

Samuel Cohen—By Govt.—Cross

2671

The Court: Just a minute, he did not finish.

The Witness: There was a third man in there for about two weeks.

Q. Just for two weeks? A. Yes, sir.

Q. Besides those two weeks you and Danziger were there at all times? A. Right.

Q. And you picked out the chickens from the coops as the customer wanted them, is that right? A. Right.

Q. And one of the Schechters weighed them? A. Yes, Meyer Schechter. 2672

Q. And what did the other two do? A. On the floor.

Q. What do you mean by on the floor? A. Managing the place.

Q. What was there to manage? A. Abe Schechter was on the floor, salesman.

Q. Didn't you say you were the one that picked the chickens out as the customer gave them to you? A. As the customer—

Q. You picked the chickens out and gave them to the customer and he gave them to the shochet? A. Right. 2673

Q. What did Schechter do, what did he manage?

Mr. Rice: Which one?

Mr. Heller: Whoever was there.

The Witness: Abe Schechter was on the floor.

Q. What did he do? A. Walking up and back between the stacks on the floor.

Q. He was just walking up and down? A. Trying to have the butchers kill the way he wanted them killed.

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Q. Straight killing? A. I do not know whether it was straight killing.

Q. What do you mean the way he wanted to do it? A. I imagine it was straight killing.

Q. What did the other Schechter do? A. Al, he done the same thing.

Q. What did Danziger do? A. Pull for customers.

Q. What? A. He pulled for customers.

Q. What do you mean he pulled for customers?

A. The same thing I done.

2675

Q. There were shochets? A. That is right.

Q. You helped one and he helped the other?

A. Right.

Q. And the two Schechters went around? A. Right.

Q. Pacing the floor? A. Right.

Q. Up and down? A. No, not pacing the floor, practically standing in the place.

Q. What did the third Schechter do? A. He was at the scale.

Q. That was all? A. Right.

2676

Q. That was the usual thing during the month of June? A. At all times.

Q. At all times, was Joe Schechter ever present then? A. Joe Schechter was there once in a while, on a Thursday morning I believe.

Q. He would come in on Thursday morning? A. Right.

Q. For an hour or two? A. Probably more.

Q. Do you know whether he came to purchase chickens there? A. I do not know.

Q. Do you know whether any charges were made for him? A. Not that I know of.

Q. Do you know whether any deliveries were made to him? A. Not that I know of.

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Q. You didn't do all the delivering yourself, did you? A. No, sir.

Q. Somebody else did? A. I don't know if somebody else did or not.

Q. It might have been done? A. I do not know.

Q. Chickens might have been sold to him? A. I do not know.

Q. You had occasion to look at the books? A. No.

Q. You had occasion to look at the price tickets? A. No.

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Q. You never saw a price tag? A. I did.

Q. Then you did see some? A. Yes.

Q. Then you did have occasion to look at them? A. Right.

Q. And make memoranda? A. Did not.

Q. You fixed it in your mind? A. No.

Q. You had forgotten about it after you saw it? A. I had.

Q. But you remembered it when you made an affidavit, didn't you? A. As to what?

Q. As to the price the chickens were sold for, didn't you? A. What chickens was that?

2679

Q. Whatever chickens you have in mind, when you made the affidavit for Mr. Rice. A. I cannot recall it.

Q. You did not tell him about the price that the chickens were sold for, did you, when you made the affidavit? A. What chickens is that?

Q. Whatever you told him about. You don't remember? A. Well, if you will enlighten me what chickens, maybe I would.

Q. Well, I don't want to suggest the answer to you, except what you know yourself. A. Yes, I would know it if you—

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Q. If I told you. A. No, I wouldn't want you to tell me.

Q. When you made the affidavit you were in the Schechters' employ, were you not? A. Right.

Q. You did not tell them you were going down to make an affidavit, did you? A. I did not.

Q. You said nothing to them about it? A. No, sir.

Q. Who asked you to make the affidavit? A. Who asked me?

2681

Q. Yes. A. Nobody.

Q. Did it voluntarily? A. Right.

Q. Came into the Government and offered an affidavit? A. Right.

Q. To whom did you go? A. Code Authority.

Q. To whom? A. 641 Washington Street.

Q. What person did you see? A. Mr. Dale.

Q. Who is attorney for the Code Authority?

A. Yes.

Q. When did you see him for the first time?

A. I cannot recall the day.

Q. In the month of May? A. Probably.

Q. Month of June? A. Yes.

2682

Q. See him many times? A. A few occasions.

Q. You had a conference with him? A. What do you call a conference?

Q. Well, did you have a talk with him? A. Yes.

Q. He told you to see what you can observe at the place, didn't he? A. Right.

Q. And you obliged him, didn't you? A. I did not.

Q. Didn't you give him the information? A. I didn't oblige him. I did it of my own accord.

Q. Voluntarily? A. Right.

Q. In other words, you were getting paid from

the Schechters for a living, but you were willing to give evidence against them? A. Right.

