

STATE OF NEW JERSEY
COMMISSION OF INVESTIGATION

-----:
IN THE MATTER OF THE INVESTIGATION :
OF THE OFFICE OF THE ATTORNEY : Executive Session
GENERAL OF THE STATE OF NEW JERSEY : TRANSCRIPT OF
-----: PROCEEDINGS
VOLUME VIII

Thursday, December 21, 1972

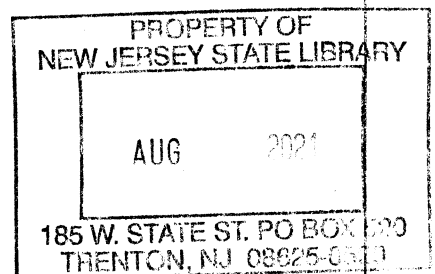
Ridgewood, New Jersey.

B E F O R E:

JOHN F. MC CARTHY, JR., Chairman
CHARLES L. BERTINI, Commissioner
WILFRED P. DIANA, Commissioner

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

JOHN J. FRANCIS, ESQ.,
Special Counsel to Commission,
-and-
CHARLES D. SAPIENZA, ESQ.,
Counsel to Commission.



Reported by:

John J. Prout, Jr., C.S.R.

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I N D E X

WITNESS

EXAMINATION

PIERRE P. GARVEN

Mr. Francis

1301

EXHIBIT

DESCRIPTION

PAGE

C-60

Memorandum of Mr. Sapienza re meet-
ing with Judge Stamler, dated
September 29, 1972

1343

1 THE CHAIRMAN: We have a meeting of the State
2 Commission of Investigation. Present are all three
3 commissioners; Mr. Bertini, Mr. Diana, my name's
4 John McCarthy. We have special counsel, Mr. Francis,
5 and Counsel Mr. Charles Sapienza, and we're here
6 today to take testimony from Judge Pierre Garven
7 relative to the investigation of the Attorney
8 General's Office as regards to the handling of what
9 we call the Sherwin matter.

10 What we do, Judge Garven, we will ask you
11 to be sworn and then Mr. Sapienza will give you, as
12 we give in all cases, various warnings to all wit-
13 nesses, and then Justice Francis, or Mr. Francis,
14 will take care of the questioning along with Mr.
15 Sapienza.

16 All right. Would you stand up, sir, to be
17 sworn.

18
19 P I E R R E P. G A R V E N, having been duly
20 sworn according to law by the Officer, testified
21 as follows:

22
23 THE WITNESS: Pierre P. Garven, 261 Bellair
24 Road, Ridgewood, New Jersey.

25 MR. SAPIENZA: Mr. Garven, just before we

1 begin I'm going to read to you the warnings that we
2 read to all witnesses who appear before us.

3 This is an executive session of the Commission.
4 Your testimony will be taken under oath and tran-
5 scribed by the shorthand reporter. It may be used
6 against you later on in a court of law. For that
7 reason, if you feel that any of your answers may
8 tend to incriminate you, you may refuse to answer.
9 You have, of course, the right to be accompanied
10 by an attorney of your choice. We know that you are
11 an attorney. But, just for the record, is it your
12 desire today to proceed without any outside counsel
13 to assist you?

14 THE WITNESS: Yes, it is.

15 MR. SAPIENZA: If at any time during the
16 questioning you would like us to stop for any rea-
17 son, you just have to say "Stop" and we will dis-
18 continue the proceedings.

19 You are appearing voluntarily.

20 Section 52 of our statute requires that any
21 information you may gain from this interview you
22 should hold confidential to yourself, and we will
23 do likewise. This is an executive, private session.
24 The Commission has the right to release your testi-
25 mony at this private session to the public either

1 in a report or some other fashion at a later time,
2 or even ask you to give the same testimony again at
3 a public hearing if they should decide that's nec-
4 essary.

5 You understand that?

6 THE WITNESS: Yes, I do.

7 MR. SAPIENZA: Now, a copy of your testimony
8 at this private hearing may be made available to you
9 and will be made available to you as soon as it is
10 transcribed. Upon reading the same, if you would
11 like to file a sworn, written statement relative to
12 your testimony, we will be glad to accept it and
13 incorporate it into the record. You don't have to
14 do so. It's strictly up to you. That's all.

15 John, just one point. The last marking we
16 had for exhibits, I think, was C-59 and my notes
17 indicate that was an October 22nd memo from David
18 Biederman to the file. Does that correspond to your
19 recollection?

20 MR. FRANCIS: Off the record.

21 (Whereupon, there is a discussion off the
22 record.)

23
24 EXAMINATION BY MR. FRANCIS:

25 Q Well, Judge, you are a member of the Bar of

1 New Jersey? A Yes, sir.

2 Q And have been for how long?

3 A Since approximately 1952.

4 Q You have an official position in the state
5 government now, do you?

6 A Yes, sir.

7 Q And what is it?

8 A Counsel to the Governor.

9 Q And you have had that for how long?

10 A Since 1970.

11 Q When in 1970 did it begin?

12 A January. Approximately January 20th, 1970.

13 Q And did you know Deputy Attorney General

14 David Biederman? A Do I know him?

15 Q Yes. A Yes, I do.

16 Q And did you know him in the late fall of
17 1970? A Yes.

18 Q In November of 1970, do you recall whether
19 or not Biederman came to see you at your office at the
20 State House? A Yes. Well, I had
21 seen Dave Biederman on a few occasions prior to that time
22 at meetings, so I did know the man. He did come in the
23 fall of 1970, if you're referring to this matter that--

24 Q Yes. A --you have under
25 investigation.

1 Q Well, on or about the 4th of November of
2 1970? A Yes. I can't place the

3 date, but I would say that he did see me at approximately
4 that time.

5 Q I see. Well, at least you can say in the
6 early part of November of that year?

7 A I believe it was, yes.

8 Q And did he have an appointment or did he
9 just come in? A No, I'm sure he did not

10 have an appointment; that is, a long-range appointment.

11 Whether he called up an hour before or whether he came in
12 I don't know.

13 Q Did you have a conversation with him at that
14 time? A Yes, I did.

15 Q About how long did it take?

16 A I know it was very short.

17 Q When he came in, did he have any documents
18 with him? A Not that I recall.

19 Q Did he hand you any documents?

20 A No, he gave me nothing.

21 Q Did he tell you what he came in for?

22 A Yes.

23 Q And what was that?

24 A He said that the Secretary of State, Paul Sherwin,
25 had written a letter to, as he put it, his commissioner,

1 meaning Commissioner Kohl, requesting the commissioner to
2 rebid a project. I am sure that he identified the project,
3 but I couldn't tell you, you know, how he did it.

