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RE: PUBLIC HEARING OF THE
GOVERNOR'S COMMITTEE TO
EVALUATE THE STATE
COMMITTEE OF INVESTIGATION

TRANSCRIPT
OF
PROCEEDINGS

VOLUME II

Friday,
June 27, 1975
State House Annex,
Trenton, New Jersey

B E F O R E:

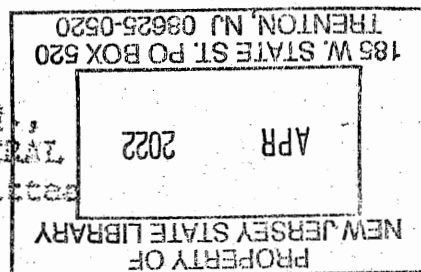
HONORABLE JOSEPH WEINTRAUB

HONORABLE NATHAN L. JACOBS

HONORABLE EDWARD F. BRODERICK

A P P E A R A N C E S:

RICHARD W. BERG, ESQ.,
DEPUTY ATTORNEY GENERAL
Counsel to the Committee



MELVIN WEINER
Official Court Reporter

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11-2115)

1 MR. WEINTRAUB: Thank you very much, sir.
2 Mr. Martin Haines.

3 MR. HAINES: Thank you, Mr. Chief Justice,
4 members of the committee. I appreciate your
5 courtesy in permitting me to appear.

6 For the record I am an attorney practicing
7 in Mt. Holly, New Jersey. I was President of
8 the New Jersey State Bar Association. I have
9 held a number of public positions in and outside
10 of the profession.

11 My position with respect to the SCI is
12 one of opposition primarily. The organization
13 troubles me. I think it troubles me basically
14 because of the concern about the exposure of
15 people by name in its proceedings, people who
16 have not had an opportunity to defend themselves
17 in any traditional way.

18 Beyond that, and I will deal more with that
19 as I go along. I think the SCI also proceeds on
20 an assumption of guilt, if you will, having learned
21 from its investigations, whatever they may be,
22 whether of high quality or low, having decided
23 on the basis of that investigation that certain
24 persons are involved in certain improper activities,
25 and it then proceeds simply on that assumption to

1 publicize.

2 I would refer to Mr. Holleran's remarks
3 in which he says that while certain persons named
4 in his proceedings might suffer opprobrium and
5 scorn, that this is not caused by the commission
6 itself but rather by the act of these people
7 and therefore he has no sympathy.

8 That of course assumes the guilt of the
9 people named and is hardly in the context of
10 the judicial system of criminal justice to which
11 we have been exposed.

12 MR. BERG: What remedy does a person whose
13 name is used have, do you believe, as the statute
14 now provides for?

15 MR. BAINES: I think he has practically none.
16 As I understand it, he might appear before the
17 commission to make a statement. I find that a
18 very weak substitute for the usual process of
19 appearing in Court, confronting the witnesses
20 against me, cross-examining them, being permitted
21 to testify myself and having the facts determined
22 by a jury.

23 As it is, if I might just extend that a
24 moment, these people in the same manner as occurred
25 in the heyday of the notorious Senator McCarthy,

1 are convicted in the press or television or on
2 the radio and I think their reputations are
3 destroyed usually beyond repair.

4 I think there is very little they can do
5 to recover from the publicity that is provided
6 in these proceedings.

7 MR. BERG: You don't believe that there
8 is any opportunity for them to bring a lawsuit
9 of any kind, Federal Civil Rights lawsuit, a
10 defamation lawsuit?

11 Of course the commissioners themselves
12 are absolutely immune but there is a question
13 about how far that will go in a Federal Civil
14 Rights action.

15 MR. HAINES: I think that is a weak sub-
16 stitute. At most it would provide money damages
17 if the suit were successful. It presents obvious
18 difficulties, some of which you mentioned by
19 recovering money, but not your reputation which
20 is the normal result.

21 MR. BERG: But you can go against witnesses
22 at the SCI hearings.

23 MR. HAINES: I am not prepared to say
24 whether that is admissible or not but offhand
25 I wouldn't think so. I would think immunity

1 would be for witnesses.

2 MR. BERG: Are you familiar with the Supreme
3 Court case of McMillan where the people that
4 were defamed were permitted to go against the
5 publishers of the Congressional Report?

6 MR. HAINES: I think I have read that case.

7 MR. BERG: So that there are some remedies
8 available?

9 MR. HAINES: Yes, but I find that they re-
10 quire many difficulties and I think it is unneces-
11 sary to approach it that way. Our problem seems
12 to be one of timing. There seems to be a great
13 emphasis on the part of SCI in doing something
14 quickly and pressing for the hearing, in publicis-
15 ing instantly.

16 I would simply suggest that where they have
17 people that they think are involved in criminal
18 activity and people that they think ought to be
19 named, that they need merely refer that to the
20 prosecuting attorneys, to refer those names and
21 there those authorities in the process of a trial,
22 if a trial is warranted, would get all the publicity
23 in the world.

24 MR. WEINTRAUB: May I ask you whether your
25 objection runs to the SCI as such or to the in-

1 stitution known as the Legislative Investigative
2 Commission?

3 MR. HAINES: I have the same objection ob-
4 viously to any such undertaking.

5 MR. WEINTRAUB: You are really troubled
6 by the institution. You mentioned McCarthy. I
7 will give you Kefauver. You have the same
8 trouble with Kefauver?

9 MR. HAINES: Sure, yes, sir.

10 MR. JACOBS: Would you wipe them all out?

11 MR. HAINES: I would unless I find a more
12 pressing need than I find for the SCI here.

13 MR. WEINTRAUB: That's why I asked you if
14 you are talking about the SCI or the Legislative
15 Commission generally.

16 MR. HAINES: I think my philosophy covers
17 them all and how they operate and whether or not
18 they are needed. In evaluating this commission,
19 as this committee is doing, I think it must address
20 itself to the basic proposition, one, whether the
21 SCI is needed and for what purpose.

22 Why do we have it? How is it operating?
23 What has it accomplished?

24 MR. JACOBS: Many of the Commission's in-
25 vestigations have resulted in legislation which

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was far reaching and very effective, going way back to the Truman Committee, etc., right down the line. You would abolish all these and not permit---

MR. HAINES: Oh, no. I have served on such commissions myself but I think how they proceed is what counts.

MR. JACOBS: Back to the original question, why couldn't you have the SCI with modifications to protect individuals?

MR. HAINES: Oh, I think that you could if it is considered to be a necessary agency to assist the Legislature if that's its primary purpose which I assume it is, but I think at arriving at that point it must be restricted in its methods and whether or not it is a valuable committee to perform that function. The commission is something to which your Honors are addressing yourselves. It seems to me that if the chief function of the commission is to aid the Legislature in getting legislation passed, that it can do that secretly as well as it can do it publicly.

There is the inference, if it operates to the contrary as it has, that the publicity is

1 really necessary in order to justify its own
2 existence. I think that conclusion is inescapable
3 from some minor observations that I have made
4 firsthand as a result of my own involvement with
5 cases with the SCI.

6 I have had only one major case with the SCI and
7 one rather minor one. If indeed it has influenced
8 the passage of legislation, and I question that,
9 I think it should be able to influence the legis-
10 lature, which, after all, is its creator, by
11 talking with legislators privately as well as
12 by blasting things in the newspapers.

13 It seems to me, addressing myself as
14 quickly as I can because I don't want to use
15 a lot of time of the committee, the three central
16 questions. Let me say this. Why do we have the
17 SCI?

18 I think it is a duplication contrary to
19 prior speakers. I don't see how this kind of
20 a commission adds expertise to the area in which
21 it is operating. There are no standards that I
22 know of which require that its personnel be ex-
23 perts.

24 In saying that, and in any of my remarks
25 I do not wish to express anything less than the

1 highest regard for the integrity and general
2 ability of the people who have been involved in
3 this commission. I have known a great many of
4 them and they are fine people but I think that's
5 besides the point.

6 I have suggested that it does not supply
7 necessarily a need for legislative information
8 or at least not a need for gathering information
9 in the way that this commission has done it.

10 I hardly think it is needed to publicize
11 criminal activity in New Jersey. That publicity
12 comes pell mell and has been for a long time
13 with or without the SCI. Its independence has
14 been emphasized.

15 I suppose it is as independent as that
16 kind of a body can be but I would suggest that
17 it remain subject to the appointive powers and
18 remain subject to the financial powers of the
19 Legislature, and I also would suggest that it
20 simply constitutes another layer of independence
21 on top of already existing layers of independence.

22 For example, prosecutors are independent
23 unless they don't want to be. Grand Jurors are
24 independent unless they don't want to be. The
25 Attorney General is that. Judges are that.

1 The SCI, as in the case of most of the
2 other bodies I have mentioned, is independent
3 as its members wish to be. They have the oppor-
4 tunity obviously to be very independent. I be-
5 lieve they have but so have the other bodies
6 I have mentioned.

7 Now, what has the SCI really accomplished
8 aside from a lot of publicity which I have in-
9 dicated I regard as unfortunate? I am skeptical
10 about its accomplishments in terms of promoting
11 the passage of legislation.

12 If our Legislature indeed is only per-
13 suaded to pass legislation because the press
14 publicizes some particular problem, then I
15 think there is something wrong with the Legis-
16 lature.

17 It seems to me that the Legislature can
18 act very well and should without the necessity
19 for that kind of publicity, but beyond that I
20 think if this committee could trace the origin
21 of a particular bill through its passage and
22 attempt to connect that with the activities of
23 the SCI, it would be more often difficult to
24 do so than it would be to do the opposite.

25 For example, conflicts of interest were

1 mentioned; that legislation was passed, to my
2 knowledge, without participation by the SCI.
3 Amendments, and I think that's all that was
4 mentioned, that I have seen have generally
5 been unfortunate in terms of that legislation.

6 MR. BERG: Are you aware that there is
7 a committee on ethical standards in both the
8 Legislative and Executive branches and they
9 have turned in the past to the SCI for any
10 investigations of any conflict of interest?

11 MR. HAINES: I am aware of those commis-
12 sions. They operate however in considerable
13 secrecy. We really don't know how well they
14 function. I am very doubtful that they do
15 function very well.

16 MR. BERG: They seem to be relying on
17 the Attorney General or the SCI for their function.

18 MR. HAINES: I understand that. In the
19 area of political corruption, public officials
20 is where I think the SCI has been particularly
21 prominent. It is very difficult for me to see
22 how the SCI has accomplished much by its pub-
23 licity making activities.

24 I have no sympathy of course with corrupt
25 public officials but I think they ought so be

1 prosecuted in the way that every criminal is
2 prosecuted. They should not be smeared in the
3 press first and prosecuted second. I see no
4 necessity for it.

5 Further in that area I don't very much,
6 and I emphasize because it has been such a
7 headline getter. I doubt very much that the
8 activities of the SCI have been the cause of
9 any legislation affecting public officials in
10 the area of current interest.

11 Generally speaking, the laws have already
12 been there, laws against bribery and other forms
13 of corruption. New laws, new legislation has
14 not been necessary. Vigorous prosecution has
15 been, of course.

16 Finally, the third question for the committee
17 as I have suggested, is how does the body operate.
18 I think I have covered that pretty completely in
19 my general remarks.

20 It is my central area of concern. Mr.
21 Holleran attempted to answer the necessity for
22 naming names. I can't find that necessity.

23 He says it is necessary to personalize
24 to give interest to proceed in an orderly fashion.
25 I think that is a non sequitue, that it is neces-

1 sary to give credibility, necessary for emphasis.
2 If those rather weak arguments are to prevail
3 for the naming of names, then I think we are
4 throwing out some very strong arguments in re-
5 sponse, arguments involving the protection of
6 persons and their privacy and their reputation,
7 and I think it is far more important that we
8 protect those rights that are being so badly
9 eroded today, I think, than it is that we ad-
10 here to what I regard as very weak reasons for
11 naming names.

12 Those names can be named later through
13 the usual criminal process and I think that
14 ought to be quite adequate. I have nothing
15 further.

16 MR. BERG: You advocate then the abolition
17 of the SCIT?

18 MR. HAINES: I advocate either its abolition
19 --I think it would be an excellent target for
20 Governor Byrne's budget cutting processes. If
21 that is not to be done, then surely we should
22 address itself to its proceedings.

23 I would feel much less keenly about it
24 if it were not naming names, if it were not
25 publicizing when it isn't necessary to publi-

1 case; that witnesses before it be given fair
2 warning of what they are getting into.

3 I should say one other thing that I did
4 skip. I am concerned about how much cooperation
5 there really is between the SCI and the prosecuting
6 authorities. The two areas trouble me.

