

PROCEEDINGS AGAINST ALEX FUDEMAN FOR CONTEMPT OF SENATE

JULY 24, 1951.—Ordered to be printed

Mr. O'CONOR, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

REPORT

[To accompany S. Res. 184]

The Special Committee To Investigate Organized Crime in Interstate Commerce, as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, and as extended by Senate Resolution 129, Eighty-second Congress, first session, caused to be issued a subpoena to Alex Fudeman, of Reading, Pa. The said subpoena directed Alex Fudeman to be and appear before the said committee on June 15, 1951, at 10 a. m., at room 900, HOLC Building, First Street and Indiana Avenue NW., Washington, D. C., then and there to testify touching matters of inquiry committed to said committee, to produce certain records and documents, and not to depart without leave of said committee. The date of issuance of the subpoena was the 8th day of June 1951, Attendance pursuant to said subpoena was duly postponed to June 28, 1951, at 10 a. m., at which time the witness appeared. The subpoena served upon said Alex Fudeman is set forth as follows:

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

TO ALEC FUDEMAN, 530 Franklin Street, Reading, Pa., Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Senate Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on June 15, 1951, at 10 a. m., at their committee room, 900 HOLC Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you—

1. All ledgers, vouchers, canceled checks, check stubs, bank-deposit slips, bank statements, financial statements, notes, copies of tax returns, records

of accounts receivable and payable, and records of cash receipts and disbursements, for the period from January 1, 1940, to date;

2. All books, records, or other documents showing ownership of, or other holding or interest in any business, company, or enterprise, or in any property, real, personal or intangible, for the period from January 1, 1940, to date;

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To R. P. S. McDonnell to serve and return.

Given under my hand, by order of the committee, this 8th day of June, in the year of our Lord one thousand nine hundred and fifty-one.

HERBERT R. O'CONOR,

Chairman, Committee on Senate Committee to Investigate Organized Crime in Interstate Commerce.

The said subpoena was duly served as appears by the return made thereon by Michael J. Reilly, who was duly authorized to serve the said subpoena. The return of the service by the said Michael J. Reilly, being endorsed thereon, is set forth as follows:

JUNE 8, 1951.

I made service of the within subpoena by personal contact the within-named Alex Fudeman at Sixth and Cherry Streets, Reading, Pa., at 11:30 p. m., on the 8th day of June 1951.

MICHAEL J. REILLY,

Sergeant, Troop C, State Police of Pennsylvania.

The said Alex Fudeman, pursuant to said subpoena and in compliance therewith, appeared before the said committee to give such testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session, and Senate Resolution 129, Eighty-second Congress, first session. Alex Fudeman, having appeared as a witness and having been asked questions, which questions were pertinent to the subject matter under inquiry, made answers as appeared in the record of the hearing held on June 28, 1951, in room 318, United States Senate Office Building, Washington, D. C., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Alex Fudeman's refusal to answer the questions pursuant to the said inquiry, as appears in the record, consisting of the testimony of that day, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon this witness.

The committee was therefore deprived of answers to questions pursuant to the committee's inquiry propounded to Alex Fudeman pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, and Senate Resolution 129, Eighty-second Congress, first session, the said committee was instructed to investigate, and the refusal of the witness to answer said questions is a violation of the subpoena under which the witness was directed to appear and answer questions pertinent to the subject under inquiry, and his persistent and illegal refusal to answer the aforesaid questions deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to answer said questions was duly authorized by the following resolution of the

said committee, which was unanimously adopted by said committee on May 23, 1951:

Resolved, That the chairman of this committee be, and he hereby is, authorized to appoint, at his discretion, one or more subcommittees, consisting of one or more members of this committee, of whom one member shall constitute a quorum for the purpose of taking sworn testimony, to hold hearings in furtherance of the committee's investigations of organized crime, at such times and at such places as the chairman shall designate in the vicinities of the cities of Lexington, Ky., Baltimore, Md., and Washington, D. C.

HERBERT R. O'CONOR, *Chairman*.
CHARLES W. TOBY.
LESTER C. HUNT.
ESTES KEFAUVER.
ALEXANDER WILEY.

In accordance with the resolution of May 23, 1951, the chairman designated himself as a subcommittee of one to swear witnesses and to hear testimony at Washington, D. C., on June 28, 1951. The said Alex Fudeman appeared and testified before the said subcommittee at a public hearing which was held on June 28, 1951, in room 318, United States Senate Office Building, Washington, D. C.