4 I also believe that Biederman advised me of the
5 reasons why Sherwin requested the bids to be resubmitted.
6 I'm not sure about this, but I think that he did. I be-
7 lieve he mentioned something about the engineering costs,
8 and I think that he said something about the low bidder's
9 material or lack of material.

10 Q Did he tell you at that time as to whether
11 or not a decision had been reached by the commissioner to
12 award the contract to the low bidder or somebody else, or
13 to reject all the bids?

14 A Yes, he told me that Kohl was, or had, I believe,
15 had gone with the lowest bidder and was--had awarded the
16 contract to the lowest bidder.

17 Q Now, do you have a recollection of the name,
18 if Biederman did use a name, of the low bidder?

19 A No, I don't.

20 Q What, if anything, did he say to you about
21 what he wanted you to do?

22 A Well, he asked me, basically, and I'm giving you now,
23 you know, substance here, to the best of my recollection,
24 anyway, he asked me to speak with Sherwin and advise Sherwin
25 that Commissioner Kohl had determined to go with the lowest

1 bidder. He also gave me the impression that he wanted me,
2 and not necessarily he, but, I suppose, Kohl, to speak
3 with Sherwin and to advise Sherwin that Kohl did not want
4 others involved in the Department of Transportation matters,
5 and that I told Biederman that, you know, I would be happy
6 to speak to Paul.

7 Q And did you call him?

8 A I have no present recollection of talking to the
9 man, but I'm convinced in my own mind that I did.

10 Q Did Biederman ask you to tell Sherwin that
11 the contract had been awarded?

12 A Yes.

13 Q Or was about to be awarded to the low bidder?

14 A No, I don't--it seems to me there was no question
15 in my mind but that the contract had been awarded to the
16 lowest bidder. And I'm sure of one reason that he was
17 there was the request had been made by Sherwin. Obviously
18 Kohl had reviewed the request, as he would, I assume,
19 anybody else's, and rejected it. But John Kohl is the type
20 of man, as some of us are, that would prefer, I think, to
21 have a rejection advised by someone else, and I think John
22 has felt--and I'm just giving you my impression of how I
23 felt--John would rather have that conveyed to Paul, plus
24 I think that John also--and again I'm giving you my own
25 impression of how I felt--felt that the involvement, even

1 by way of a request, whatever the motivation was, by others,
2 mainly Sherwin in this case, probably stepped on his toes,
3 and I suspect those are the reasons that Biederman was
4 there.

5 Q I don't know whether you said this or
6 whether I asked you. Did Biederman say to you, according
7 to your recollection, that Kohl had asked him to come and
8 see you and ask you to speak to Sherwin?

9 A Yes, I believe he did.

10 Q Then you said you have a recollection that
11 you did talk to Sherwin?

12 A No, I can't tell you the conversation, because I
13 just don't recall it. But I'm convinced that I did speak
14 with Paul and convey that which I just stated.

15 Q Do you remember what he said?

16 A This is what troubles me in the sense that I can't
17 put my finger on it. I am relatively certain it wasn't
18 the first day that Biederman was there. It may have been
19 two or three days later, and I just have that sense of
20 feeling that there was nothing that was said by Sherwin
21 that made any impression upon me. This, you know, all
22 occurred in a very short period of time, both conversations,
23 Biederman's and, I assume, this one I had with Sherwin.

24 Q You think the one you had with Sherwin was a
25 day or so later--

A Yes.

1 Q --after Biederman's visit?

2 A Yes. I just have some recollection of doing some-
3 thing after Biederman left totally unrelated to Biederman,
4 you know, going on my way, and I don't think it was an
5 appointment, but going back to that which I had done before
6 he got there.

7 Q Do you-- A Furthermore,
8 the conversation, I must add, did not lend itself to any
9 promptness or need as far as I was concerned based upon
10 the information he gave me.

11 Q Do you have any recollection of any conver-
12 sation, specific conversation, you had with him about the
13 low bidder and what you said to him about it?

14 A With Biederman?

15 Q Yes. A The only thing
16 I recall is that he mentioned the request by letter. And
17 I would like to get back to that letter for a moment,
18 if I may.

19 Q Yes, I was going to ask some more about it,
20 too.

21 A He said that Kohl had
22 determined to go with the lowest bidder, and I know I made
23 some reference to the fact that he legally, and Kohl is
24 head of the department, certainly had all the facts at
25 hand and I'm sure that a proper and legal determination
was made, and I know I also made some reference, "I'm

1 glad to see the dirt fly" or something to that effect.

2 Q Do you have any recollection as to whether
3 within a short time after that, again in the early part
4 of November, meeting Commission Kohl and saying to him,
5 in not a conversation that was designed to talk about
6 this particularly, but in conversation saying to him,
7 "Well, I talked to Sherwin and there will be no more
8 interference in your department"?

9 A I don't recall it. I don't even recall using the
10 word "interference" at any time.

11 Q I see. A With anyone.

12 Q Well, leaving out the word "interference,"
13 do you have any recollection of having spoken to Kohl
14 and telling him that you had spoken to Sherwin?

15 A No, I have no recollection of that. It could have
16 happened, because I'm sure I spoke to Paul. Now, whether
17 it did or not I don't recall, but I just don't have any
18 recollection of that.

19 Q Did Biederman ever speak to you again about
20 it and ask you whether you had spoken to Sherwin?

21 A I saw Dave Biederman after that time, but I'm
22 just guessing, ten, twelve times, or maybe more. He never
23 uttered one word about our conversation or the subject
24 matter after that one meeting. It was the one meeting,
25 three minutes or five minutes or whatever it was, and

1 there was not a peep from Dave Biederman to me from that
2 time until this day. The last time I saw Dave Biederman
3 was in March of 1972 on a matter totally unrelated to this.

4 Q Yes, I have a note about that. I would like
5 to come to it a little later.

6 A I might add one other thing while I think about
7 that, which is certainly not germane to this, but I know
8 Dave at that time could not have been too disenchanted
9 because--I'm now referring to March of '72--because on
10 his way out, and again it was a short stay, he said that
11 although he was out of the administration, and although
12 he had been a Democrat, I guess, all his life, that he
13 wanted to work for Governor Cahill, if he ran again, as
14 chairman of the Democrats for Cahill. So, I told him
15 that I thought things were a little premature at that time,
16 but thanked him. And I think those are the last words I've
17 said to Dave Biederman.