7 Lindenwold was mentioned. I had been
8 very faintly involved in Lindenwold but it is
9 my understanding that the people involved in
10 that investigation had been investigated by
11 the United States Attorney's office, the FBI,
12 the IRS, the SCI and are now appearing before
13 the State Grand Jury.

14 Now, some of those people are not wearing
15 black hats. Some of them are wearing white hats
16 and I think their lives are being affected seriously
17 by all that proliferation of investigation.

18 I also had experience and one significant
19 case I had with the SCI in which it failed to
20 refer the evidence that it was gathering to
21 the prosecutor in question. In one instance
22 until after the statute of limitations had run
23 against the public official involved.

24 Now, everybody knew that statute was run-
25 ning. There was insistence upon me and my clients

1 that it be referred because we were trying to
2 avoid publicity and the clients were quite
3 willing to testify before the Grand Jury and
4 in a criminal trial.

5 Despite all of that insistence there was
6 a delay in transferring evidence, as I have
7 said, until the statute ran so that I think
8 there is merit to the Attorney General's con-
9 cern that there ought to be quicker disclosure
10 of what is going on in those areas. That would
11 concern me. I have nothing else.

12 MR. WEINTRAUB: Thank you very much.

13 (Witness excused.)

14 MR. WEINTRAUB: Mrs. Rita Campbell.

15 MRS. CAMPBELL: I would like to read a
16 brief statement and perhaps make a few addi-
17 tional comments.

18 MR. BERG: Speak up a little bit, please.

19 MRS. CAMPBELL: I am speaking for the
20 Taxpayer's Association of Piscataway. Piscataway
21 Township's affairs have been under investigation
22 by the Middlesex County Prosecutor's Office for
23 more than a year. Our organization knows of
24 seven or eight areas of investigation. Fraud
25 and incompetent performance of work done under

1 a sewer contract, illegal contracts for various
2 supplies, stone, bituminous asphalt, road oils
3 and asbestos, cement pipe, possible improper
4 actions by the Planning Board and by the Zoning
5 Board of Adjustment, questionable awards of in-
6 surance contracts and questionable legality of
7 the contract itself in one instance, illegal
8 subdivisions or failure to obtain land sub-
9 divisions, keeping of records at home instead
10 of at the Municipal Building and other matters.

11 Since all of the foregoing concern
12 Township officials and departments, when we
13 found the matter involved large sums of money
14 and County officials, we thought it best to
15 go to a State Agency and we therefore approached
16 the SCI.

17 In a letter to that agency we outlined
18 the matter and asked for a meeting to submit
19 the evidence and documentation which we had.
20 Within a reasonable time a meeting was granted.

21 We are aware from newspaper articles
22 that the SCI did find the matter worthy of
23 investigation. We believe that there is a
24 real need for a State Agency to investigate
25 possible corruption and we strongly believe

1 that this agency should be a continuing one.
2 We therefore urge this panel to recommend
3 keeping this body in force for the benefit
4 of all citizens and to increase its staff and
5 funds as needed. The Taxpayer's Association
6 of Piscataway, Inc.

7 I would simply like to say that we had
8 just one meeting with the SGI; that we found
9 two men who spoke to us very professional and
10 objective in their attitude, very correct, in
11 our opinion asked the right questions.

12 We have not heard further from them
13 directly at all but we are satisfied that
14 they are proceeding with the investigation
15 and we feel that we did indeed go to the
16 right agency and I believe from what little
17 I know that they are cooperating with the
18 Middlesex County Prosecutors Office.

19 I have one other matter I am afraid I
20 have forgotten.

21 MR. BERG: You related to me yesterday
22 in a telephone call that you had some problem.
23 Originally you went to the Prosecutor and for
24 varying reasons they couldn't take it at that
25 time. Could you relate that?

1 MRS. CAMPBELL: Yes. Our Township is
2 really quite corrupt, in our opinion, and---

3 MR. BEGG: Without getting into personalities.

4 MRS. CAMPBELL: Yes, and we found a new
5 situation just this week and we thought that
6 it was a situation to which a detective should
7 go and observe what was going on right then and
8 there. This was on Wednesday and Thursday. I
9 called on Wednesday, early in the afternoon,
10 the Prosecutor's Office and could reach no one.
11 and left a message to call back; that I thought
12 it was rather urgent and no one called me back.

13 On Thursday morning I called again and
14 I found that of two persons there, that we
15 have sort of a one way communication. We don't
16 hear from them. We initiate everything. The
17 young man was going to be in the Grand Jury
18 room all day. The young woman was attending
19 classes at Seagirt, some sort of special training,
20 I presume. The Prosecutor Mr. Hamlin was out of
21 the State and his deputy was home ill and there
22 was no one that we could talk to. Of course,
23 we might not have been able to get a detective
24 at the scene anyway. I don't know whether their
25 staff is adequate or not, and so we did the best

1 we could.

2 We took pictures and recorded license
3 numbers and I have typed a report which I am
4 going to give to the SCI. There is not a great
5 deal of money involved but it looks like we
6 might catch a number of fish in this particular
7 net.

8 MR. BERG: So you went to the SCI because
9 you felt it could accomplish something that
10 the other agencies couldn't at the time.

11 MRS. CAMPBELL: And also I thought our
12 Prosecutor was burdened with many things besides
13 Piscataway and Middlesex County.

14 MR. BERG: Thank you.

15 (Witness excused.)

16 MR. WEINTRAUB: Walter Macak. Mr. Macak,
17 you wrote a letter some time ago asking for an
18 opportunity to appear and we asked you to be
19 more specific so that we could judge the rele-
20 vancy of what it is that you want to say this
21 morning.

22 I saw another written submission and I
23 must say to you that I do not yet know what it
24 is that you want to say. Now, I think you have
25 to understand that it is up to the committee

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1 to determine the relevancy.

2 We can go off in all directions but we
3 have a mission. The people who are here are
4 concerned with our mission and nothing else.
5 I will try in a general way to indicate to
6 you what I would deem to be relevant and what
7 would not be relevant and I would hope that
8 you would abide by that line.

9 It is not our function to review the
10 correctness of any decision or findings made
11 by the SCI in any matter. That is not our
12 role.

13 We are concerned with any comments,
14 criticisms, suggestions that you may have
15 concerning the procedures of the agency as
16 such, but this is not the place to come to
17 to retry a matter that they had before them.
18 Do you follow the distinction I am drawing?

19 MR. MACAK: Yes, I do, sir.

20 MR. WEINTRAUS: Would you please try to
21 abide by it. Go ahead.

22 MR. MACAK: To clarify this slightly,
23 after I had sent you the first two letters
24 I did revise my approach and if this is agree-
25 able I have made comments specifically on the

1 report, the 1973 report, as such, since all of
2 my evidence or materials that I would like to
3 bring in are based on this report.

4 MR. WEINTRAUB: Now, what do you want
5 to prove, that their factfindings are incorrect?

6 MR. MACAK: That's correct.

7 MR. WEINTRAUB: That would not be our
8 role. We are not going to take all the testi-
9 mony to see whether they arrived at the right
10 answer. We will be here, as I say, for a
11 month of Sundays.

12 We can only be interested in anything
13 you feel which procedurally was inadequate,
14 unfair, that kind of thing, but suppose you
15 start and if I interrupt you you will under-
16 stand that I feel you will be wandering beyond.

17 MR. MACAK: Well, I had wished you would
18 have looked at my material because I---

19 MR. BERG: He did.

20 MR. WEINTRAUB: Your material was not re-
21 vealing at all. I could not get anything out
22 of it. You just referred to a lot of statutes
23 but you didn't tell me anything. Suppose you
24 start. How long do you think what you want
25 to say will take?

1 MR. MACAK: Well, I think myself it's
2 a bad time to start.

3 MR. WEINTRAUB: No. How much time do
4 you think it is going to take?

5 MR. MACAK: Well, I have at least thirty-
6 nine pages.

7 MR. WEINTRAUB: No. Are those the pages
8 that I saw this morning? Did you give us a
9 copy?

10 MR. MACAK: Yes. These are some of the
11 pages and documents.

12 MR. WEINTRAUB: I am afraid that you will
13 be beyond the scope of this hearing very quickly.
14 Suppose you start. I have to give you a time
15 limit because I feel that you will go beyond
16 the things that are not really relevant to
17 this hearing.

18 MR. MACAK: Well, I would like to say
19 that at the hearing some of the testimony this
20 morning I feel that my information is very im-
21 portant to this commission hearing.

22 MR. WEINTRAUB: Mr. Macak, I feel that we
23 will save time if we have this understanding
24 with you. We are close to one o'clock and if
25 I feel at one o'clock you have not adhered to

1 the outline I have given you or that you have
2 wandered beyond it, that will be the limit.
3 Suppose you go ahead.

4 MR. MACAK: I will do the best I can.
5 I had requested material to be available be-
6 cause I felt it would be the only way I could
7 show that the SIC did not function properly
8 and I had requested specifically the tapes
9 be made available and especially a copy of
10 the surplus property investigation that was
11 conducted September 12 at Passaic County since
12 the irregularities in there---

13 MR. WEINTRAUB: What are the irregularities?
14 Why don't you get down to that? What happened
15 that you feel was irregular?

16 MR. MACAK: One of the irregularities at
17 the September 12 public hearings of the SIC
18 in the County of Passaic was that the transcript
19 did not reflect the actual testimony that was
20 presented.

21 MR. WEINTRAUB: You mean that the steno-
22 graphic record is wrong?

23 MR. MACAK: Correct.

24 MR. WEINTRAUB: Do you claim ^{someone} corruptly
25 changed it?

1 MR. MACAK: I would claim that it was
2 altered.

3 MR. WEINTRAUB: By whom? Do you have any
4 idea?

5 MR. MACAK: I imagine it was altered by
6 the SIC attorney Sapienza.

7 MR. WEINTRAUB: Have you consulted with
8 the stenographer who took the testimony?

9 MR. MACAK: No. I have copies. I have
10 purchased copies of it and there has been no
11 reference made to this material in that trans-
12 cript and I assumed the transcript is correct.

13 MR. BERG: Did you make any effort to ad-
14 vise the SCI that that material was missing?

15 MR. MACAK: No, I haven't.

16 MR. BERG: Do you know that you have a
17 right of rebuttal under the statute?

18 MR. MACAK: I know I have a right of re-
19 buttal which was read to me after the hearings
20 at Passaic and the entire matter was so volum-
21 inous--just in the report, the official report,
22 Mr. Holleran had such great confidence here
23 today that this was a good report and I have
24 fifty discrepancies in there with the facts
25 as they appear, the facts which I had given to

1 the SIC and the facts which they allegedly
2 charged me with. There are fifty violations.

3 MR. BERG: Did you bring this to the
4 attention of the SCI?

5 MR. MACAK: It was just impossible.

6 MR. BERG: Why?

7 MR. MACAK: At the time, if you read
8 the Fair Practices Procedure Law, you will
9 find that they determined what is to be held
10 and when I totally went over my thousands of
11 pages of documentation and facts I find it's
12 impossible for one individual, without any
13 legal assistance, to turn anything over to
14 the SIC and expect to get some sort of a
15 legitimate response from them.

16 MR. BERG: Well, you have a right then
17 to legal assistance, you recognize that, and
18 you can bring an action for abuses that hap-
19 pened to you.

20 MR. MACAK: Well, this is just, as I
21 see it--there were so many discrepancies.

22 MR. BERG: You have the right of rebuttal,
23 too.

24 MR. MACAK: There were so many discrepancies
25 in that hearing and the only way I felt was to

1 wait until a session such as this came for me
2 to speak.

3 MR. WEINTRAUB: Mr. Macak, I am sure you
4 are beyond the scope of this hearing. I am
5 sure of that, but you cannot, before this hear-
6 ing, get into the kind of review that you ap-
7 parently would want. If you want to go to a
8 Court and attempt to have a review, which you
9 could have done, that would be the remedy but
10 it is not here. You say the record fails to
11 reveal testimony that you say was actually
12 taken?

13 MR. MACAK: Correct.

14 MR. WEINTRAUB: What else?

15 MR. MACAK: Well, that was the one major
16 item. I have others that I was hopeful of pre-
17 senting.

18 However, if the committee has not read
19 them it is unfair for me to proceed and get
20 knocked out every time I hit an item.

21 MR. WEINTRAUB: Mr. Macak, I must say to
22 you that what we found could not reveal anything,
23 as I understand it. You refer to a statute and
24 talk about violations and that tells me nothing.
25 Do you understand that?

1 MR. MACAK: Yes, I understand that.

2 MR. WEINTRAUB: What did you want? Did
3 you want us to read a statute and figure out
4 what you meant?

5 MR. MACAK: Well, I will attempt to give
6 documentation.

7 MR. WEINTRAUB: Why don't you at least
8 in general terms give us the procedural or
9 other failures. You already mentioned one,
10 that the record fails to include testimony
11 that you say was given. What other things?