After reviewing the testimony and other facts as set forth herein, the committee, at an executive session held on July 18, 1951, adopted a resolution authorizing presentation to the Senate of a Senate resolution requiring that proceedings for contempt be brought against the said Alex Fudeman, as appears from the following excerpt from the minutes of the said meeting of July 18, 1951:

A meeting of the committee was held in the Senate District of Columbia Room, room P-36 of the United States Capitol Building, on July 18, 1951, at 12:30 p. m.

Present were Senators O'Connor (chairman), Hunt and Kefauver. Also present were Richard G. Moser, chief counsel, and Downey Rice, associate counsel.

The chairman presented to the committee the resolution which was unanimously adopted by the committee on May 23, 1951, authorizing the chairman of the committee to appoint one or more subcommittees to hold hearings in the vicinities of the cities of Lexington, Ky., Baltimore, Md., and Washington, D. C.

The chairman stated to the committee that, pursuant to the said resolution of May 23, 1951, he had designated himself as a subcommittee of one to swear witnesses and to hear testimony in connection with organized crime at Washington, D. C., on June 28, 1951. The chairman then presented to the committee the report of the proceedings of the public hearing which was held by the subcommittee on June 28, 1951, in room 318, United States Senate Office Building, Washington, D. C. The chairman stated to the committee that the witnesses, Alex Fudeman, Abraham Minker, and Isadore Minker, repeatedly, consistently, and arbitrarily had refused to answer questions put to them throughout the committee's examination of these witnesses on June 28, 1951, and that their refusal therefore was improper and contemptuous. The chairman presented to the committee, for its consideration, draft reports on the entire matter, and the committee duly adopted the said reports and instructed the chairman to present them to the United States Senate.

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After discussion, on motion duly made by Senator Kefauver and seconded by Senator Hunt, the following resolutions were unanimously adopted:

Resolved, That the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the

District of Columbia to proceed against the said Alex Fudeman in the manner and form prescribed by law.

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HERBERT R. O'CONOR, *Chairman.*
LESTER C. HUNT.
ESTES KEFAUVER.

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE
ORGANIZED CRIME IN INTERSTATE COMMERCE,
Washington, D. C., Thursday, June 28, 1951.

The special committee met, pursuant to adjournment, at 10 a. m., in room 318, Senate Office Building, Senator Herbert R. O'Connor (chairman) presiding.

Present: Senators O'Connor, Kefauver, and Wiley.

Also present: Richard G. Moser, chief counsel; Downey Rice, associate counsel; John P. Campbell, Roswell P. Perkins, Wallace Reidt, Ralph P. S. McDonnell, assistant counsel; George Martin, director of public information; and James M. Hepbron, administrative assistant.

* * * * *
Mr. RICE. Alex Fudeman.

TESTIMONY OF ALEX FUDEMAN, READING, PA.

The CHAIRMAN. Will you raise your right hand? In the presence of Almighty God, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mr. FUDEMAN. I do.

The CHAIRMAN. What is your name?

Mr. FUDEMAN. My name is Alex Fudeman.

The CHAIRMAN. Mr. Fudeman, what is your address?

Mr. FUDEMAN. 530 Franklin Street.

The CHAIRMAN. Reading, Pa.?

Mr. FUDEMAN. That is right.

The CHAIRMAN. How long have you lived in Reading?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. What business are you engaged in?

Mr. FUDEMAN. I refuse to answer that question because it might incriminate me.

The CHAIRMAN. Might incriminate you of what?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. You are represented here by counsel, are you?

Mr. FUDEMAN. I am.

The CHAIRMAN. Who is your counsel?

Mr. FUDEMAN. Mr. Kossman.

The CHAIRMAN. You have been identified previously as the counsel serving as the legal representative of the preceding witness.

Mr. RICE. Let me ask you this, Mr. Fudeman: Are you under indictment at the present time?

Mr. FUDEMAN. Under indictment?

Mr. RICE. Yes.

Mr. FUDEMAN. No; I am not, not to my knowledge.

Mr. RICE. You do not know that you are under indictment?

Mr. FUDEMAN. I do not know that I am under indictment.

Mr. RICE. You refuse to answer the question about how long you lived in Reading?

Mr. FUDEMAN. Yes, sir.

Mr. RICE. I think I would like to suggest that the Chair direct that the witness answer.

The CHAIRMAN. Yes; the Chair will direct that you answer that question.

Mr. FUDEMAN. I refuse to answer that question on the ground that it may incriminate me.

The CHAIRMAN. Counsel indicates that you may answer it.