18 Q To come back to the first conversation again
19 in the early part of November, would it be fair to say
20 that when he left you had given him the impression that
21 there would be no suggestions of any kind from you adverse
22 to the award of the contract to the low bidder?

23 A I couldn't care less. My main concern, and only
24 concern, would be in the interest of the State that the
25 lowest bidder get the award. I had no knowledge of Manzo

1 or any of these other fellows at that time. Never heard
2 of them and never heard of Route 46 contract, the one in
3 issue, at that time. I just felt that Dave came in there
4 for the reasons that I had advanced to you.

5 Q Now, going back to the papers, in reference
6 to papers again, you have a clear recollection that he
7 did not have with him what he has described as a package
8 which he gave you? A Well, I can't
9 tell you what he had on his person, obviously. I can tell
10 you one thing positively, categorically, honestly; he gave
11 me nothing.

12 Now, I did want to make one reference to a letter.

13 Q Let me-- A I'm sorry.

14 Q --touch that letter for a moment. At that
15 time did he have in his hands a sheaf or a number of
16 papers and clip them to one and say, "This one you ought
17 to see," and he showed you a letter of October 8th from
18 Sherwin to Kohl? A He had nothing
19 in his hand, as far as I recall. I know he gave me
20 nothing. The only thing that troubled me, and you have
21 to put these things in a context, was whether he showed
22 that letter.

23 Q You're talking about the October 8th letter?

24 A I'm now talking about the Sherwin to Kohl, the only
25 --the only document that we discussed. I thought about

1 that, you know, the last few months and I could not in the
2 beginning really think whether he had a copy of that or
3 not, if he showed it to me. But I am absolutely convinced
4 now that he did not. He mentioned the letter. There is
5 no question about that. Obviously that was his initial
6 remarks.

7 Q Did he tell you the substance of the letter?

8 A That there was a request, yes, for--Sherwin had
9 requested by letter that this contract be rebid, and,
10 as I said before, I believe Dave also gave me reasons,
11 which I assume would be Sherwin's reasons.

12 Q Do you want to say in the--

13 A Several months ago--

14 Q Oh, I was going to say, do you want to say
15 anything more about that letter?

16 A I just--that was the only thing that really
17 bothered me in the sense that I couldn't put my finger on
18 it. But I am now totally convinced that he made mention
19 of the letter. He did not have the letter with him, at
20 least.

21 Q Let me show you that letter, which we have
22 marked C-5 in our hearings. Suppose you look at it to see
23 if it does anything to indicate that he may have shown

24 that to you. A Well, I think
25 this is one of the reasons why I say he did not, because

1 my mind may not be the best, and obviously it is not, but--

2 Q At the moment you mean?

3 A No, at any time.

4 But I do feel confident that I would recognize at
5 least some of the wording in a letter of this nature, and
6 when I did read it maybe four or five months ago, whenever
7 it was, it just didn't ring that spark of having seen it.

8 Q Well, looking at it now--

9 A And looking at it now--

10 Q --you're satisfied, are you?

11 A --it just satisfies me completely.

12 Q Now, to deal with the express statement about
13 it, just a minute ago I asked you whether Biederman showed
14 you some papers and flipped them, quotes, flipped them, as
15 he put it, flipped the package open to this letter and
16 did he say to you then, "Particularly this one," meaning
17 the October 8th letter?

18 A This one? He didn't show me anything.

19 Q The reason I ask the question is, I have
20 given you Biederman's quote, and you say that he never
21 said that to you; that he never flipped the package and
22 said to you, "I want you to look at these, particularly
23 this one," meaning that letter?

24 A This man never had a package to flip when he was in
25 my office on that date in November of 1970.

1 Q And then did you look at that letter and say
2 to him, "You're right, I should see this"?

3 A No, I did not.

4 Q All right. A I could really
5 at this point--I'm just going to make reference to it--
6 take off and, you know, make certain accusations, but these
7 are things which are not for me to say. As far as character-
8 izing, you know, what Biederman did or did not say, I really
9 don't know what he told you.

10 Q Yes. A But if what you're
11 telling me--

12 Q The reason I put it in quotes is, I want a
13 direct statement from you as to whether he said those things.

14 A Uh-huh.

15 Q And you say he did not?

16 A Yes. Well, I had heard, as you hear rumbles all
17 over this world, I guess, that for the last several months
18 Biederman said that he had given me certain documents on
19 this day. So, at least in a sense of a rumor, I have been
20 well aware of that.

21 Q Do you recall a time when you heard about the
22 United States Attorney Stern coming to see Attorney General
23 Kugler? A Yes.

24 Q Specifically,-- A Yes.

25 Q --April 26th, 1972?

1 A Yes, I'm sure I did.

2 Q On that day in the afternoon were you present
3 in the Governor's office when General Kugler and the
4 Governor were present and Commissioner Kohl was sent for
5 and came in with his file?

6 A I think, Mr. Justice, I was there; you know, in and
7 out, but I was there part of the time.

8 Q I see. A I was there
9 when the Attorney General was there, at least in part, I'm
10 sure, and also when Commissioner Kohl was there.

11 Q Did you see a letter or memorandum, that
12 Commissioner Kohl produced, which had handwritten on the
13 side of it, "Biederman discussed with Garven 11/4. Garven
14 to speak to Sherwin"? Do you remember seeing that?

15 A Yes. I'm not sure that was the exact day. Let
16 me rephrase that. I'm not sure of the exact date, but I
17 know that either John Kohl gave me a sheaf of papers, may-
18 be eight or nine. I'm not sure. I don't have them here.
19 I thought I did. But that was one of them.

20 Q Well, at that time--

21 A I assumed that was his file, or part of it.

22 Q At that time, and I'm speaking now about this
23 day in the Governor's office when that paper was produced,
24 was there any conversation then about whether you had
25 spoken to Sherwin and what you had said to him and what

1 Sherwin's reply was?

2 A I don't even
3 think at that moment it crossed my mind, but I know I
4 didn't speak of it when John was there. I don't think--
5 I just don't think it crossed my mind. You know, at that
6 time it just didn't occur to me. I didn't put the two
7 together.

8 Q Did Kohl at that time, at least, make any
9 statement that you heard indicating what he believed Sher-
10 win was seeking to do with him in connection with this
11 Route 46 contract?