12 MR. MACAK: You see, you are getting to
13 the specifics.

14 MR. WEINTRAUB: We've got to get to speci-
15 fics some time. This correspondence with you
16 has been hanging on for weeks. Sometime you've
17 got to get to specifics. Be more specific now.

18 MR. MACAK: May I go through my intro-
19 duction?

20 MR. WEINTRAUB: You want to do what?

21 MR. MACAK: Go through my introduction.

22 MR. WEINTRAUB: Well, you go ahead.

23 MR. MACAK: Some 26 months ago I was still
24 a hard working, dedicated public servant with
25 a credibility rating of triple A, trying to

1 most New Jersey's needs for Federal surplus
2 property, working with three secretaries while
3 our neighboring states, New York, had a total
4 of 45 employees, Pennsylvania had a total of
5 50, Massachusetts had a total of 23, yes, truly
6 a David and Goliath situation.

7 The New Jersey State Agency for Surplus
8 Property operated with approximately \$35,000.
9 in funds annually. The New Jersey Investigation
10 Commission was funded with well over 400,000.
11 during this period. Today, June 26, 1975, if
12 my credibility rating were to be taken in most
13 of the States I can tell you without hesitation
14 it would be lower than whale dung or close to a
15 triple C rating.

16 Up to and as late as five days ago, June
17 21, 1975, Mr. John Weineker, a local contractor
18 looking for my residence stopped at a close
19 neighbors to inquire about directions to my
20 home and received the following terse reply:
21 "What do you want to see that crook for?"

22 Incident number two, it disturbs me no
23 end to see my wife Carolyn prepare for weeks
24 for her traditional open house which she enjoys
25 giving annually only to find a handful show up

1 when twenty-five and thirty have been invited.
2 I vouch this will not happen again during
3 Christmas 1975.

4 It is a crazy mixed-up world we live in
5 when the actions of an over zealous SIE investi-
6 gating team, armed with legislative power and
7 composed of one chief counsel, four to eight
8 investigators, accountants, three to four part-
9 time commissioners supplied with transportation,
10 funding, equipped with sidearms and adequate
11 time, almost one full year to investigate the
12 New Jersey SASP which had one director, a
13 screener, a troubleshooter who traveled over
14 50,000 miles annually, 30,000 in a State car
15 in locating the availability of Federal property
16 to eligible New Jersey recipients, assisted by
17 three secretaries who acted and accomplished
18 more than any three administrative assistants
19 in the securing, processing and accounting of
20 over 13,634,000. of equipment in the fiscal
21 year of 1972. This material was for public
22 and private educational institutions, non-
23 profit hospitals, libraries and civil defense
24 units in our State.

25 The output of this four employee team

1 increased from 5,000,000 in 1970 to over
2 13,000,000 in 1972 without increasing staff
3 or State budget. All accomplishments were
4 free, free to all eligible recipients with
5 only one exception, the New Jersey Civil Defense.

6 This New Jersey Department of Defense
7 function had been illegally administered. A
8 5% handling fee for over 20 years. Some years
9 the amount collected was well over \$24,000
10 annually.

11 It will be my pleasure to show you the
12 results of having the following handful of
13 people sabotaged by a non partisan State function.

14 One SIC investigating team conducted by
15 Mr. Sapienza became set on media, rapid media
16 assassination, instead of utilizing in the
17 pursuit of documented facts through legitimate
18 credible sources, using established and approved
19 legislative methods.

20 Gentlemen, during World War II I was
21 honored to work for over five years all over
22 the world with the highest, classified branches
23 of our government in the defense of the American
24 way of life as I have been taught in the New
25 Jersey schools; that we would rather not con-

1 vict an innocent individual. We would rather
2 let 100 guilty ones free.

3 During all my association with the SIC,
4 the New Jersey SASF and staff and with three
5 secretaries fully cooperating in answering
6 every question asked by the SIC investigators.
7 Tours were given to investigators Jordan and
8 O'Neill through, over and under all real estate
9 and personal property owned by the director which
10 was me, giving quotations, purchase prices paid
11 for all items. I appeared at all SIC sessions
12 without counsel and gave honest answers, even
13 offering to submit myself to State Police poly-
14 graphic---

15 MR. WEINERBAUB: Mr. Macak, I am sorry to
16 interrupt you. It is so clear that what you
17 are here for is personal vindication and that
18 is not our mission. It is not up to us to retry
19 this matter.

20 Now, I know you are here with total sin-
21 cerity. I don't doubt it for a moment but you
22 must understand that you are beyond the purpose
23 of this meeting and all of these people are here
24 in connection with the role that this committee
25 has to perform and what you are contributing will

1 not in any way advance that inquiry.

2 MR. MACAK: Well, it appears to me that
3 all the comments that were made by Attorney
4 Haines and others, that there is no way once
5 Mr. Holleran and his team puts the word con-
6 viction on you, that the media just disseminates
7 the individual.

8 MR. WEINTRAUB: I understand your feel-
9 ings and I repeat. I have no doubt about your
10 sincerity but if there is any review you wanted
11 of the actions of that agency in that particular
12 investigation, the only forum was a Court to re-
13 view the action of that agency. This is not
14 the forum.

15 MR. JACOBS: Bearing in mind our limited
16 function as has been indicated, what do you
17 think should be changed?

18 MR. MACAK: Well, the changes that have
19 to take place is that there is no communications
20 from your top level individuals to the operations
21 personnel. If you only would give me a chance
22 to show you what some of the operating people
23 do, you know. It's fine to have the Attorney
24 General and to have the Executive Commissioner
25 of the SIC here and state what these things are,

1 but what happens by the people down below when
2 they go down and do their job, do they follow
3 the high ideals of the legal profession that
4 they are supposed to abide by?

5 MR. WEINTRAUB: Let us assume you are right.
6 What is your recommendation, that the agency be
7 abolished? What is the recommendation that you
8 would like to give us?

9 MR. MACAK: My recommendation would be
10 that if the agency is going to function as it
11 did function in my case it should be totally
12 abolished.

13 MR. WEINTRAUB: All right, that's your
14 proposal.

15 MR. MACAK: I agree there are certain ele-
16 ments but what happens to the individual when he
17 cannot protect himself and gets branded by the
18 SIC?

19 MR. WEINTRAUB: That's your reason for
20 recommending that it be abolished?

21 MR. MACAK: Correct, but I think you should
22 have some facts to document this. I don't think
23 you can just go on one individual coming in without
24 a legal background and talking to this committee
25 and then making anything out of it. I think I

1 should back this up.

2 MR. WEINTRAUB: Well, you can't back up
3 that individualized and personalized experience.
4 You are getting beyond the purpose of this committee.

5 MR. MACAK: Then, Mr. Chairman, I will have
6 no effect on your decision that you will turn over
7 to Governor Byrne.

8 MR. WEINTRAUB: I must say to you in all
9 candor that nothing you have said thus far could
10 influence me because it is not relevant, you see,
11 to the mission of this committee.

12 I repeat that you want a review of the
13 correctness of what happened in the investigations
14 with which you are concerned, that is not our
15 role. That would have to be in a judicial pro-
16 ceeding which I can tell you would be economically
17 way beyond your means.

18 I am not trying to send you off chasing a
19 rainbow but it is not our role.

20 MR. MACAK: What does an individual do?
21 Do you just get your name totally expunged from
22 the educational record?

23 MR. WEINTRAUB: You have a lawyer, do you
24 not?

25 MR. MACAK: I do.

1 MR. WEINTRAUB: You ask him that question.
2 I am not the one to advise you legally as to what
3 you can or cannot do. You have counsel and you
4 should take it up with him.

5 MR. MACAK: So far we have not been able
6 to do anything with them and I have tried just
7 to secure my pension and it took me over one
8 year of fighting with an attorney.

9 MR. WEINTRAUB: I don't know anything about
10 the merits of that. Again that would be beyond
11 our mission. So I will really have to cut short
12 your presentation.

13 I will let you do this. If you wish, you
14 can file what you want in writing and please make
15 it sufficiently factual so that I can follow it.
16 I will do my best to understand what you are try-
17 ing to say but I must say that what you have filed
18 thus far has not been revealing factually.

19 Now, I will let you file what you want to
20 but I think that will be the only way we can handle
21 what you want to tell us but please make it communi-
22 cative, in detail and not generalized because that
23 will make no impact upon anyone. That's the best
24 I can say. Do you have anything?

25 MR. JACOBS: No.

1 MR. WEINTRAUB: Do you?

2 MR. BRODERICK: No.

3 MR. WEINTRAUB: So if you wish to, you may
4 file a written statement and try to stay within
5 the guidelines and you may want to consult your
6 lawyer. I think it would be probably helpful in
7 the sense of giving you a better understanding of
8 what our role is, so that what you file will be
9 within the compass of that mission.

10 MR. MACAK: You see, how can an individual
11 with limited means proceed to tackle the State
12 of New Jersey when there are no provisions?

13 MR. WEINTRAUB: I can understand that but
14 I am simply indicating that the means you are
15 seeking, this meeting, is not the one.

16 MR. BRODERICK: What did you hope to accom-
17 plish by coming before this committee? Personally,
18 what did you hope to aid you, the restoring of
19 your good name, something of that nature?

20 MR. MACAK: Correct.

21 MR. BRODERICK: That is not our function, sir.

22 MR. MACAK: I realize it is not your function
23 but there is no other judicial body that I can go
24 to.

25 MR. BRODERICK: Unfortunately this is not

1 one of the bodies either.

2 MR. MACAK: You certainly have a line to
3 Governor Byrne. I have tried this. I have not
4 even gotten replies from top level officials of
5 our State.

6 MR. WEINTRAUB: Mr. Macak, you must under-
7 stand that governmental agencies all have very
8 limited jurisdiction. Ours is extremely limited.

9 File what you want in writing and I repeat,
10 make it as factual as you can and if I find any-
11 thing in there that is relevant to our commission
12 I will give it consideration.

13 MR. MACAK: If I may answer that other question,
14 I would hope that this certainly will have some
15 effect on the recommendations you would make for
16 the future operations of the SIC and in some way
17 just not totally eliminate one individual in not
18 being able to defend itself.

19 MR. WEINTRAUB: Well, present what you want
20 and make it factual and if it does bear on our
21 function, it will have the impact that you will
22 hope it to have.

23 (Witness excused.)

24 MR. WEINTRAUB: Mr. Amato, it seems that I
25 heard from you by letter at some point.

1 MR. AMATO: Yes.

2 MR. WEINTRAUB: The guidelines I have just
3 indicated, will you stay within them?

4 MR. AMATO: Yes, I will because I hope to
5 have litigation on this matter yet so therefore
6 I am just going to stay within the framework of
7 the SCI.

8 MR. WEINTRAUB: I don't know what you mean
9 by that but you go ahead and tell us what you
10 have in mind, and again I might have to stop you
11 if you get beyond our role.

12 MR. AMATO: I won't go into names or details,
13 just the facts. In 1970, and I will bring it
14 back to that, I discovered that my attorney who
15 was supposed to be delving into a swindle in
16 excess of \$45,000. had not filed the case in
17 Court after a year and 13 months so it was timely
18 as far as the statute of limitations was concerned
19 but it became untimely after I engaged the attorney,
20 the Camden County Prosecutor and the SCI.

21 Although they promised to look into the
22 matter, I found that in 1973, and I asked the
23 agent a question, to visit me at my home, and
24 I gathered all the evidence of this fraud, that
25 it would be reported to the legal department of

1 the SCI.

2 MR. WEINTRAUB: Is this a complaint that
3 you have against a lawyer?

4 MR. AMATO: No. The lawyer had not filed
5 the case in Court so we aided and abetted the
6 defendants and caused a swindle but that is not
7 here nor there but I am trying to go around the
8 circumstances of the events in 1968 when I en-
9 gaged the attorney in 1970 when I was trying---

10 MR. WEINTRAUB: Against whom did you have
11 a complaint, a lawyer who did not do his job?

12 MR. AMATO: I have a complaint against the
13 defendant since he didn't want to file the case
14 in the Court and promised me to and accepted my
15 money.

16 MR. WEINTRAUB: You are talking about a
17 lawyer?

18 MR. AMATO: When he didn't do what I ex-
19 pected him to do, to go to the Camden County
20 Prosecutor's office and bring out the fraud
21 and acts that were committed and of course tried
22 to obtain--it was a member of my family and myself
23 so that's where the attorney comes in.

24 MR. WEINTRAUB: What does the SCI have to
25 do with that?

1 MR. AMATO: Well, after I went to the Pros-
2 ecutor's office and the Prosecutor refrained to
3 get himself involved with the investigation of
4 the swindle or the attorney.