Mr. KOSSMAN. I see no reason for refusing to answer that question.

Mr. FUDEMAN. Would you mind repeating the question?

Mr. RICE. How long have you lived in Reading?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. Next question, please.

Mr. RICE. With respect to the question: How long have you lived in Reading, you have indicated that you feel that you are not under indictment at the present time; is that correct?

Mr. FUDEMAN. That is correct.

Mr. RICE. Now, then, do you feel that answering that question would incriminate you of a Federal or a State offense? I think we are entitled to know, Counsel, whether he feels the question would incriminate him of a Federal or a State offense, rather than have a hypothetical set-up in his mind. He must have a very real, apparent fear of prosecution of a particular offense in order to assert the privilege which he is endeavoring to do.

Mr. KOSSMAN. I don't want to be placed in a position——

The CHAIRMAN. Counsel, we do not care to engage in colloquy with you. If you desire to advise your client, that is his right, and you may do so.

Mr. FUDEMAN. You asked me how long I have lived in Reading?

The CHAIRMAN. Yes.

Mr. FUDEMAN. I would say roughly around 17 years.

Mr. RICE. You have lived in Reading 17 years?

Mr. FUDEMAN. Approximately.

Mr. RICE. Approximately 17 years. All right, sir. How long have you lived at the address where you live now?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. On what grounds do you refuse to answer the question?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. You refuse to answer the question; on what grounds do you refuse?

Mr. FUDEMAN. Because it might incriminate me.

Mr. KOSSMAN. I think when the witness says he refuses to answer on the ground that it might incriminate him, rather than repeat it over again, it should be assumed in each instance.

The CHAIRMAN. Yes. Counsel, would it be understood, then, that without repeating each time, the Chair would like to have it understood that he is directed to answer the questions, and it is also understood that he declines to answer on the ground that the answer might tend to incriminate him?

Mr. KOSSMAN. Yes.

The CHAIRMAN. He would not have to repeat that each time.

Mr. RICE. Going back to the question about how long you lived at the address where you live now, you are refusing to answer on the ground that it will incriminate you, I take it? Is that your answer?

Mr. FUDEMAN. Yes.

Mr. RICE. Do you fear prosecution in connection with that question of a Federal violation or a State violation?

Mr. FUDEMAN. Did you ask me if I fear prosecution?

Mr. RICE. I take it you fear prosecution. That is why you are refusing to answer.

Mr. FUDEMAN. I do not understand what you mean.

Mr. RICE. You are afraid you will incriminate yourself by answering the question, aren't you?

Mr. FUDEMAN. That is correct.

Mr. RICE. Are you afraid you will incriminate yourself of a Federal or a State violation? Or both?

Mr. FUDEMAN. I would say both.

Mr. RICE. You have a real violation fixed in your mind, don't you? Something that you are doing or have done? Or are you just thinking of something?

Mr. FUDEMAN. Was that a question that I should answer?

Mr. RICE. Yes. Do you have something definite in mind?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. All right. This thing that you fear prosecution about, did that occur in the last 10 years or more than 10 years ago?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Did it involve yourself and others, or just yourself?

70 Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you have any information leading to organized crime in interstate commerce?

Mr. FUDEMAN. I did not hear the first part of it.

Mr. RICE. Do you have any information about organized crime in interstate commerce?

Mr. FUDEMAN. Do I have any information?

Mr. RICE. Do you know anything about criminality operating in interstate commerce?

Mr. FUDEMAN. I do not understand that.

The CHAIRMAN. Without reference to anything that you may have been engaged in or that you may have done, have you any knowledge of the activities of other people who have been using facilities of interstate commerce in furtherance of gambling activities?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. And he is directed to answer that, counsel, and it is understood that he refuses to answer still.

Mr. KOSSMAN. Yes.

Mr. RICE. Have you ever been arrested?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever been arrested and convicted?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Now, sir, you have been asked a question about whether you have ever been arrested and convicted. It is very difficult to understand how a conviction would incriminate you of another offense. Would you like to indicate any special circumstances which would give you the right to assert your privilege? In other words, if you had been convicted of a crime—

Mr. KOSSMAN. I think the witness understands.

Mr. FUDEMAN. Does it matter whether a crime constitutes a felony or a misdemeanor? It is still a crime.

Mr. RICE. Yes.

Mr. FUDEMAN. I was convicted.

Mr. RICE. What was that?

Mr. FUDEMAN. I forget the technical violation, something to do with bootlegging.

Mr. RICE. How long ago was that?