12 A Well, I know the
13 general subject matter was discussed. I know he had his
14 file there, and I think he had a copy or copies made, may-
15 be one or two, which were these eight or nine sheets,
16 pieces of paper.

17 Q Well, maybe--

18 A I don't--

19 Q Did Commissioner Kohl indicate any anger or
20 animosity toward Sherwin at that time?

21 A I certainly wouldn't characterize it as animosity,
22 no.

23 Q Well, did Commissioner Kohl make any state-
24 ment as to whether he believed Sherwin was engaged in any
25 corruption or illegal activity or doing anything that
involved the payment of, passage of money?

A No.

Q Or anything of this sort?

1 A None at all. On the contrary, possibly, as I
2 recall, something about a political favor or something.

3 Q Commissioner Kohl said something about doing--

4 A Something like that.

5 Q --a political favor?

6 A Yes.

7 Q You were there when the Secretary of State
8 Sherwin came in, were you? Or in and out, as you say?

9 A Again, like many meetings, I'm in and out between
10 the Governor's office and my office. But I was there at
11 certainly part of the time that the Secretary of State
12 came in, yes.

13 Incidentally, John Kohl was not there as I recall,
14 when the Secretary of State was there.

15 Q In other words,--

16 A I think the Governor brought him in.

17 Q They came in at separate times?

18 A Independently.

19 Q By the way, did the Governor or General
20 Kugler at any time while you were there say either to
21 Sherwin or to Kohl what the reason was for his inquiries
22 that afternoon? A I think the
23 Attorney General had said that he had had a conference
24 with the U. S. Attorney, as a result of which the Attorney
25 General saw the Governor and advised the Governor of the

1 substance of that conference.

2 Q Were any statements made by the Governor or
3 Attorney General, to either Sherwin or Kohl, or to both,
4 as to what their attitude should be toward any investiga-
5 tion?

6 A Well, I know the Governor
7 did as to each.

8 Q What did he say?

9 A He told each that he wanted that individual to
10 cooperate to the fullest extent with the law enforcement
11 agencies, whatever they may be, federal or state.

12 Q What is your recollection as to what, if
13 anything, Sherwin said in reference to his participation
14 in this matter?

15 A As I recall,
16 Sherwin was very vague about it and didn't really re-
17 member the transaction, except I think he did make some
18 reference to asphalt in general. He said he had a file
19 and that there would be some material in the file. When
20 I speak of asphalt in general, I meant the lack of it at
21 that time. And he went back to his office to try and
22 get a file that would convey some of these things.

23 Q Well, did he make any explanation of that
24 October 8th letter and why he wrote it?

25 A I believe that Sherwin at that time didn't even
recall writing it.

Q Well, do you have any recollection as to

1 whether when Kohl produced this file he showed it to him?

2 A Showed it to--

3 Q Oh, well,-- A I don't think--
4 they were not there together.

5 Q Right, you said they were not there. But
6 did Kohl leave his papers there when he left?

7 A I'm sure he did, yes. Yes, because at least I know
8 I had this half-dozen or so pieces.

9 Q Well, do you remember whether anyone showed
10 Sherwin that October 8th letter and asked for an explana-
11 tion of it? A I'm sure somebody must
12 have.

13 Q Do you remember what anybody said or what he
14 said? A I'm sure somebody asked
15 him if he wrote it, but I just think his response, seems
16 to me, was very vague; that he just didn't recall at that
17 time. I mean, I'm not sure. I honestly am not sure.

18 Q Did you ever talk to Sherwin about it after
19 that? A I had what I believe to
20 be that one conversation with Paul Sherwin, which was a
21 couple of days, whatever it was, after November, 1970 meet-
22 ing with Biederman. I never spoke to Paul Sherwin after
23 that about that subject matter until the subject matter
24 came up in the spring of '72.

25 Q I see. Well, at any time after the indictment,

1 for example, or after you learned that the United States
2 Attorney was investigating it, did you ever have conversa-
3 tions with Sherwin about it; say, "What's going on here?"
4 or anything like that? A Did I
5 ever speak with Paul?

6 Q Yes. A Oh, yes.

7 Q What did he say about it?

8 A About what?

9 Q About what he had done and what he was
10 trying to do with respect to having these bids rejected.

11 A Well, Paul had always asserted that what he felt
12 he did had justification; that he has always asserted his
13 innocence. He always expressed to me that he never in-
14 tententionally, intentionallly, did anything wrong.

15 Q Was there ever any discussion between you
16 and Sherwin with respect to his knowledge of a contribu-
17 tion to the Republican Party?

18 A I don't recall speaking to Paul about any contribu-
19 tion except that I have heard him say that he knew nothing
20 about any contribution, you know, at the time of this
21 transaction, and I have heard him say that, you know, a
22 number of times.

23 Q I think you told us before that the next time
24 you ever had any contact with Biederman was in March of
25 1972?

A No, sir. I had a number

1 of--

2 Q Any conversation?

3 A The last.

4 Q The last? A My last conver-
5 sation was with Biederman in March of 1972.

6 Q And do you have a recollection of when he
7 left the Attorney General's Office and the Department of
8 Transportation? A Yes. I believe
9 he left in the fall of '71.

10 See, Dave Biederman, as you gentlemen undoubtedly
11 know, is a prolific writer. And that is not being critical,
12 I'm just stating that. He also is one who loves to furnish
13 copies to various people. I must have tens of copies of
14 documents in the file in the office over which I had ab-
15 solutely nothing to do, but I received copies from Dave
16 Biederman. It surprised me in this case there wasn't one
17 document that had my name on it. But--

18 Q Between the time he left--our record shows
19 the date of actual leaving as November of 1971. Before
20 he left did you ever have any conversation with him with
21 respect to becoming a judge?

22 A See, my mind--I had lost the track.

23 Yes, I had a number of conversations with Dave,
24 ten, twelve over the last year or so, on transportation
25 matters. But intermingled with that was his absolute desire

1 to be a judge, and in one of my functions I do make some
2 suggestions to the Governor, along with hundreds of other
3 people, I'm sure, as far as judgeships are concerned, and,
4 so, Dave continually requested that he be considered. Again,
5 without going into the personalities or reasons, which are
6 really irrelevant here--

7 Q May I ask here at this point, did he ever
8 seek appointment for a specific vacancy from you?

9 A Yes, the vacancies in Bergen County.

10 Q And do you remember what court that was?

11 A Well, I think it varied. Initially, I believe, there
12 was an opening in more than one court. In--

13 Q Well, let's see if I can spur your recollec-
14 tion a little bit about this.

15 When Mr. Biederman testified and I asked him
16 with respect to his seeking a judgeship in Bergen County,
17 he said, "Yes. That's the one that went to Mr. Gelman,
18 Judge Garven's partner." Do you recall that judgeship?