5 MR. BERG: Why was that?

6 MR. AMATO: He just had me pick up the
7 phone and speak to the attorney and the attor-
8 ney questioned him to have me speak with him
9 over the phone and rather than go after the ones
10 that I say are defendants in the case, the attor-
11 ney--I get on the phone and I am arguing with an
12 attorney.

13 MR. BERG: Your attorney?

14 MR. AMATO: That didn't file the case.
15 He said I wasn't in your office. You didn't
16 file the case in Court. What do you want me
17 to do?

18 MR. WEINTRAUB: Mr. Amato, let me take
19 you along because I have a feeling that your
20 problem is not within our jurisdiction and I
21 am trying to find out quickly. You went to a
22 Prosecutor who apparently found no basis for a
23 criminal proceeding. Is that what happened?

24 MR. AMATO: No. He just didn't file the
25 case in Court and gave me no good account.

1 MR. WEINTRAUB: That's your own lawyer.

2 MR. AMATO: My lawyer so therefore I felt
3 it was still timely and I called the SCI to ex-
4 plain it to them. They sent an agent to my home
5 and I had coffee and cake with him.

6 MR. WEINTRAUB: That's all right.

7 MR. AMATO: And showed him the evidence
8 and I told him about the Camden County Prose-
9 cutor's Office. Let's disregard the attorney,
10 and he said, "Well, I see all the evidence. I
11 am sorry I can't have a tape of these but I will
12 bring all these facts to the Legal Department
13 and they in turn will investigate the matter
14 and you will be notified."

15 MR. WEINTRAUB: What happened?

16 MR. AMATO: Nothing happened.

17 MR. WEINTRAUB: You mean the SCI did not
18 apparently find a basis for their action in your
19 matter?

20 MR. AMATO: Everybody decided to sit on
21 it.

22 MR. WEINTRAUB: That's all right. The
23 SCI doesn't take care of the whole world either.
24 There are certain areas that is is supposed to
25 act in and others not. Your criticism is that

1 the SCI did not find a basis or did not feel
2 impelled to proceed against the attorney who
3 you feel defrauded you?

4 MR. AMATO: Well, they didn't have the
5 courtesy to tell me before the statute of limi-
6 tations ran out that they weren't compelled to
7 do anything.

8 MR. WEINTRAUB: The statute of limitations
9 on a civil suit?

10 MR. AMATO: At the time I spoke to the
11 agent in question that belongs to the SCI, had
12 he told me in a reasonable length of time that
13 fraudulent acts could not be investigated by
14 their agency, that at least they would bounce
15 it back in my lap and I could go elsewhere.

16 MR. WEINTRAUB: You feel that if you had
17 learned earlier that they were not going to act
18 you might have filed a timely civil suit?

19 MR. AMATO: Or perhaps pursue an investi-
20 gative body or an enforcement body that would
21 pursue it when it was timely.

22 So my reason, as far as what I am here
23 to state is that the State Commission of Investi-
24 gation would be a very helpful tool for the citizens.
25 My only complaint in government, sir, is not the

1 Laws that are in effect but the people that
2 govern law enforcement, the laws, the ones that
3 sit on benches to have the prudence and discretion
4 of knowing how to handle the cases once they are
5 before them, in all due respect, and I know we
6 have a great many, your Honor, you know, that
7 are very fair with the public but I imagine they
8 see a lot of things that make them kind of squeasy
9 around the stomach in government and I am sure
10 we wouldn't discourage that and if there is any
11 way to modify the SCI, there's a very good example,
12 sir.

13 MR. WEINTRAUB: All right, we have your
14 point, Mr. Amato. Thank you very much.

15 (Witness excused.)

16 MR. WEINTRAUB: All right, we will recess
17 now for lunch until 2 o'clock.

18 (Luncheon recess.)
19
20
21
22
23
24
25

1 MR. WEINTRAUB: Mr. Rodriguez, do you
2 have a prepared statement?

3 MR. RODRIGUEZ: Yes, your Honor, I do.
4 I don't have my name on it although I have
5 zeroxed copies.

6 MR. WEINTRAUB: That's all right.

7 MR. RODRIGUEZ: I want to thank you for
8 the opportunity to appear before this distinguished
9 panel.

10 During the last several months, either at
11 your request or on our own volition, we have
12 forwarded to you voluminous material including
13 all SGI reports data on other investigative
14 agencies in other States and additional written
15 documents that have been in accord with the
16 commission's desire to fully cooperate with
17 and assist your inquiry in any way that we are
18 able to do so.

19 We intend to continue that cooperation
20 and assistance as your deliberations continue.

21 Because of the voluminous and comprehensive
22 data forwarded to you to date it would be redun-
23 dant for me to reiterate details of the SGI's
24 origin, purposes, processes and accomplishments.
25 They are thoroughly reviewed in the documents in

1 your possession, documents which have been
2 widely distributed to the Governor, the Leg-
3 islators, newsmen and the general public over
4 the years.

5 I would however briefly like to stress
6 two points. First, the commission believes
7 that any objective review of the SCI's entire
8 record will come to the conclusion that this
9 commission has aggressively striven to live up
10 to the mandates set forth in the statute creat-
11 ing the SCI.

12 In the first area I would state our trust
13 that this distinguished and learned panel would
14 not give much weight to any critics of this
15 agency who either through inadvertence, lack
16 of research or perhaps deliberate omission basically
17 assert that the SCI has done little or nothing in
18 correcting operations and laws.

19 The record we submit shows the opposite
20 to be true from the early investigations of the
21 garbage industry, organized crime influence in
22 Long Branch and the Monmouth County Prosecutor's
23 Office through subsequent investigations includ-
24 ing more recently property purchase practices of
25 the State, Workmen's Compensation, school purchasing

1 procedures and pseudo charitable appeals.

2 More recently as a result of our Lindenwold
3 probe we have strongly urged conflict of interest
4 legislation to the local and county level. As
5 you may know, we have just recently completed
6 several days of public hearings in the clinical
7 lab phase of our Medicaid investigation. In an
8 adjournment statement the commission outlined
9 several avenues of regulatory and statutory
10 reform.

11 The director of the State Medicaid Division
12 testified as follows at the hearings about the
13 efficiency of the SCI's investigation:

14 "I would like to comment on the fairness
15 of the SCI in dealing with the Division on this
16 issue and the painstaking detail that you have
17 gone into in bringing these issues to the fore.
18 I don't think there is any way that we could
19 have, with the resources available to us, done
20 a similar kind of in depth review of several
21 particular providers and I think that I want
22 the Commissioners to know that we are grateful
23 for this thorough job that you have done."

24 Secondly, and perhaps most importantly,
25 the commission has striven and will continue to

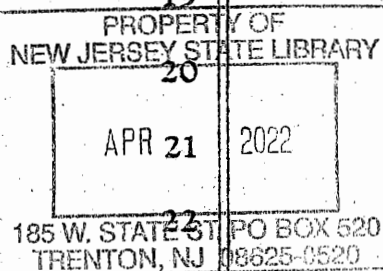
1 strive to live up to the legislative intent
 2 that this agency will be a truly independent
 3 and alert watchdog of the public trust through-
 4 out the State.

5 Only through the continued independence
 6 of political control and influence will the
 7 SCI continue to function responsibly and effec-
 8 tively in the areas of action mandated to us
 9 by our statute.

10 That concludes what I basically wanted
 11 to say originally before responding to questions.
 12 I think there are two areas that I would like to
 13 correct for the record.

14 The Attorney General of the State of New
 15 Jersey is a personal friend and a man that I
 16 have great confidence and respect for but I
 17 have to respectfully suggest that the facts do
 18 not support the assertion that the reason for
 19 the concern over the State Commission of Investi-
 20 gation is because of holdover lame duck appoint-
 21 ments and, in particular, I don't believe that
 22 my appointment as Chairman has weakened the
 23 confidence of the Commission in the public view.

24 I say that because I was appointed as
 25 Chairman of the Commission after being consulted



1 by Governor Cahill in November and December
2 of 1973. It was only because of a personal
3 tragedy that my actual appointment was delayed
4 until January.

5 It was my understanding at the time that
6 appointments were made, and one Commissioner
7 was appointed in March of 1973, one in June
8 of 1973 and I of course was appointed in
9 January of 1974; that there was a great con-
10 cern over the expiring of the Commission during
11 the term of the last Governor and the fear that
12 this action wasn't taken to revitalize the agency
13 at that time, that it's determination could
14 lead to a lot of turmoil and ongoing investi-
15 gations, possible release from incarceration
16 of men who were under civil contempt and the
17 Commission was revitalized in December of 1973
18 and the appointments that had been made in early
19 1973 were reconfirmed, leaving the post of Chair-
20 man, and Mr. Bertini, who was the only holdover
21 Commissioner at the time, available for reappoint-
22 ment by the Governor.

23 It was my understanding that my appointment
24 as Chairman was discussed and cleared with the
25 incoming Governor, Governor Byrne. Being of

1 Democratic persuasion, it filled the necessity
2 of the appointment being from the Democratic
3 side of the aisle.

4 I took office and I met with the Governor
5 on Inauguration Day and he personally recited
6 to me how pleased he was with my appointment
7 and that he could feel that there could be a
8 working relationship and we commenced our activity.

9 In 1974 we entered into the Pseudo Charity
10 investigation and exposed at that time the abuses
11 that were being conducted by telephone solicitors.

12 We had Millicent Fenwick appear and testify.
13 We had members of the State Agency testify. We
14 reported our findings and recommended legislation,
15 some of which is now in the process of passing
16 through the cumbersome legislative process.

17 We, in conjunction with the Attorney General,
18 later in 1974, in a joint effort in Atlantic
19 City tried to determine if Casino Gambling were
20 to pass, just what actions the State should take
21 to protect the citizenry if that were to take
22 place and engaged in a joint effort with the
23 Attorney General's Office and the State Police;
24 that joint effort surfaced to the public through
25 a press conference that was held by the Attorney

1 General and there was a great deal of cooperation
2 at that time.

3 We were then mandated by the Governor,
4 through a provision of the statute, to investi-
5 gate the Delaware River Port Authority and the
6 possible conflict of interest. As a result of
7 that investigation this Commission was required,
8 in order to completely find the facts, to call
9 before it the very Governor that had appointed
10 me.

11 The report of that investigation, I think,
12 is a matter of record and the compliments for
13 the job that was done, an in depth thorough
14 job by a staff of men with expertise and is
15 a matter of record.

16 We received at that time nice compliments
17 from the Attorney General's Office and of course
18 the Governor who had mandated the investigation.

19 The result of that investigation has now
20 brought the results that the Attorney General's
21 Office, I understand from a press conference,
22 is pursuing the parties that were in conflict
23 of interest for the return of certain monies
24 that they had gotten as the result of a conflict
25 of interest.

1
2 Members of the Port Authority have been
3 replaced which I think was one of the explorations
4 that the Governor wanted during that investigation,
5 to see whether or not there was conflict involved.

6 We then proceeded through the year and of
7 course our organized crime efforts are always
8 continuing, but, very specifically, we entered
9 into the Borough of Lindenwold. It is very true,
10 as Mr. Haines says, that there were other agencies
11 that went to the Borough of Lindenwold.

12 Federal Attorneys went to the Borough of
13 Lindenwold, Camden County Prosecutors had come
14 to the Borough and in each instance there were
15 no prosecutions.

16 The public reaction in Lindenwold was
17 such that the State Commission of Investigation
18 was sought out by knowledgeable witnesses which
19 gave us the impetus to explore into the Borough
20 of Lindenwold and make our recommendations after
21 a public hearing.

22 I concur or I feel my impression has been
23 every since that investigation, in the comment
24 that is made in the written statement by Attorney
25 General Hyland, referring to Lindenwold, that
"this is a classic example of the type of cooperation

1 and factfinding effort that has proven so valuable
2 to me as the Attorney General."

3 There was communication and cooperation
4 through that investigation. In November I ap-
5 peared as a Speaker at a Puerto Rican convention
6 in the State of New Jersey. The Governor appeared
7 as a speaker at the Puerto Rican Convention.
8 Our speeches were recorded in the press and
9 over the news media, a radio station covering
10 the presentations, and at that time I received
11 the praise of the Governor for a job that was
12 being well done and how pleased he was to have
13 me as Chairman of the SCI.

14 We were then mandated the Medicaid investi-
15 gation, a highly complex and difficult investi-
16 gation involving some \$400,000. worth of tax-
17 payer's money. We undertook that.

18 The mandate came to us late in December
19 and we met with the Attorney General to cooperate
20 on January 3, 1975. As a result of that investi-
21 gation we had extremely close contact with the
22 Attorney General's Office to the extent that a
23 very important element of a nursing home investi-
24 gation was turned over to the Attorney General's
25 Office, depriving us of the ability to explore

1 it publicly, but it was felt that if this was
2 one where prosecution should come to the fore,
3 we voluntarily and with a great deal of conversa-
4 tion and agreement turned over this one very deli-
5 cate nursing home.