Mr. FUDEMAN. I would say maybe 17 years ago.

Mr. RICE. And did you serve any time on that?

Mr. FUDEMAN. I did.

Mr. RICE. How much time did you serve?

Mr. FUDEMAN. Well—

Mr. RICE. Don't you remember how long you were in jail?

Mr. FUDEMAN. I was in jail approximately 10 months.

Mr. RICE. All right, sir; what business are you in now?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. I take it on the ground that it will incriminate you? Are you in the gambling business?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. There has been some testimony here today, Mr. Fudeman, that you had some negotiations with a Mr. Williams. Were you here when that happened? Did you hear the testimony?

Mr. FUDEMAN. I heard part of it. I could not make it all out.

Mr. RICE. We would like to have you tell us about your transactions with Mr. Williams in connection with the paying of a rent at his building there on Franklin.

Mr. FUDEMAN. I refuse to answer that.

Mr. RICE. Did you ever pay Mr. Williams any rent for an address on Franklin Street?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Are you related to Abraham Minker?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. All right, sir. Are you related to Isadore Minker?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. I think I would ask the Chair to direct that the witness answer that question.

The CHAIRMAN. It is understood that you are directed to respond to each of those questions. Is it to be understood that you decline to answer on the same ground?

Mr. KOSSMAN. I beg the client to answer.

Mr. FUDEMAN. Will you repeat that question?

Mr. RICE. Are you related to Abraham Minker and Isadore Minker?

Mr. FUDEMAN. Yes, I am.

Mr. RICE. What relationship is there between you and the Minkers?

Mr. FUDEMAN. They are both my uncles.

Mr. RICE. So that you are the nephew?

Mr. FUDEMAN. That is right.

Mr. RICE. Do you have a brother?

Mr. FUDEMAN. I have several brothers.

Mr. RICE. Do you have one named Henry?

Mr. FUDEMAN. I do.

Mr. RICE. One named Louis?

Mr. FUDEMAN. That is correct.

The CHAIRMAN. Without reference to any activities of your own or any connection in gambling or other illegal activities, are either of the Minkers engaged in gambling operations?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you know a Ben Moyer?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you heard of the Moyer A. C., the Moyer Athletic Club?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. It would be a little difficult to understand how the Moyer Athletic Club or anything you would know about that would incriminate you. Would you like to explain any special circumstances about that?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you know Joseph Liever?

Mr. FUDEMAN. Yes; I do.

Mr. RICE. And are you any relation to Joseph Liever?

Mr. FUDEMAN. I am not.

Mr. RICE. Have you had any business transactions with Joseph Liever?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. Again, I would like to ask you a similar question. Without reference to anything of your own or any activities on your own part, is he engaged in gambling or other illegal activities?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you know Sam Liever?

Mr. FUDEMAN. I do.

Mr. RICE. Have you had any business transactions with Sam Liever?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. What business is Sam Liever in?

Mr. FUDEMAN. He is an attorney at law.

Mr. RICE. Have you ever given him any money?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever given either Abraham or Isador Minker any money?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you know Lieutenant Hoffman of the police department?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever given Lieutenant Hoffman, of the police department, any money?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Do you know Chief Birney, of the police department?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever given Chief Birney any money?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. Is the chief of police here today?

Mr. FUDEMAN. I heard some talk about his being here.

The CHAIRMAN. Wouldn't you recognize him?

Mr. FUDEMAN. I did not look around.

The CHAIRMAN. You didn't see him?

Mr. FUDEMAN. I didn't look around.

The CHAIRMAN. I didn't ask you that, I didn't ask you whether you looked around. He may be right in front of you.

Mr. FUDEMAN. I did not see him.

Mr. RICE. Would you know him if you saw him?

Mr. FUDEMAN. I may, or I may not.

Mr. RICE. You refuse to answer?

Mr. FUDEMAN. I saw his pictures in the papers.

Mr. RICE. You think you would recognize him if you saw him?

Mr. FUDEMAN. I might.

Mr. RICE. Have you ever talked with him?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you had the telephones installed at 31 Poplar Street and 601 Franklin Street?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. As a matter of fact, aren't you the man who rented the wire service from the Metro Globe News in Hoboken for use at 601 Franklin and 31 Poplar Street?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever transacted any business with Metro Globe News in Hoboken?

Mr. FUDEMAN. I refuse to answer that question.

Mr. RICE. Have you ever heard of Metro Globe News?

Mr. FUDEMAN. I refuse to answer that question.

The CHAIRMAN. That concludes the examination.