19 A I certainly do, but I think it goes back before that.

20 Q You were on the county bench for how long?

21 A Oh, a little less than a year.

22 Q This is George Gelman, is it?

23 A Yes.

24 Q Was he your partner at one time?

25 A Oh, yes.

1 Q How long before you went on the bench?

2 A Seven years, about.

3 Q And-- A But there was absolutely
4 no comparison between a George Gelman and a Dave Biederman,
5 and I'm only expressing my own personal opinion. But I--

6 Q In other words,-- A There was
7 more than one vacancy. As a matter of fact, my own. But
8 after that I recall there was one or two, and earlier this
9 year the Governor signed a bill which was passed last year,
10 1971, creating additional state-wide judgeships that
11 Biederman obviously knew something would go to Bergen
12 County. So it had--there is no relationship between Dave
13 Biederman not receiving at least my recommendation, what-
14 ever that may be worth, and George Gelman getting a judge-
15 ship.

16 Q Well, I gather what you're saying is that
17 the fact that George Gelman had been your partner at one
18 time was not the motivating factor in his appointment to
19 the bench? A Absolutely not.

20 Q Now,-- A I might also add
21 this: Aside from judgeship, in 1971, this would be after
22 our November meeting, Dave requested that he be an assis-
23 tant counsel. There was an opening, or there was going to
24 be an opening. I believe this would be the spring of '71.

25 Q That was before he left the Department of

1 Transportation?

A Yes.

2 Q And he did not receive that appointment?

3 A He certainly did not.

4 Q Did he ever indicate any animosity toward you
5 or toward the administration?

6 A No. On the contrary, I have expressed to you some
7 time ago that little diddy in March of 1972 in reference to
8 so-called re-election plans, which, I think, expresses
9 some confidence. He requested of me my consideration for
10 recommendation to the Governor for a judgeship. He re-
11 quested me--again these are all after November, 1970--a
12 position in the office of Counsel, which obviously would
13 be headed by myself. I can't imagine a man feeling someone
14 had not done his duty and at the same time press for em-
15 ployment in the same office.

16 Q The March, '72 meeting that we have been
17 talking about, does the Mal-Bros. Construction Company mean
18 anything to you?

19 A I think that was
the subject matter, yes.

20 Q Was that the reason for the meeting?

21 Off the record.

22 THE CHAIRMAN: Why don't we take five minutes.

23 (Whereupon, there is a discussion off the
24 record.)

25 Q I want to come back to this March, '72 meeting.

1 A I would like to go back on the subject matter of
2 the confidence.

3 Q All right, go ahead.

4 A And not in reference to myself.

5 I have stated that in our office we receive all
6 kinds of letters from Dave Biederman, and have since I've
7 been there. I'm sure you have a copy of this letter, but
8 it's dated December 29th, 1971. It's in reference to
9 Trap Rock.

10 Q Oh, yes. We have marked that in evidence.

11 A Okay. And I would just like to make reference to,
12 as far as conversation is concerned, Biederman's statement
13 here in regard to the Attorney General and what a high
14 regard he has for the Attorney General.

15 Also, the point shouldn't be missed that this copy
16 that I have, one of several, unrelated, which show blind
17 copy to me, again making reference to all these documents
18 that Biederman allegedly gave me, it seems to me his past
19 performance was always to send me copies with either a copy
20 shown on there or at least blind copy.

21 Q When he talked with you on that occasion about
22 Mal-Bros., did you know at that time that there had been
23 an application for the reinstatement of Mal-Bros. as a
24 bidder?

25 A I think, sir, that I had
very little to do with the detail of that case. I think

1 that I was one of the originators of it, apparently, a
2 couple of years before, but--

3 Q What I want to get to now is, did he ask
4 you at that meeting of March, 1972, to do anything for
5 him with respect to Mal-Bros.?

6 A Yes. He asked me, basically, to intercede with the
7 Attorney General to put his client back on the bidding list.
8 I told him I wasn't going to intercede with anybody on that
9 subject matter and most others.

10 Q Has he been in at all, or communicated with
11 you at all, since the indictment of Sherwin, for example?

12 A No. I haven't spoken to Dave Biederman since March,
13 1972.

14 Q Now, to come back once again to the March
15 26th, '72 meeting in the Governor's office when the Attorney
16 General--

A What date?

17 Q March 26th.

18 THE CHAIRMAN: April 26th, Mr. Francis.

19 COMMISSIONER DIANA: 4/26.

20 Q I beg pardon. April 26th, 1972, when the
21 Governor sent for Commissioner Kohl and then Sherwin, and
22 the meeting that you were in and out of. Did you have any
23 conversation with Attorney General Kugler after that date?

24 A About what subject matter?

25 Q Well, about the Sherwin matter.

1 A Oh, yes, on occasion.

2 Q And how soon after that meeting would you
3 say you had the next discussion with him about it?

4 A I couldn't tell you when, sir.

5 Q Did the Attorney General ever indicate to
6 you that he had any knowledge of any contribution to the
7 Republican Party prior to the time the Judge Stamler
8 civil case was tried? A None.

9 Q Did you ever have any conversation with the
10 Attorney General which indicated in any way that he had
11 any knowledge that Sherwin knew anything about a ten-
12 thousand-dollar contribution to the Republican Party
13 prior to the time of his appearance before the grand
14 jury or shortly before that?

15 A Not at all. Up to the point of the Stamler case
16 and some point after that, I'm sure that the Attorney
17 General had absolutely no knowledge of any contribution or
18 anything else.

19 MR. FRANCIS: I think, gentlemen, that's all
20 I want to ask.

21 Off the record for a minute.

22 (Whereupon, there is a discussion off the
23 record.)

24

25 FURTHER EXAMINATION BY MR. FRANCIS:

1 Q We are taking your testimony at your home?

2 A Yes, sir.

3 Q And you have been ill for some period?

4 A About five, six--five weeks, about.

5 Q And I gather you learned to your complete
6 dissatisfaction today that you have some hepatitis?

7 A Yes, that is correct, superimposed upon that which
8 I know I already have.

9 Q And I probably ought to say for the comfort
10 of everybody here that you do not have the infectious
11 kind of hepatitis, the contagious kind of hepatitis.
12 And I guess we ought to put on the record, too, you're
13 feeling that you're getting better?