6 MR. JACOBS: You said deprived you of the
7 opportunity to explore it publicly. Do you con-
8 ceive of your function to explore things publicly
9 without some ultimate goal beyond that?

10 MR. RODRIGUEZ: No, sir.

11 MR. JACOBS: What would be your goal in
12 this connection, the one that you were talking
13 about?

14 MR. RODRIGUEZ: Well, perhaps the word
15 "deprived" is a word that should not have been
16 used but the judgment was to present this to
17 send it to the Attorney General's Office for
18 possible prosecution rather than in an effort
19 to make recommendation to tighten up the abuses
20 in the nursing home industry.

21 MR. JACOBS: That is your ultimate goal,
22 to recommend legislation?

23 MR. RODRIGUEZ: Yes.

24 MR. JACOBS: To interrogate and inquire
25 and so on and so that ultimately if legislation

1 is desirable, legislation would be forthcoming.

2 MR. BERG: Isn't Senator Fay investigating?

3 MR. RODRIGUEZ: Senator Fay and our staff
4 were in constant communication because this is
5 a very difficult and delicate area to be in.
6 By agreement again he has agreed to look in to
7 what we call the quality of care situation in
8 the nursing homes where we are looking at the
9 structural abuses in nursing homes and it was
10 felt that with other nursing homes present, that
11 we could make our recommendations based perhaps
12 on another nursing home and permit this one,
13 because of the urgency of the abuses, to be
14 processed in another manner and our judgment
15 was exercised in that way.

16 If there is a lack of communication and
17 if there is a concern which has not been voiced
18 to me prior to January of 1975, the aspect of
19 cooperation again has never been surfaced to
20 the Commission.

21 Much to the contrary, I agree with the
22 statements which were made by the prosecutors.
23 We are to cooperate with the prosecutors and
24 prosecutors have not said that we have not
25 cooperated, so I really don't understand the

1 factual basis from which that particular criticism
2 comes with other law enforcement agencies.

3 As to our power to grant immunity, we have
4 consistently received the consent from
5 prosecutors, the Attorney General and during
6 our Medicaid probe with the Federal Attorney
7 where the statute does not provide--

8 MR. JACOBS: Has there ever been an
9 instance where you were granted immunity where
10 there were objections by the Attorney General?

11 MR. BERG: What is your standard? Do
12 you still retain the discretion?

13 MR. RODRIGUEZ: We still retain discretion
14 and I think the judgment which has to be made
15 and fortunately in the entire experience of the
16 Commission there has been no dispute on this
17 issue; that what we should weigh at the time
18 and why it would be difficult to have the speci-
19 fic legislation handcuffing the judgment is
20 that you have to balance the public interest
21 aspect of what you are doing as opposed to an
22 indictment and possible prosecution of an
23 isolated offense.

24 For instance, during our Medicaid probe
25 we did find that there were indications of rebate,

1 kickback and fraud but it's more important
2 when you look at 400,000,000. of taxpayer's
3 money to make your recommendation with a
4 credible fact situation against which you
5 make your recommendations to say this is the
6 abuse and this is what we have to clear up;
7 that it would serve no purpose for the system
8 and the taxpayer to simply indict and prosecute
9 one doctor.

10 So there the judgment would be that the
11 public interest aspect of it would be to con-
12 tinue with the investigation and to grant im-
13 munity with respect to those people in order
14 to develop the full factual picture, but there
15 was no objection in those cases when we communi-
16 cated with the Attorney General and the prose-
17 cutors of the several counties around which these
18 people were operating even with the Federal
19 Attorney, although there is no direct suggestion
20 that we clear it with the Federal Attorney, but
21 we always do in the event that there is something
22 pending out there that we are not aware of.

23 We don't want to disrupt what is being
24 done but I think the judgment has to be made
25 among reasonable men and fortunately it has to

1 this date not created a problem as far as I am
2 aware because there has been consent in every
3 case where immunity has been granted.

4 In the Medicaid investigation there were
5 two witnesses that refused to testify. It was
6 interesting that one under the grant of immunity
7 did very factually lay out abuses unassisted.

8 Another refused to testify even after the
9 grant of immunity and was incarcerated, but I
10 understand as late as this morning that he now
11 wants to come before the Commission to purge
12 himself of the contempt which, in my mind, shows
13 that in an area that is not organized crime, and
14 I think that through some of the criticisms that
15 I've heard here today, that they view us as a
16 crime-fighting unit, but that is not necessary
17 because you have prosecutors, the Attorney
18 General's Office and the Division of Criminal
19 Justice.

20 If there is the appearance of duplication
21 it is in those areas where we attempt to comple-
22 ment as the founders of the SCI said we should.

23 In the complimentary parts of our activities
24 it may appear that there is duplication but it
25 is the strength of the Commission in complimenting

1 so it is not a duplication that can be limited---

2 MR. BERG: The criticism I have heard from
3 the type of people who have^{been} mentioned now is
4 that you use prosecutorial methods when you
5 are pursuing a civil matter. That's the criti-
6 cism that I have heard and it's an abuse of
7 that power.

8 MR. RODRIGUEZ: Of a prosecutorial power?

9 MR. BERG: In other words, you are using
10 prosecutorial powers and approaching it as you
11 would in a criminal matter, what is in essence
12 a civil matter.

13 MR. RODRIGUEZ: No. We never react as
14 prosecutors and I think that's one of the big
15 problems where we have to exercise a judgment
16 in the public interest although the facts may
17 be difficult but it is incumbent upon us to
18 disclose the fact with integrity and many times
19 it's a fact that may appear to be a crime.

20 For instance, in Linderwald we finally
21 had a witness who brought to us \$5,000. in an
22 envelope and said "This money was bribe money"
23 so there was possibly a crime but the whole
24 attitude and the conflict problem was the
25 real problem because we find as we go through

1 the State and people come to us, they come to
2 us for a variety of reasons.

3 They feel that they can't plug into the
4 system. Meantime they are too close to the
5 operation of the person that they feel is viola-
6 ting the law so they come to us.

7 Now, I could say they bypass prosecutors
8 but I don't at all mean to say that there is no
9 faith in the integrity of the prosecutor. I
10 think there has developed a certain amount of
11 what appears in the eyes of the public a moral
12 decay and they try to go beyond the areas of
13 influence because the very thing that they are
14 complaining about is a conflict and they are
15 not sure how far it goes so we provide that.

16 Hopefully we provide it evenhandedly
17 because where I indicate we went in without
18 hesitation to explore facts and call witnesses
19 in the Delaware River Port Authority of Republican
20 persuasion, it was necessary for us to go in and
21 disclose things that were happening, conflicts
22 in Lindenwold that were of a Democratic persuasion.

23 What that has done is when we say that
24 the confidence in the Commission has been deter-
25 iorating because of holdover Commissioners or a

1 lame duck appointment of a Chairman--much to
2 the contrary--I think the press of February of
3 1975 was saying we have the confidence in the
4 Commission.

5 So I don't understand where that complaint
6 has come from because it has not been from the
7 areas that we are involved with, the many people,
8 unless it is January of 1975.

9 I have to respectfully also seriously
10 dispute Mr. Haines. There were two situations,
11 one where the statute had run prior to the time
12 that we disclosed the facts. Someone writes a
13 letter and says there is a crime. By the time
14 you grip the facts the statute might have run,
15 but it was not through lack of diligence but
16 in the same investigation, another aspect of
17 it, the statute has not run and that person
18 was prosecuted.

19 We do make efforts and we have ^{been} cooper-
20 tion. I think our annual report lists a letter
21 from Pennsylvania where through the efforts
22 and expertise of the State Commission of Investi-
23 gation a murder was solved in Allentown, Pennsyl-
24 vania and the matter is part of our public report
25 because we had the facility to move and to cooperate.

1 Perhaps someone might say that's duplicating
2 but they sought us out. Through our investigation
3 we were the agency that discovered the facts
4 and I think cooperation is a great thing and it
5 must continue and we have every intention to
6 cooperate fully with the law enforcement agencies
7 that are in existence without losing sight of
8 the fact that we have two specific purposes to
9 serve.

10 Yes, as the result of investigations there
11 have been 36 indictments and they are a matter
12 of record.

13 As a result of investigations in the public
14 interest aspects, Pseudo Charity, Workmen's
15 Compensation, and they have been stated here
16 this morning several times, and there is legis-
17 lation going through. Legislation has passed.

18 The fulltime prosecutors is a recommendation
19 of the State Commission. The garbage industry
20 was through the SCI plus the regulatory changes
21 in the process of our hearings in Medicaid. The
22 State suspended licenses of clinical labs and
23 changed their regulatory manuals.

24 It had nothing to do with legislation
25 but it's the ability to move in and help streamline,

1 watchdog, correct the system to the benefit of
2 the taxpayers in the public interest way.

3 That can only be done effectively if we
4 are free of political control and political
5 influence and allow us to be judged on the
6 actions taken and not on--well, there is a
7 potential because I submit any office with
8 responsible power contains necessarily within
9 it potential for abuse so unless there is a
10 specific abuse that they can address to us,
11 potential abuses exist throughout our system.

12 I want to say only one other thing and
13 I say this very respectfully. My appointment
14 as Chairman, as I say, I feel that the public
15 responded on our behalf and didn't weaken the
16 trust in the Commission any more than I feel
17 that the judiciary was weakened by the appoint-
18 ment of a Chief Justice.

19 I think you must be measured by what you
20 have done. If they can point to a specific
21 situation, I would be happy to respond but I
22 am unaware and many of these criticisms have
23 been heard only since January of 1975.

24 And incidentally, again with Mr. Haines,
25 he seems to be going against the very tenor of

1 what I understand open government means. We
2 can't operate government under a blanket.

3 We can't find things, have private conversa-
4 tions with Legislators in an effort to straighten
5 the system. I think there has to be in reason-
6 able areas, legitimate areas, disclosure to the
7 public.

8 Isn't Senatorial courtesy now coming
9 under attack because of the lack of disclosure
10 of reason and we find even that so I think the
11 tendency to air problems, to let the public
12 see the government in operation so that there
13 can be more intelligent decisions made by the
14 public with respect to its government.

15 MR. WEINTRUAB: Are there any recommendations
16 that you have to strengthen the Commission or
17 to strengthen the situation of a witness or
18 any other aspect of your operation?

19 MR. RODRIGUEZ: Sir, whether there are
20 discussions around problems, yes. Whether I
21 feel there are areas where we can be strengthened,
22 I can only say that I think the way we are now
23 constituted and the way we try to react to pro-
24 blems with men of great expertise within our
25 staff, we are only 29 strong, 29 people with

1 four Commissioners. Yes, we could do more with
2 a larger staff.

3 MR. JACOBS: I don't think that's what
4 the question was addressed to. I agree that
5 with greater facilities and greater appropriations
6 but I don't think our concern is going to be with
7 appropriations.

8 MR. RODRIGUEZ: No.

9 MR. JACOBS: What about the format of the
10 statute. Is that sufficient as far as you are
11 concerned or are there other legislative recom-
12 mendations you might make on that?

13 MR. RODRIGUEZ: I think there is one weak-
14 ness in the statute where perhaps it is a matter
15 of housekeeping more than direct change and that
16 would be a very clear statement of holdovers.

17 It doesn't sufficiently provide in clear
18 language for a holdover position.

19 MR. JACOBS: But you have been operating
20 under implication of holdover.

21 MR. RODRIGUEZ: We have one Commissioner
22 who at the time his term expired is an
23 appointment that comes from the Governor. We
24 have one from the Senate, one from the Assembly,
25 two from the Governor. It is a Gubernatorial

1 appointment.

2 At the time of the expiration of his
3 appointment there was conversation with the
4 Governor and he was told to continue and so
5 we have no problem with him in his present
6 status. But the statute isn't sufficiently
7 clear.

8 MR. WEINTRAUB: Is the statute completely
9 silent?

10 MR. RODRIGUEZ: The statute is silent
11 until a successor is appointed or other lan-
12 guage that would allow you to say very clearly
13 that he can hold over which may be one of the
14 problems for appointments not to allow a
15 Commission to expire that may come cronologically
16 during the lame duck period.

17 MR. JACOBS: What do you think of the sug-
18 gestion made that perhaps there ought to be
19 enlargement of the Commission to include inde-
20 pendence.

21 MR. RODRIGUEZ: Of the Commissioners?

22 MR. JACOBS: That's right.

23 MR. RODRIGUEZ: When I made reference to
24 the fact that we were only 29, I don't mean to
25 suggest that we should be bigger. The point I

1 wanted to make is that for us to fit into the
2 scheme of things we should not become bureau-
3 cratic in nature but to remain small and expert,
4 not to be a drain on the taxpayers in an effort
5 to move around. We should remain small.

