getting a local Prosecutor's Office that
21 is still very political and most of them are.

22 MR. BERG: Is then what you are saying
23 that the S.C.I. can do it cheaper than these
24 other agencies?

25 SENATOR AMMOND: I think they could do



1 it cheaper. I think they can do it better. It
2 would be centrally located. I mean, this is, if
3 you go back to regionalization of anything, that
4 is bringing it right to the top. Now, local
5 Prosecutor's Offices, I don't think local Police
6 Departments are worth anything either. As far
7 as attacking organized crime, they are worthless.
8 They ought to act as information collecting
9 agencies. But, they don't have the intelligence
10 or expertise and you've got to have training
11 for this.

12 MR. BERG: This was something I think
13 that comes out now in Union County between the
14 prior Prosecutor and the present Prosecutor.
15 The prior Prosecutor believed in having a very
16 strong investigative staff including specialized
17 units for organized crime, etc. The Prosecutor,
18 new Prosecutor believes that local agencies can
19 handle this better than county agencies. Do
20 you disagree with that?

21 SENATOR AMMOND: That local agency meaning --

22 MR. BERG: The local Police Departments.

23 SENATOR AMMOND: No, they cannot handle
24 it and I don't know any local Police Department
25 that would even say they could. Most police chiefs

1 will tell you they cannot handle it. Most public
2 safety directors will tell you they cannot handle
3 it. They cannot. They don't have the expertise.
4 They don't have the money. They don't have the
5 men. They don't have the intelligence and again
6 local public safety directors and police chiefs
7 are very tied to political strings. I mean,
8 we've seen this all over. God, I had a police
9 chief who sat there for thirty years and everyday
10 watched his television and the file cabinet was
11 full of Tastv Kakes and don't interrupt him when
12 Secret Storm was on in the afternoon. So, I
13 mean, you are talking about that mentality and
14 that level of mentality. There are a lot of guys
15 around, but this is not the ball game any more.

16 Organized crime is taking everything over
17 into legitimate business and these people are
18 not capable of handling it.

19 MR. BERG: Have you given any thought to
20 any constructive changes to strengthen the S.C.I.?

21 SENATOR AMMOND: I would enlarge the
22 Commission. I would allow it to remain independent
23 as it has in the past. As we've already discussed
24 that. I would give it more money to operate,
25 give it more agents and give it more accountants.

1 JUDGE BRODERICK: Do you find fault in the
2 manner and method in which they are presently
3 appointed, two by the Governor, one by the Senate
4 and one by the Assembly?

5 SENATOR AMMOND: No, I don't see anything
6 wrong with that. I heard something else about
7 the immunity problem and I think immunity is a
8 problem and if the S.C.I. has the right to call
9 you before them and you refuse to testify they
10 can, if you are a public official, they can ask
11 you to resign. They can also throw you in jail
12 and I believe there is somebody who has been in
13 jail for quite a number of years and the Judge
14 said there is no way he is going to talk and the
15 story is that he's not talking to be a model for
16 the group, the mob, to show that this is what
17 happens and we'll break the back of the State.
18 Well, if you put a fixed jail sentence on those
19 who refuse to testify, well, so what I mean if
20 I were in organized crime and they have a moral
21 code all of their own which is a lot stronger
22 than a lot of other people in some way, if I
23 knew I was just going to go to jail for three
24 years, okay. Fine. I'll serve my three years
25 out.

1 JUSTICE WEINTRAUB: About ten years?

2 SENATOR AMMOND: Ten? All right, ten
3 years is a nice healthy figure. I have no sympathy
4 for these people.

5 JUSTICE WEINTRAUB: In other words you
6 would not oppose a maximum period of confinement
7 if it was substantial?

8 SENATOR AMMOND: Yes. If it were not
9 substantial, I don't think it would have any
10 strength and I don't think it would mean anything
11 because three years to some of these people doesn't
12 mean anything. They are willing to go that far.

13 MR. BERG: You think that the protections
14 that are afforded to witnesses by the Fair Witness
15 Procedure Act are adequate as it now exists?

16 SENATOR AMMOND: Yes.

17 JUSTICE WEINTRAUB: Do you have anything?

18 JUDGE BRODERICK: Nothing further.

19 SENATOR AMMOND: I wanted to be on record.
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C E R T I F I C A T E

I, DANTE MARELLI, JR., Official Court Reporter,
do certify the foregoing to be a true and accurate
transcript of my original stenographic notes taken
in the above matter to the best of my knowledge and
ability.

Dante Marelli, Jr., C.S.R.
Official Court Reporter