14 A I hope so. Thank you.

15 MR. FRANCIS: Well, I don't have any more.

16 THE CHAIRMAN: Mr. Bertini?

17 COMMISSIONER BERTINI: I have no questions.

18 THE CHAIRMAN: Mr. Diana?

19 COMMISSIONER DIANA: No questions.

20
21 EXAMINATION BY THE CHAIRMAN:

22 Q I just wondered, Judge, I would like to go back
23 to your short meeting with Mr. Biederman. Did you use
24 words to the extent that the contract should go to the low
25 bidder, if that were the case? I mean, did you give him

1 some advice to that extent? A No. I
2 think, Mr. McCarthy, as I recall that conversation, that
3 was an accomplished fact. My impression is that he was
4 telling me that Kohl had made up his mind and was going
5 with the lowest bidder. So, I made some reference to him,
6 as I recall, "Fine. You're a lawyer, Kohl's in the
7 Transportation Department; proper, legal." And I know I
8 made some casual reference to the dust flying.

9 Q Now, did he indicate to you in any way, if
10 you can recall-- A I might make--

11 Q Go ahead. A I might make
12 one thing that comes to mind prior to that time, and this
13 was probably the reason for my remark. There had not been
14 too much contracts coming out of, you know, the Transporta-
15 tion Department. There were a lot of people running around,
16 but there wasn't very much pavement being placed, and, so,
17 any time that a contract could go out and the work start,
18 it was a good day.

19 Q Did he ever indicate to you, Judge Garven,
20 that in his opinion Mr. Sherwin's actions involving
21 contacting Commissioner Kohl was the same as a conspiracy
22 to violate the bidding statutes, in his opinion?

23 A He never mentioned anything about conspiracy. He
24 never mentioned anything about his concern for criminal
25 aspects at all.

1 Q Did you get the impression--

2 A Never even thought of it.

3 Q Did you get the impression that his visit
4 to your office was to counteract any influence that Mr.
5 Sherwin might have over Commissioner Kohl?

6 A On that one?

7 Q As far as the award.

8 A No, I can't imagine that. I think what basically,
9 if you use influence, I don't know whether he'd want to see
10 me or not. But, as I expressed, the impression I received
11 was that the contract was going to be awarded to the lowest
12 bidder, whatever the name is; Sherwin had made a request
13 for rebidding and Kohl rejected, as simple as that. Kohl
14 apparently was somewhat hesitant to go back and pick up
15 the phone. That's all he had to do was pick up the phone
16 and call Sherwin the lowest bidder's going to get it.
17 That's it. But he didn't. Now, that, plus again my own
18 impression is that John felt that Sherwin was getting in-
19 volved in the Transportation Department, and like any
20 other department head, I suppose, he didn't like it. And
21 I think by coming to me--I don't like to see friction be-
22 tween department heads if they can be avoided, and some-
23 times communication is the greatest thing. It can eliminate
24 it.

25 Q So, in essence, his visit to you, really,

1 was to make sure that Mr. Sherwin didn't have any in-
2 fluence over Commissioner Kohl's department and that you
3 would talk to him about it, so to speak?

4 A Well, I certainly--I suppose talk does, in a sense,
5 generate some influence. I don't know. It's hard to
6 answer your question specifically.

7 Q Well, really, what I'm driving at, I'm try-
8 ing to ascertain to the best of your recollection why you
9 believed Mr. Biederman visited your office on November
10 4th, 1970, if that was the exact date.

11 A Well, for those reasons, yes.

12 Q Did he ever mention in that conversation
13 that he was going to see Mr. Petrella but he thought he'd
14 see you instead? A He never men-
15 tioned Petrella's name.

16 Q And you don't recall whether or not he had
17 a prior appointment on this date?

18 A With me? I'm sure he didn't.

19 Q Do you know about what time of day the
20 short conversation took place?

21 A No. I guess, if I was to guess, it would be in the
22 afternoon.

23 Q Can you turn your attention, Judge, to April
24 26th, 1972, when the meeting took place in the Governor's
25 office, or two meetings took place. We'll call the first

1 meeting. I believe it was with Commissioner Kohl?

2 A There were probably three.

3 Q Well,-- A The
4 Attorney General and the Governor.

5 Q Were you in on that meeting?

6 A Again, I think, in and out. And Kohl, and then
7 Sherwin, as I recall the order.

8 Q All right. Can you recall any of the
9 conversations that the Attorney General had either to the
10 Governor and you at the first meeting or the Attorney
11 General's conversation at the second meeting, or at the
12 third meeting relative to his knowledge as to the corres-
13 pondence that Biederman was supposed to have left with
14 Mr. Van Jahos?

15 THE WITNESS: Can you read that back?

16 (Whereupon, the pending question is read
17 by the reporter.)

18 A Had none. As I recall at that time--now, we're
19 going back to--

20 Q April 26th, '72.

21 A --April of '72. The only knowledge that the
22 Attorney General had concerning anything relating to Manzo,
23 anything relating to Manzo, was some conspiracy allegation
24 that Manzo himself made that I believe the Attorney General
25 had assigned Dave Biederman to look into. But other than

1 that, he had no knowledge of anything relating to this.

2 Q Well, as far as you can recall, in any of
3 the meetings did the Attorney General indicate to you what
4 the substance of this conference was with Mr. Stern and
5 Mr. Jonathan Goldstein from the U. S. Attorney's Office?

6 A What I do recall is that the Attorney General said
7 that they met; he was unaware of the subject matter of
8 the meeting until it took place; that the U. S. Attorney
9 had certain documents and put documents before him and
10 asked him if he had any knowledge of this one or if he had
11 been investigating this document or that document.

12 Q But did he indicate what those documents
13 pertained to? A I am not sure,
14 but I think it was a mixture of that which I made reference
15 to, this conspiracy matter and, also, the so-called Sherwin
16 matter. I think it was a combination.

17 Q And these are all relating to memos or cor-
18 respondence in which David Biederman had become involved?

19 A Well, I guess had become involved in the sense
20 that, gave it to the people.

21 Q Can you tell us anything more the Attorney
22 General indicated at those meetings?

23 A In reference to what?

24 Q Whether or not he--what I'm really trying
25 to ascertain is what he transmitted to those at the meeting

1 relative to what he learned via his conference with the
2 U. S. Attorney Stern and Assistant U. S. Attorney Mr.
3 Goldstein. A What U. S. Attorney

4 had stated to the Attorney General?