6
7 With 29 people I don't see the necessity
8 for six Commissioners. The Commissioners will
9 almost outnumber the staff percentage wise.

10 If the makeup can be changed to more
11 clearly establish independence, however that
12 could be done, I don't think we would be in
13 disagreement with that, but to say it should
14 be six, I think six would be many for the type
15 of staff that we have.

16 MR. JACOBS: What do you think of the
17 Attorney General's suggestion that the Chairman
18 should be appointed by the Governor and changeable
19 at any time?

20 MR. RODRIGUEZ: Well, very frankly, I feel
21 that, number one, that my appointment was not
22 against the wishes of the Governor.

23 MR. JACOBS: Pardon me. I don't want to
24 personalize it. I am not addressing it to you.
25 We are now talking theoretically as to what
would be the best setup as far as a Commission

1 of this kind is concerned.

2 MR. RODRIGUEZ: I have no problem with
3 the statutory scheme now that gives two appoint-
4 ments to the Governor, one to the Assembly and
5 one to the Senate because I think it tries to
6 elevate the appointments so that the confidence
7 of the public will be established.

8 I don't mean that the Chairman should
9 serve at the pleasure of--may be appointed by
10 but not at the pleasure of the Governor be-
11 cause I think at the pleasure of the Governor,
12 by its very nature, could tend to weaken the
13 independence of the Commission.

14 MR. JACOBS: Does the fact that this is
15 a temporary Commission affect your work in
16 any way or doesn't it matter?

17 MR. RODRIGUEZ: To my personal experience
18 it has not because I came in at the time when
19 we had a five year term, but on the issue of
20 temporary and permanent, I feel the Commission
21 should be permanent with possible reviews by
22 the legislature at some given period of time.

23 MR. JACOBS: Of course that is always
24 available.

25 MR. RODRIGUEZ: Which always is available

1 to them and interestingly enough the very
2 thing that we are doing and the actions we've
3 been taking, the Legislature always has the
4 power to change it and to communicate with us
5 which has not been done but the temporary aspect
6 of it I could see as you start proceeding into
7 your third and fourth year, where because of
8 retirement or death or some other reason your
9 staff is weakened and it is difficult to hire
10 the type of men you need of expertise in order
11 to keep this thing small and expert, not to
12 build it.

13 We will go as high and as many as you
14 want but to produce the right man, it's diffi-
15 cult if you have that temporary atmosphere
16 in your third or fourth year.

17 Permanent, at least you can say as long
18 as there is cancer there will be a cancer clinic.
19 We all understand that, and permanent in that
20 respect, when the Legislature wants to analyze
21 it to determine that it has no useful purpose,
22 we all must live under that. I think we would
23 be the first, if we thought there was no pur-
24 pose, to say it not to just sit there and drain
25 taxpayer's money, but the permanent aspect of it

1 I think will help you fortify your staff with
2 the type of people you need. The temporary
3 aspect is a weakening ingredient when you
4 proceed down your term.

5 MR. WEINTRAUB: I suppose there are
6 pluses and minuses but the temporary one does
7 keep everyone on their toes to do a good job.
8 I suppose that's the other side of the coin.
9 When it comes to the Legislature, it always
10 has the power to act i.e. to end something,
11 to often in the legislative sphere whoever
12 has the burden of going forward loses. He
13 doesn't go forward.

14 MR. RODRIGUEZ: Sir, that's very true
15 but I would hate to see an institution like
16 the State Commission terminated because of
17 inaction. I think if a decisional process
18 on a temporary basis is made, that's fine.

19 MR. WEINTRAUB: As an abstract proposition,
20 undoubtedly you are right. Why was it made
21 temporary to begin with?

22 MR. RODRIGUEZ: As I understand it, it
23 was made temporary because it was a new con-
24 cept and I think it was built into that and
25 of course I only gather this from what I have

1 heard. A compromise had to be made for its
2 passage and the temporary aspect of it was
3 the type of compromise that was necessary.

4 MR. WEINTRAUB: Somebody thought that
5 that was a lot stronger from where they stood
6 than merely relying upon the continuing power
7 of the Legislature to end something but appar-
8 ently that was the value judgment that was
9 then made. I get your point. You say it's
10 proved itself. It has been renewed once?

11 MR. RODRIGUEZ: Once, yes.

12 MR. WEINTRAUB: All right.

13 MR. JACOBS: Do you have any suggestions
14 with respect to the contempt power that we
15 have talked about earlier as to whether the
16 present setup is the best that we can evolve
17 or is there a better way of handling it?

18 MR. RODRIGUEZ: I think the system as
19 set up now is adequate, adequate in the sense
20 that there must be built in the power to legi-
21 timately find facts in the public interest a
22 coercive tool unfortunately. I don't see how
23 a one year term can be coercive but I think
24 the reasonableness of its use is what is im-
25 portant.

1 We do have investigations in extreme
2 public interest where five, six, seven years
3 doesn't answer the questions and the coercive
4 effect has to continue.

5 Yet, we have just seen in our Medicaid
6 investigation where three days was sufficient
7 but the tool and its ability to function is
8 what was important.

9 If there was built in six months or one
10 year, someone can trade off time for his silence
11 and I think many times what you want to preserve
12 in the public interest is of paramount impor-
13 tance and the coercive effect has to reflect
14 that paramount importance.

15 Now, I can see where we can abuse in a
16 particular situation and then I think we should
17 be called to task.

18 In my judgment I don't think we have but
19 I have seen it work in its present condition
20 and I think at least this. There would be no
21 objection to me personally although the Commis-
22 sion has not taken a position here because we
23 were given the tool and we want to use it reason-
24 ably and we feel we have the responsibility to
25 use it.

1 We can't say we don't want to do it
2 and abort an investigation or something in
3 the public interest. The tool was there.
4 It's legitimate. It has been affirmed by the
5 Supreme Court of New Jersey and of the United
6 States.

7 We have a legitimate right to use it.
8 If there is to be a conversion aspect, after
9 so many days he still refuses, so now you
10 would bring it into a criminal area and we
11 would not seriously oppose that or oppose
12 that as long as there remains the coercive
13 effect of the tool itself in future investi-
14 gations.

15 MR. WEINTRAUB: That isn't too clear
16 to me. Let us assume that you did make a
17 high felony in this picture. Let us assume
18 the maximum is seven in abstract. Theoretically
19 the man is eligible for parole after one-third,
20 assuming no prior conviction.

21 You are suggesting, are you, that release
22 after one third, that that ended the whole
23 thing; that that might be quite inadequate.

24 MR. RODRIGUEZ: Yes.

25 MR. WEINTRAUB: There is one way to handle

1 it, namely, the Parole Board may believe that
2 the fellow who will still not talk after one-
3 third has not yet sufficiently been reformed.
4 Would seven do it or did you have in mind that
5 if there is going to be a criminal offense, that
6 there would nonetheless continue the authority
7 to hold the man civilly beyond the maximum of
8 the criminal penalty. Is it the latter you
9 had in mind?

10 MR. RODRIGUEZ: Chief Justice, I haven't
11 thought it through that way because I can see
12 a problem. Is the offense the offense that he
13 committed up to the point that he is sentenced
14 or is it a continuing offense?

15 MR. WEINTRAUB: Well, the assumption would
16 be that if you are speaking criminally, that
17 it would not be a continuing offense. It
18 would be a rather finite thing. Assume that
19 for the moment. Do you regard the offense
20 approach as against the public interest? Do
21 you think it would be?

22 MR. RODRIGUEZ: Yes.

23 MR. WEINTRAUB: No matter what the maximum
24 sentence might be? Ten years? Fifteen?

25 MR. RODRIGUEZ: No. I think the years

1 are difficult to say. I know people that
2 three days was enough.

3 MR. WEINTRAUB: I understand that. I am
4 talking about the fellow whose staying power
5 is much greater.

6 MR. RODRIGUEZ: I can see that there are
7 people within our knowledge now that possibly
8 seven years would not be enough yet the severity
9 of the public interest remains throughout that
10 whole period.

11 MR. WEINTRAUB: That's the evaluation I
12 am trying to get from you. I am trying to find
13 out whether you think, without regard to what
14 the underlying facts may be, there is a top
15 that ought to be put on them. Do you think not?

16 MR. RODRIGUEZ: I would not object to a
17 top. I just really don't know what that top is
18 because in analyzing different situations I
19 see where it varies.

20 MR. WEINTRAUB: I want to get your idea
21 as to what you know about it, the worst you
22 know about---

23 MR. RODRIGUEZ: I would say a pretty heavy
24 sentence would be ten years.

25 MR. WEINTRAUB: What do you mean, heavy or

1 light as a maximum?

2 MR. RODRIGUEZ: For most people it would
3 be. In certain situations I don't even believe
4 that would be enough but when you legislate
5 the difficulty is that everyone has to come
6 under its path.

7 MR. WEINTRAUB: Well, it would be in
8 response to a belief. If you accept the be-
9 lief as correct, that there ought to be some-
10 thing finite about that kind of misconduct,
11 at some point there ought to be a cut and
12 ought not to be life. I think that I share
13 the view that you can't possibly differentiate
14 between coercive and punitive. That doesn't
15 help any.

16 If you accept the idea there ought to
17 be a roof, then what roof is one that will
18 meet over all the public interest? The roof
19 would have to be fairly high, keeping in mind
20 that the nature of the information you need
21 will vary greatly in the public interest on
22 sentence.

23 MR. RODRIGUEZ: Yes.

24 MR. WEINTRAUB: You have no specific
25 recommendation in that area?

1 MR. RODRIGUEZ: I have none because I feel
2 that if I did, I would want to have it as a result
3 of consultation with the other Commissioners and
4 to say it is the position of the commission. I
5 for one feel ten years is a maximum that would
6 appear to be adequate but the point that I would
7 like to make is that I feel that the concern
8 over incarceration for civil contempt is a
9 legitimate concern in certain areas of our State.

10 I can deal with that concern because I
11 think reasonably we can address it but as Commis-
12 sioners who have sworn an oath to the public
13 and have been given a tool by the Legislature,
14 I don't want to be condemned for utilizing
15 that tool when we have done it, I think, with
16 great reason, at least since the time that I
17 have been Chairman, and I can't say that it
18 hasn't been in the past utilized with great
19 reason but not to use it I think would be
20 irresponsible on the part of the Commission
21 when it was felt that the tool was necessary
22 for us to perform our function.

23 MR. JACOBS: The longest you've had is
24 Mr. Catena; isn't that so?

25 MR. RODRIGUEZ: Yes.

1 MR. JACOBS: How long has that been?

2 MR. RODRIGUEZ: I believe he's been in five
3 years, almost five years.

4 MR. JACOBS: And from the Commission's point
5 of view that would continue indefinitely?

6 MR. RODRIGUEZ: Yes.

7 MR. WEINTRAUB: By the way, in its quality
8 of confinement, is civil confinement so called
9 less strenuous or vigorous confining, if I may
10 use that word, than criminal? In other words,
11 what privileges have attended confinement on
12 the civil process?

13 MR. RODRIGUEZ: As I understand it, there
14 were times where the people under civil contempt
15 were retained in places that were not what we
16 traditionally understand to be the maximum cus-
17 tody type of facilities and they have been allowed
18 in the past releases for their various situations,
19 released by the Court, of course. We play no part
20 of course in that judgment.

21 We appear to either oppose---

22 MR. JACOBS: Do you oppose?

23 MR. RODRIGUEZ: Generally we have, sir, yes,
24 the release because we feel if it's to be coercive,
25 the more that there are releases and permissions to

1 move about freely, it starts to lose its coercive
2 effect so it either has to be one or the other.

3 MR. JACOBS: My question is do you oppose
4 and you do oppose. Notwithstanding your opposition,
5 the Court has released him?

6 MR. RODRIGUEZ: Yes. There are releases
7 for family situations and releases for doctor's
8 visits. There are some that would appear to be
9 very legitimate but we just want to maintain
10 very clearly what our position is with respect
11 to coercion.

12 MR. WEINTRAUB: The releases are more fre-
13 quent than in the case of someone held under a
14 criminal sentence?

15 MR. RODRIGUEZ: Yes.

16 MR. WEINTRAUB: Is the difference appreci-
17 able would you say?

18 MR. RODRIGUEZ: From my experience I would
19 say yes, there are more that---

20 MR. JACOBS: Isn't that issue now pending
21 before the Court?

22 MR. RODRIGUEZ: The issue of punitive and
23 coercive?

24 MR. JACOBS: No, the issue as to the extent
25 of the releases and what are the consequences of

1 of that? Wasn't that the last thing you asked
2 of Mr. Catena's attorney?