5 Q Yes. A Of what he had learned?
6 I assume what he had learned was in the documents. I be-
7 lieve it was Biederman that gave the documents to U. S.
8 Attorney's Office.

9 Q Right. A Among the docu-
10 ments there must have been this letter that we discussed.

11 Q October the 8th?
12 A October the 8th.

13 I assume that there were other memos that were
14 handed to the Attorney General or, at least, submitted to
15 him for a very fast review and then retrieved. I couldn't
16 tell you the documents.

17 Q No, I don't particularly need the list of the
18 documents. What I'm really trying to ascertain, Judge
19 Garven, is, what did the Attorney General say? You know,
20 what was the purpose of the meeting in the Governor's
21 Office? I mean, why were you all there?

22 A To bring to the Governor the information that he
23 had received from the U. S. Attorney's Office.

24 THE CHAIRMAN: Maybe Mr. Sapienza can bring
25 you--

1 THE WITNESS: I'm sorry.

2 MR. SAPIENZA: At the time--

3 THE WITNESS: Can we have a couple of minutes?

4 THE CHAIRMAN: Sure.

5 (Whereupon, a brief recess is taken.)

6 (After recess.)

7 THE CHAIRMAN: Why don't you read that last
8 question.

9 (Whereupon, the pending question by the
10 Chairman is read by the reporter.)

11 BY THE CHAIRMAN:

12 Q Maybe to reword that last question, Judge
13 Garven, can you recall what General Kugler said at the
14 start of the conference in the Governor's office as to
15 what Mr. Stern had conveyed to him?

16 A Yes. He said that the U. S. Attorney had come to
17 Trenton, I believe, with an assistant whose name escapes
18 me at this moment; next, the Attorney General did not know
19 the subject matter of the meeting until U. S. Attorney
20 was there, at which point in time the U. S. Attorney sub-
21 mitted to the Attorney General certain documents. I believe
22 the Attorney General said that those documents were fur-
23 nished to the U. S. Attorney's Office by Biederman, but
24 I'm not sure of that. In any event, the Attorney General
25 said he reviewed them swiftly in the presence of the U. S.

1 Attorney and his assistant, and there was at least one
2 paper in reference to a Manzo conspiracy contract--I'm
3 sorry--a Manzo conspiracy allegation that rang a bell as
4 far as the Attorney General was concerned. All the other
5 papers, including a letter from Sherwin to Kohl and others
6 relating to that subject matter, the Attorney General
7 stated he had never seen before.

8 Q And was this conversation in the Governor's
9 Office in your presence prior to Commissioner Kohl's meet-
10 ing and Secretary of State's meeting?

11 A Yes.

12 Q When the statement or statements were made
13 by the General? A Yes, that's
14 correct.

15
16 EXAMINATION BY MR. FRANCIS:

17 Q Was he any more specific than the way you
18 have given it? Was the Attorney General any more specific
19 than the way you have given it to us with respect to the
20 Manzo conspiracy allegation? What did it relate to?

21 A I believe he, the Attorney General, said that it
22 related to a charge made by Manzo that he, Manzo, had been
23 barred, if you will, by the activities of other contractors.

24 Q Through some certain means?

25 A Through bid rigging of some kind.

1 That he had been made aware of this, I believe,
2 in the summer of 1970 and had assigned Biederman to ascer-
3 tain the information; that Biederman had apparently re-
4 ported, I gather, the month or two thereafter: that there
5 was no substance to it. This the Attorney General said was
6 the only matter that he himself had any knowledge about
7 while he was in the office at that time concerning Manzo
8 in general.

9
10 EXAMINATION BY MR. SAPIENZA:

11 Q I take it that the Governor must have asked
12 the Attorney General, "What do you know about this?"

13 A That's right.

14 Q And the Attorney General replied to the
15 effect that "This is all new to me except I do recall
16 sometime back in 1970 about Manzo alleging that there was
17 a group of contractors that were rigging bids and I had
18 Mr. Biederman investigate;" is that fair?

19 A Yes, and I think--yes, that is correct, and I think
20 the Attorney General really as to the Manzo rigging, you
21 know, was not specific in every detail at that moment in
22 time. He did recall it. It was a year or so before or
23 longer.

24 Q Certainly you don't recall--well, do you re-
25 call whether the Attorney General ever indicated to yourself

1 or to the Governor or anyone else in your presence that
2 he had received a phone call from David Biederman sometime
3 in 1970 in which phone call David Biederman explained to
4 the Attorney General some of the facts and circumstances
5 surrounding the Sherwin matter?

6 A I don't recall the Attorney General stating that.

7 Q The Attorney General, then, never stated that
8 to you, did he? A No. The Attorney

9 General, incidentally, has stated to me, as far as I recall
10 the Attorney General, and I saw him the day that Mr. Stern
11 came in and I certainly had several conversations since
12 concerning, you know, the subject matter, the Attorney
13 General has stated right from the inception that he had
14 absolutely no knowledge of any memos concerning this Sherwin
15 matter which were allegedly given to his office in 1970 un-
16 til he was shown whatever information that Stern had in
17 April of 1972.

18 Q Prior to the meetings that you were in and
19 out on between Governor Cahill, the Attorney General and
20 either Mr. Kohl or Mr. Sherwin, did you ever discuss with
21 the Attorney General David Biederman's visit to you on or
22 about November 4th, 1970?

23 A We're now talking about that one day?

24 Q Yes. A This--I think I made
25 reference to it before. I can't honestly say whether I did.

1 I'm not sure whether the thought even--whether I put the
2 two together at that moment. I know it would not have
3 been in the presence of Kohl or in the presence of Sherwin.

4 Q Prior to that-- A It's
5 possible. It's possible that it may have struck me at that
6 moment. I just don't recall it.

7 Q Prior to that day, did you ever discuss with
8 the Attorney General David Biederman's visit to you?

9 A Never.

10 Q On that day, to the best of your recollection,
11 did you tell the Attorney General that David Biederman had
12 visited you? A It's impossible for me
13 to give you an absolute on that. I just knew it. Can't
14 recall whether the meeting that I had in November of 1970,
15 which was, you know, a year and a half before, came into
16 my mind when the subject matter was being discussed in
17 April of '72 on that specific date.