3 MR. RODRIGUEZ: I am not aware of that.

4 MR. JACOBS: You are not?

5 MR. RODRIGUEZ: It could have been very
6 well raised in that case but specifically I
7 am attuned into that on the other dichotomy.

8 MR. JACOBS: That was the last item when
9 I was still on the Court and the Court has asked
10 that material be submitted as to the extent of
11 these releases and I haven't followed what has
12 happened since but I assume that's still pending.

13 MR. RODRIGUEZ: Oh, yes, I don't think there
14 has been a determination that has been brought
15 to my attention.

16 MR. BERG: I have nothing.

17 MR. WEINTRAUB: Is Senator Ammond here?

18 (No response.)

19 MR. WEINTRAUB: All right, thank you.

20 MR. RODRIGUEZ: I want to thank you for the
21 opportunity.

22 MR. HOLSTEIN: If your Honor please, I do
23 not have a written statement filed with this
24 committee.

25 MR. WEINTRAUB: Is there anything you want

1 to say?

2 MR. HOLSTEIN: With your permission, I would
3 like to discuss some of the areas of the work
4 of the Commission as it relates to the work of
5 other governmental agencies and comment briefly
6 on the issues that are raised by those inter-
7 relationships.

8 Based on my work at the SCI as Executive
9 Director since February of this year it is my
10 conclusion that there is excellent rapport and
11 a good relationship as between the SCI and
12 traditional law enforcement agencies such as
13 the FBI, the United States Attorney's Office,
14 the Division of Criminal Justice and the County
15 Prosecutor's Office.

16 Those relationships and the communication
17 that are a part of them are maintained not only
18 on my level as Executive Director with the manage-
19 ment of these traditional Prosecutors, these
20 traditional law enforcement agencies but those
21 relationships and communications also maintained
22 between agents and other employees of the SCI
23 dealing and communicating with agents and their
24 equals in traditional law enforcement agencies.

25 The communication inter-relationship re-

1 spectively is regular, consistent and meaningful
2 and it has a twofold purpose and those purposes
3 are carried out very effectively.

4 The first I would say is the purpose of
5 exchanging intelligence information to assist
6 each other mutually in the conduct of our duties
7 and to reach our respective goals.

8 Secondly, and just as importantly, the
9 communication has as its purpose the avoidance
10 of collisions or the avoidance of confusion as
11 we try to meet our various responsibilities so
12 that there seems to be, based on my experience
13 since February, an acute sensitivity to the
14 need at the SCI and on behalf of the traditional
15 law enforcement agencies to avoid colliding with
16 the work of regular law enforcement agencies
17 and they on their behalf to avoid colliding
18 with our work, and so there is no statutory
19 or institutional structure which mandates or
20 clearly prevents those kinds of collisions, as
21 I have been referring to them, but the staff
22 of these agencies, including the SCI, work, I
23 would say, very aggressively and dilligently
24 by this regular communication to avoid it and
25 that is a fact, respectfully.

1 I think it is desirable that this communi-
2 cation continue and that it be qualitative as
3 well as quantitative. To that end I meet regu-
4 larly with the head of the Division of Justice
5 and the Attorney General's Office and we do
6 consult, not only to exchange information about
7 the respective activities of our agencies, but
8 as well to help each other to make those very
9 qualitative judgments as to whether in a par-
10 ticular investigation the public interest might
11 better be served by the approach of a legislative
12 committee or a quasi legislative committee which
13 is what SCI is in many respects or is the public
14 interest better served by classic traditional
15 prosecution, and to that end we exchange facts
16 and information about particular investigations.

17 I will say as one particular example of
18 that, and it was referred to earlier and I
19 think it's an important factual example to
20 help this committee understand and evaluate
21 us respectfully, without trying to harangue
22 you on this point.

23 As part of our Medicaid investigation
24 we are very much concerned with the conduct
25 and activities of various nursing homes and

1 their inter-relationships with the Medicaid
2 system from which they draw their funds and
3 revenues.

4 In evaluating these various nursing homes
5 and the nature of their relationships with the
6 governmental agencies that administer the Medicaid
7 monies, it is not always possible, in the course
8 of the investigation, to know whether particular
9 activities are criminal or not because the kinds
10 of investigations and transactions that we are
11 concerned with are not simplistic in the sense
12 of, shall we say, was an armed robbery committed
13 or not but are sophisticated transactions involv-
14 ing complex commercial transactions where the
15 knowledge, motive and intentions of the actors
16 are very much relevant and so it is to overstate
17 the issue to say that the SCI should immediately
18 refer evidence or transactions of crime to normal
19 prosecutorial agents because the degree of com-
20 plexity and sophistication of the transactions
21 we are examining do not always make it possible
22 for us to clearly understand and know or to
23 make a judgment that something is criminal or
24 is not criminal.

25 Oftentimes the very laxity of administrative

1 regulations, and that is a very important area
2 of our concern, the very laxity of those regu-
3 lations, their very lack of clarity, their
4 very lack of application consistently make it
5 difficult to judge whether the particular ac-
6 tivities are definitely criminal or ones that
7 have been acquiesced in by the system for
8 years and therefore there is no definite motive
9 or intention to commit a criminal act because
10 the actors are merely engaged in actions and
11 activities condoned and allowed by the system.

12 So these are some of the complexities
13 in making these judgments and I started off
14 the monologue respectively by starting off
15 and mentioning the nursing home and I will
16 return to that after I finish this point very
17 briefly.

18 It came to our attention from the Director
19 of Criminal Justice with reference to a parti-
20 cular nursing home that in his opinion that
21 nursing home had committed activities which a-
22 mounted to serious criminal frauds and they
23 felt a clear and present need to engage the
24 normal prosecutorial processes.

25 We at the SCI were very, very interested

1 in that nursing home, not to have a three ring
2 circus of publicity but because that particular
3 nursing home and others--I should say that par-
4 ticular nursing home was a demonstration model,
5 if you will, not just of some instance of criminal
6 fraud but most importantly, your Honor, was a
7 demonstration model of a system which not only
8 tolerated abuse because of lack of definition
9 in administrative regulations, lack of clarity,
10 lack of aggressive application of rules that
11 were not drawn or articulate so it was much
12 more to our view a demonstration model of a
13 system that needed strengthening than it was
14 a demonstration model of a few isolated in-
15 stances of clearly definable criminal fraud
16 but the Division of Criminal Justice felt it
17 was important for the best interest of the
18 public to move ahead aggressively and to en-
19 gage normal prosecutorial processes and we
20 agonized over that decision because respect-
21 fully from the view of the Commission, and I
22 must say personally if I could just make this
23 notation, based on my past experience in prose-
24 cution of white collar crime in my prior work,
25 that it is our belief that^{the} Commission in one

1 public hearing or in one private hearing where
2 it makes recommendations for revision and re-
3 form accomplishes much more than can be accom-
4 plished by a prosecutorial agency that seeks
5 to punish one or two individuals.

6 The reason is, respectfully, gentlemen,
7 as I see it and not to harangue you, that when
8 one or two individuals are prosecuted pursuant
9 to the rules of evidence in a Court, usually
10 there is no evidence admitted into Court or
11 made public of the abuses or witnesses of the
12 systems that actually almost invited the con-
13 duct.

14 The focus of a criminal trial is on the
15 culpability of the defendant and the evidence
16 that is admitted is restricted to that parti-
17 cular narrow issue, and during the course of
18 a successful criminal prosecution what one has
19 is often heard to say or people are often heard
20 to say that one defendant committed a crime
21 and when others seek to say that the system it-
22 self is abusive, the rejoinder usually is look,
23 all that happened was that one defendant commit-
24 ted a crime. You can't ask for the overhauling
25 of an entire system because one crime was com-

1 mitted.

2 So very briefly we were very concerned
3 that the greater social good would come from
4 demonstrating an entire weak system than would
5 come from prosecuting a few of the principals
6 and officers of this one company, but because
7 of the countervailing considerations of the
8 Division and our consultation with them, we
9 retreated from our position and we did transfer
10 that very important case over to the Division.

11 So I did want to make the point that I
12 think there is regulation. It is a very complex
13 issue as to how to best serve the public interest
14 as to prosecutorial goals and the goals of the
15 legislative committee, and here we try to re-
16 solve it in a spirit of cooperation and I think
17 that spirit continues to this day with the At-
18 torney General's Office.

19 The other thing that I wanted to say
20 very briefly on this issue as to our inter-
21 relationship with any other agencies, one of
22 our concerns with referring a case, if we
23 want to use that term, immediately to another,
24 to a prosecutorial agency instead of using
25 it as a demonstration model of abuses in the

1 system, is that while the prosecutorial process
2 is going forward and it takes time it may be
3 that we have lost the opportunity during that
4 period of time to bring to the public attention
5 or otherwise take testimony from witnesses rele-
6 vant to that case and as a result, although the
7 criminal prosecution may go forward and punish
8 one or two individuals, the system itself is
9 not revised and again this nursing home is a
10 perfect example because if there were not other
11 nursing homes for us to address ourselves to,
12 then we would have to await the entire com-
13 pletion of the prosecutorial process and it
14 may take two years.

15 The system would remain unimproved, an
16 open invitation to other abuse and if I might
17 just analogize to the field or rather the area
18 of street crime, it is often said that the most
19 important task of society is to try to deal with
20 the economic and social and governmental factors
21 that lead to street crime rather than just con-
22 centrating on prosecuting individuals.

23 So we feel the same way about white collar
24 crime and about government and that is why we
25 feel it is more important to address ourselves

1 to the witnesses of the system which perhaps
2 invite the abuses than it is to just target
3 in or have a prosecutorial agency target in
4 to punish individuals.

5 I think this need that we have expressed
6 to meet the public interest in terms of making
7 recommendations and revisions for change as
8 opposed to the competing interest of prosecution
9 becomes even more important as our society be-
10 comes more complex.

11 As the New Jersey Legislature enacts
12 laws such as Medicaid, Workmen's Compensation,
13 such as rail and busline subsidies and many
14 others which are extremely complex and involved,
15 the administration of millions and millions of
16 dollars in money administered by complex execu-
17 tive branch agencies, dealing with a complex
18 body of Federal and State regulations and law,
19 the work of the SCI becomes much, much more
20 sophisticated and complex than that of a normal
21 prosecutorial agency and potentially much more
22 valuable to society and Medicaid is a perfect
23 example of that.

24 We addressed ourselves in our recent
25 hearings as to how certain claim forms could

1 be revised, how regulations could be improved.
2 A diminimus part of our investigative accom-
3 plishments was the unveiling of criminal fraud
4 transactions as opposed to other kinds of abuses.
5

6 So, as society becomes more complex and
7 the legislature more and more takes on itself
8 the complex job of legislation in these complex
9 areas, rather than in the old days as was often
10 done, defaulting this obligation to Washington;
11 that as the legislature is more involved and
12 the State government more involved in complex
13 programs, there is going to be an even greater
14 need for agencies like the SCI to do a professional
15 job of evaluation.

16 MR. JACOBS: Do you intend to address your-
17 self to the criticism by Mr. Haines such as
18 the fact, as he put it, your hearings are con-
19 ducted on the assumption of guilt and, as he
20 suggests, without sufficient protection to the
21 individual? Do you have any thoughts on those
22 stories?

23 MR. HOLSTEIN: Your Honor, I would say
24 that we do not go into the hearings, as I have
25 seen the hearings, with any preconceived notions
of personal guilt.

1 In fact, I think we are aggressive in making
2 sure that we call witnesses who are able to
3 represent all the different perspectives and
4 points of view and, most respectfully, any
5 individual that is adversely dealt with by
6 the testimony of one witness, we are very
7 careful to afford an opportunity to that
8 person affected to make an appropriate re-
9 sponse pursuant to the code of Administrative
10 Procedure and I think you will note that the
11 SCI in its hearings does not make findings of
12 fact and does not issue proclamations as to
13 credibility, so that I don't think we go in
14 either pre or post hearing and find guilt or
15 fact.

16 We do find or delineate practices or
17 procedures of agencies or business entities
18 that affect the operations of government.

19 MR. JACOBS: I take it that you are
20 satisfied that the procedures as they now
21 exist are sufficient to protect whatever
22 individual rights are involved?

23 MR. HOLSTEIN: Yes, sir, I do and I think
24 if we think of the SCI in the context of many
25 other legislative committees that have the

1
2 subpoena power and they have existed from the
3 very beginning of all legislative bodies, and
4 we see that throughout the history of this
5 country there have been legislative hearings,
6 some of them good, some of them bad but there
7 seems to be felt a need for these kind of com-
8 mittees throughout the history of democracies
9 to educate the public and the legislatures
10 as to needs for improvement.

11 MR. WEINTRAUB: Well, I think you will
12 recognize that any legislative hearing has
13 the inherent capacity of hurting some indi-
14 vidual.

15 MR. HOLSTEIN: Yes.

16 MR. WEINTRAUB: That no one can deny.
17 The question really is, is there anything more
18 that can be done to neutralize or ameliorate
19 that risk of injury. Can we get down to that?

20 MR. HOLSTEIN: It concerns the Commissioners
21 very much and in my short term since February
22 that kind of concern permeates the decision
23 process in the commission and I know that in
24 the present atmosphere there is little con-
25 solation to gentlemen such as yourselves evalu-
ating us, perhaps little consolation; that men

1 are well intentioned and there seems to be a
2 well felt need in modern times to assure that
3 government agencies are subject to institutional
4 checks and balances, and so we don't depend
5 just on the good intentions of men but these
6 four Commissioners are drawn from different
7 backgrounds, different political parties and
8 different political perspectives.

9 There are inherent checks and balances
10 within the debating and decision making pro-
11 cesses of the Commission itself so it is not
12 an autocratic institution in that sense.

13 MR. WEINTRAUB: Can you think of any
14 other safeguards that could be added?

15 MR. HOLSTEIN: Respectfully, no, and
16 have us still be able to efficiently and
17 productively and constructively do the job
18 of advising the Legislature and the public
19 of needed improvements.

20 MR. JACOBS: I don't know if it means
21 very much but I have noticed from other reports
22 from other States that they try to keep the
23 names out although frankly, from reading the
24 reports, you can't help but identify the people
25 involved even though they put Mr. X or Mr. Blank.

1 Is there anything that could improve the
2 nature of your reports that you have given
3 thought to?

4 MR. HOLSTEIN: Well, on that particular
5 issue, it seems again to be a need in resolving
6 that issue, to balance correctly a concern
7 not to unjustly hurt or expose the identity
8 of a particular person or individual as against
9 the need to serve the public interest in a
10 different way, and I refer to the fact that
11 when an agency such as the SCI takes upon it-
12 self the project, if it comes to this conclusion
13 after its work, fairly to recommend a revision
14 of a governmental agency or a revision of an
15 existing system. Then the SCI or any agency
16 like it is in effect advocating the change of
17 the status quo and it is not easy to bring
18 about changes in the status quo. To do so,
19 respectfully, the conclusions and recommendations
20 of the SCI must be persuasive and based upon
21 persuasive regulations, and I think if we were
22 to have a great amount of anonymous reports,
23 that is, where we can keep control of various
24 important individuals, then it would be very
25 difficult to bring about changes in the status

1 quo because the natural reaction of those
2 reading the reports is to say what is this
3 generalized session for need for change and
4 there would not be an understanding of the
5 context or the transactions which led to that
6 felt need and it is our credibility and our
7 persuasiveness, I think, that are very impor-
8 tant and I think that the ability to actually
9 disclose the identity of the persons and
10 agencies investigated lends a great amount
11 of weight to our credibility and persuasion.

12 MR. JACOBS: We have a comparable pro-
13 blem in the judicial sphere when the Grand
14 Jury hands down presentments naming people.

15 MR. HOLSTEIN: Yes.

16 MR. JACOBS: And that gave us a lot of
17 concern and you may recall the Assignment
18 Judge was then given power to, in effect,
19 review that before there was a public dis-
20 closure of it.

21 MR. HOLSTEIN: I filtering process by
22 the Assignment Judge. I think one of the
23 weaknesses of the Grand Jury presentment
24 system is that often times presentments are
25 issued without any recitation in the present-

1 ment itself of the facts or testimony or evi-
2 dence in the record of the Grand Jury so that
3 oftentimes when one reads presentments there
4 is a general declaration of need for this or
5 need for that without a real ability to gain
6 an insight into what led to those recommendations
7 or what the record of the Grand Jury proceedings
8 were.

9
10 The Assignment Judge may have perused it
11 but it is not often available to the public and
12 in that way the Grand Jury presentments often
13 lose persuasiveness.

14 Unfortunately the record of Grand Jury
15 presentments sometimes is that they are filed
16 away forever and ever without change coming
17 from them.

18 The last comment I had and please inter-
19 rupt me because I know I do go on.

20 MR. JACOBS: I didn't say that.

21 MR. HOLSTEIN: I know. I did, sir. I
22 would like to address myself briefly to the
23 issue of relief to litigants which is sometimes
24 called civil contempt and sometimes called
25 indefinite incarceration and other things as
well.

1 I think in any system of law and decision
2 making the concept of relief to a litigant is
3 very important and we would ask only that an
4 evaluation of the SCI's applications for relief
5 to us for a recalcitrant witness be considered
6 in the context of relief to litigants in other
7 spheres.

8 For instance, what does a Court do when
9 a defendant in a civil proceeding is ordered,
10 let's say, to pay alimony and refuses and re-
11 fuses and there seems to be a generally developed
12 concept in the judicial system and in the common
13 law that when all other kinds of sanctions fail,
14 be they monetary penalties or whatever, that
15 this very unhappy remedy of deprivation of a
16 man's liberty must be instituted or invoked to
17 preserve the basic integrity and power of the
18 judicial system, and so the plaintiff sometimes
19 in some type of family litigation is given that
20 relief of incarceration of the defendant until
21 the alimony payments are made.

22 So I am sure also if there was an ongoing--
23 I think this was mentioned before--criminal
24 trial and a very important witness with material
25 and relevant information suddenly decided, even

1 though given immunity to stand mute, the judiciary
2 would want to design and has designed a system
3 by which societal need to have a trial outweigh
4 the particular need for liberty of this particular
5 individual and although the Commission's reputa-
6 tion for applying for this kind of relief to a
7 litigant tends to focus on the so called members
8 of organized crime because that's where it's
9 been utilized most frequently, I think it's most
10 important value is its potential for use in the
11 context of public hearings because it is through
12 the vehicle of public hearings which deals with
13 issues of adequacies that the Commission has a
14 clear and present need in the short space of
15 a three or four day hearing to produce the
16 testimony of a particular witness, not for
17 guiltfinding or accusatory reasons but a par-
18 ticular witness might have specially relevant
19 testimony, to demonstrate persuasively the
20 need to abandon the status quo and move on
21 with strength to a better system and absent
22 that particular witness' testimony, it may
23 be possible persuasively to demonstrate to
24 those who may be lackadaisical in their con-
25 cern for public interest that their needs to

1 be an abandonment of the status quo.

2 So very recently we have had a situation
3 where a witness refused to testify even though
4 given immunity in the last week during our
5 Medicaid hearings and my point is this: If
6 the Commission's remedies were restricted to
7 its ability to request the Prosecutor to return
8 an indictment through the Grand Jury of that
9 individual for a criminal contempt of the
10 Commission, then by the time that criminal
11 process had actually gone to the conclusion,
12 by the time the indictment is filed, the arraign-
13 ment held, the trial held and the verdict given
14 and the sentence imposed, by the time that process
15 had gone on the hearings would be long over and
16 so it is very important for us, I think respect-
17 fully, to have this remedy of instantancous
18 incarceration.

19 MR. WEINTRAUB: We are not suggesting
20 that it not. I think we are talking about the
21 problem of a long term confinement. Your hypo-
22 thetical is of a hearing that is fairly immi-
23 nent.

24 MR. HOLSTEIN: Yes.

25 MR. WEINTRAUB: What we are talking about

1 wouldn't help you at all because it's a matter
2 of a week and after a week that man's testimony
3 would no longer be needed. That man perhaps
4 might stay in jail on contempt for the week
5 and then go free because you no longer need
6 him.

7 The question is whether the long term
8 problem is one that calls for superceding
9 not replacing.

10 MR. HOLSTEIN: I am sorry. I misunderstood.

11 MR. WEINTRAUB: I think that's the question.

12 MR. HOLSTEIN: Well, along with the re-
13 marks of Chairman Rodriguez of the SCI, I feel
14 that we could live with that kind of proposal
15 within the guidelines that the Chairman put
16 forth.

17 However, I would respectfully urge serious
18 consideration to a mandatory minimum if there
19 is going to be imposed---

20 MR. BRODERICK: What minimum?

21 MR. HOLSTEIN: Well, obviously sir, and
22 most respectfully, to some extent I have to be
23 guided in that answer by the Chairman's view-
24 points.

25 MR. WEINTRAUB: It presents more problems

1 than are resolved.

2 MR. HOLSTEIN: I appreciate that but
3 if the Legislature feels, as it seems to me,
4 that the SCI could make an important contri-
5 bution by its functions and duties by excer-
6 cising its functions and duties, then I would
7 respectfully urge that they weigh carefully
8 the risk of a particular Court imposing perhaps
9 a very light sentence and thereby frustrating
10 the will of the Legislature in that regard.

11 MR. BERG: Wouldn't that sweep in though
12 the man, the newspaper reporter, you know,
13 somebody who is standing on his right, not know-
14 ing really that he is supposed to testify; that
15 you are sweeping in too wide a spectrum. You
16 are speaking about organized crime figures, I
17 believe?

18 MR. HOLSTEIN: No, I'm not.

19 MR. BERG: A minimum for somebody like
20 this?

21 MR. HOLSTEIN: When I visualize relief
22 to litigants I visualize an SCI that must
23 help the Legislature and this public by its
24 ability to incarcerate indefinitely any re-
25 calcitrant witness.

1 MR. BERG: But I am talking about the
2 minimum in particular.

3 MR. HOLSTEIN: Well, when I say minimum
4 I am saying that in effect you would have a situ-
5 ation where each Court or each Judge respectively
6 would have to be imposing his own will on whether
7 the particular obstinate refusal to testify is
8 good or bad.

9 MR. WEINTRAUB: That is true of all sen-
10 tencing, is it not? If the mandatory minimum
11 which is generally an unsatisfactory tool,
12 and we can't buy it because simply an individual
13 Judge may err in his judgment.

14 MR. HOLSTEIN: Yes, sir, but our goal is
15 not punishment and that's where it differs from
16 sentencing. Rather our goal is to make sure
17 that we preserve intact the ability to serve
18 our public function.

19 MR. WEINTRAUB: Yes, but the mandatory
20 minimum would be punishment. Theoretically
21 it would still obtain if the man had spoken,
22 right?

23 MR. HOLSTEIN: I guess you're right, sir,
24 although I would see it as a very effective way
25 to preserve SCI's ability to meet its duty of

1 public exposition.

2 MR. WEINTRAUB: All right.

3 MR. HOLSTEIN: I last want to comment
4 respectfully on the role of the Executive
5 Director. As you know, the Executive Director
6 has the responsibility of day to day supervision.

7 MR. JACOBS: What is the nature of your
8 appointment? Is it at will?

9 MR. HOLSTEIN: Yes, sir, the will of the
10 Commission. Now, in fact, there is no civil
11 service protection for any of the employees
12 of the SCI and I think in that way we do serve
13 the public interest.

14 As I was saying, the Executive Director
15 has the responsibility of the day to day super-
16 vision of the staff and the day to day conduct
17 of investigations.

18 I think that the relationship between the
19 Executive Director and the Commission must be,
20 and that it has been in the past, one of full
21 disclosure and complete confidence and exchange
22 of information.

23 We spend a great deal of time briefing
24 the Commissioners on the details of our work
25 and it is a fascinating proceeding to me, at

1 least, in that we get the input of four attorneys,
2 the Commissioners, with different perspectives,
3 different viewpoints, different values.

4 MR. JACOBS: How often do you meet with
5 the Commissioners?

6 MR. HOLSTEIN: Once a week, your Honor,
7 on Thursday. It tends to be a very intensive
8 session. Now, that concludes my remarks. I
9 will answer any other questions. Thank you
10 very much for the opportunity.

11 MR. BERG: Is Senator Ammond in the room?

12 (No response.)

13 MR. WEINTRAUB: Are there any other witnesses?

14 (No response.)

15 MR. WEINTRAUB: If not, we are ready to
16 close the hearing and I would extend to the
17 Senator an invitation to file a written state-
18 ment. Unfortunately she has been unable to get
19 here and regrettably I did not notice when she
20 was here this morning but in any event would
21 you advise her that if she wishes to file a
22 statement we would be glad to accept it.

23 MR. BERG: I think she was tied up with
24 the Senate hearings.

25 MR. WEINTRAUB: Yes, something before the

1
2 Legislature. Thank you very much for your
3 help. We appreciate it. The hearing is closed.
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2 Re: PUBLIC HEARING OF THE
3 GOVERNOR'S COMMITTEE TO
4 EVALUATE THE STATE
5 COMMITTEE OF INVESTIGATION
6

7 I HEREBY CERTIFY the foregoing to be
8 a true and accurate transcript of the
9 proceedings in the above-entitled matter.
10

11
12 
13 _____
14 MELVIN WEINER, C.S.R.
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