18

19 EXAMINATION BY THE CHAIRMAN:

20 Q You don't have any recollection of seeing
21 that October 29th, 1970 memo that had the--

22 A Yes, I do.

23 Q --inscription on the bottom?

24 A Yes, I do recall that.

25 Q But you don't recall adding anything to the

1 conversation in the Governor's office to the extent that
2 "Biederman did come in to see me about this matter"?

3 A You know, I could probably think about that forever
4 and not put my finger on it.

5 Q You don't recall saying it?

6 A I know that I saw the memos, at least part of Kohl's
7 file, whatever he had at that moment. I know that that
8 inscription was on a memo. That I do recall seeing. As
9 I said, I had a copy of that. Whether it occurred to me
10 on that day or not, and whether I mentioned it, I just
11 don't know.

12 Q I show you the one that we have marked C-9,
13 dated October 29th, 1970. Is that the one to which--

14 A Yes, that's--yes, that's the one.

15 Q Judge, do you recall any conversation in
16 any of these, say, three meetings on April the 26th, 1972
17 in the Governor's office that indicated there was any
18 passage of money or any other consideration?

19 A There was none.

20 Q That particular item?

21 A No, no reference, no discussion. The subject
22 matter wasn't raised.

23 THE CHAIRMAN: Do you have anything else?

24 COMMISSIONER DIANA: No.

25 THE CHAIRMAN: Is there anything, Judge

1 Garven, you would like to add to this testimony?

2 Mr. Francis, do you have any other questions
3 to ask Judge Garven?

4 MR. FRANCIS: One specific one.

5

6 EXAMINATION BY MR. FRANCIS:

7 Q Did the Attorney General at any time in your
8 presence ever say, referring to this Route 46 contract
9 matter and Mr. Sherwin's involvement in it, that "This was
10 the only time we had"--"we," meaning the administration--
11 "had any trouble with Sherwin and Garven spoke to him
12 about it and stopped it"?

13 A Never. I just want to reiterate one what I think
14 is a salient point, and that is; George Kugler, to my
15 knowledge, never knew of my conversation with Biederman,
16 and I only had one and that was in November of 1970, until
17 sometime in the spring of '72.

18 Q Well, the reason--

19 A And no one else, as far as I know.

20 Q It may sound odd to have me put that question
21 to you, and in precisely those terms, but I asked it of
22 you because Mr. Stern has said, has testified at our
23 hearings, that at the meeting of April 26th that he had
24 with the Attorney General, while the Attorney General was
25 in the course of looking at those documents he paused and

1 he said, "This was the only time we had any difficulty"--
2 "we," meaning the administration--"had any difficulty
3 with Mr. Sherwin and Judge Garven spoke to him and stopped
4 it," and you say you never heard the Attorney General ever
5 say, make any such statement as that?

6 A Never heard him say that.

7
8 EXAMINATION BY MR. SAPIENZA:

9 Q It wouldn't be a true statement if it was
10 said, would it? A It certainly

11 would not. Again, I go back. I never spoke to George
12 Kugler about this matter of November, 1970 until April of
13 1972, or May, whatever it was, but 1972.

14 Q And the reason why you didn't speak to him?

15 A Because it seemed to me it had nothing to do, as
16 far as I was concerned, anyway, with the Attorney General
17 himself. After all, the man that was giving me information,
18 however slight it might be, was a deputy attorney general.

19
20 EXAMINATION BY MR. FRANCIS:

21 Q Let me put a hypothesis to you about
22 Biederman's visit on November 4th. The record shows that
23 on November 4th Biederman, at Commissioner Kohl's direction,
24 sent a memorandum to Mullen, the assistant commissioner,
25 telling him to set the machinery in motion to award the

1 contract to Centrum, the low bidder, November 4th. The
2 formal document awarding the contract was signed on November
3 5th, the next day. Biederman came to see you on the 4th,
4 apparently, between the time the decision was made to
5 award to Centrum and the time the formal documents were
6 signed. Did Biederman say anything to give you the im-
7 pression that he was coming to see you in order to avoid
8 any possible further interference with Sherwin with the
9 signing, formal signing, of the award the next day?

10 A No, none at all. I made my assumption based on,
11 as I said, on Biederman said that was an accomplished fact.
12 I had nothing to do with contracts and I certainly didn't
13 know anything about this one.

14 MR. FRANCIS: Well, I guess that's it.

15 (Whereupon, there is a discussion off the
16 record.)

17 THE CHAIRMAN: I understand that we have no
18 other questions to ask Judge Garven.

19 MR. FRANCIS: Off the record.

20 (Whereupon, there is a discussion off the
21 record.)

22 THE CHAIRMAN: However, Judge Garven, I would
23 like to point out that the State Commission of
24 Investigation operates, as you are probably aware,
25 under the Code of Fair Procedure, and at the

1 conclusion of a witness' testimony, if you wish, you
2 may file a brief sworn statement for consideration
3 by the Commission. I believe that was touched upon
4 by Mr. Sapienza in his opening warnings, and if
5 you feel that you would like to file a brief sworn
6 statement within the next few days, the Commission
7 will be very glad to accept it.

8 THE WITNESS: Okay. I thank you, Mr. McCarthy.
9 I thank all of you gentlemen for coming here.

10 MR. FRANCIS: Before you close it, now, may
11 I mark the memorandum of Mr. Sapienza relating to
12 his meeting with Judge Stamler.

13 COMMISSIONER DIANA: Will that be C-60?

14 MR. FRANCIS: Dated September 29th, 1972,
15 C-60.

16 (Memorandum of Mr. Sapienza re meeting with
17 Judge Stamler, dated September 29, 1972, received
18 and marked Exhibit C-60.)


19 (Witness excused.)
20

21 * * *
22
23
24
25

STATE OF NEW JERSEY
COMMISSION OF INVESTIGATION

IN THE MATTER OF THE INVESTIGATION :
OF THE OFFICE OF THE ATTORNEY : CERTIFICATE
GENERAL OF THE STATE OF NEW JERSEY : OF
----- : REPORTER

I, JOHN J. PROUT, JR., a Certified Shorthand
Reporter and Notary Public of the State of New Jersey,
do hereby certify that the foregoing is a true and
accurate transcript of my stenographic notes, as taken
by me on the date and at the place hereinbefore set forth.



JOHN J. PROUT, JR.,
Certified Shorthand Reporter.