Q. That is right, isn't it? A. Right.

Q. Mr. Cohen, do you remember that a strike was called at the Schechters in the month of May? A. Month of May?

Q. Yes. A. I cannot recall.

Q. You are the secretary of the union, isn't that right? A. Yes.

Q. Wasn't there a strike called and the question was raised as to whether or not they should employ a third man? They said they cannot afford to employ a third man, and you called a strike? A. I did not.

Q. Was a strike called? A. I don't know. I wasn't employed then.

Q. You were not employed then in May? A. When the strike was called—in May?

Q. Yes, in May. A. We did have a strike, but I don't remember what month it was.

Q. Was it in May or in June? A. I cannot recall.

Q. Do you remember talking to the Schechters about that strike? A. Do I remember?

Q. Do you remember having any kind of a conversation with them about the strike? A. No.

Q. Never mentioned a word to them? A. They knew there was a strike.

Q. You knew too, didn't you? A. Yes; so did they.

Q. Didn't you tell them, "I will give it to you when the trial comes up"? A. Didn't do nothing of the kind.

Q. You didn't say that? A. Nothing of the kind.

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Q. You did not say they will feel sorry for it?

A. No, sir.

Q. You did not try to push another man on them, did you? A. I did not.

Q. You know your union is a strong union?

A. Yes.

Q. Very strong? A. Very strong.

Q. And they got to do what you tell them?

A. They have got to do what I tell them?

Q. Yes. A. There is nobody in the world has got to do what anybody tells them.

2687

Q. And if they do not, what happens? A. Nothing.

Q. Strike called? A. Yes.

Q. You cannot do any work without men? A. You cannot do any work with the men you got there, yes.

Q. Only those that are sent down? A. What do you mean, sent down?

Q. When you call for a man, doesn't the union send down a man? A. Naturally, yes, if he is a union man.

2688

Q. And that is the only kind they send down? A. Yes.

Q. And they pay the union wage? A. Yes.

Q. And they have a contract with the union? A. Right.

Q. How many coops of chickens were killed on June 26th? A. June 26th? When you say June 26th, is that on a Tuesday?

Q. Yes. A. I cannot recall how many coops.

Q. What did you testify on direct examination? Do you remember? A. No.

Q. Didn't you say that, "the coops" were killed? A. By the—

Mr. Rice: Just a moment. You asked

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how many coops were killed for any particular customer.

Mr. Heller: Just a minute. I will come back to it.

Q. Any selection of chickens—any rejection on June 26th? A. Right.

Q. By whom? A. By all.

Q. Whom did that include? A. All that were there.

Q. All that were in the place of business? A. Right.

2690

Q. On June 26th? A. Right.

Q. Was a man by the name of Sam Tanowitz there? A. Right.

Q. How many heads of chickens does Sam Tanowitz kill on a Tuesday? A. It is according if he can get the good poultry.

Q. Isn't it a fact that on Tuesday he kills 15 heads of chicken? A. On Tuesday?

Q. Yes. A. No; he kills more than—

Q. Sure about that? A. Yes.

Q. How many more? A. Quite a bit more.

Q. How many more, would you say? A. He would kill much more if I would let him sort them.

2691

Q. You would not let him sort them? A. That is right.

Q. You observed the rules for the Schechters? A. What do you mean, I observed the rules for the Schechters?

Q. What do you mean by saying, "If I would let him?" A. Well, naturally, if I would let him monkey up a coop and take whatever he wanted, he would kill much more.

Q. But you would not allow him to do it? A. Not that I wouldn't allow him.

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Q. Did you allow him? A. I don't know whether I did or not.

Q. What do you mean by "monkeying up the coop"? A. Well, taking the best ones out and leaving the rest for somebody else.

Q. You did not want to permit that situation to exist? A. No, sir.

Q. Neither did the Schechters, did they? A. I don't know about the Schechters.

Q. They hollered, didn't they? A. I don't know.

2693

Q. Do you know how many customers were in the place on June 26th? A. I don't know.

Q. Do you know how many were in on June 27th? A. That is on a Wednesday, right?

Q. Yes. A. I don't know. Practically——

Q. How many were in on June 25th? A. I don't know.

Q. Do you know how many were in on June 27th? A. I don't.

Q. On June 28th? A. That is on a Thursday. Quite a bit.

2694

Q. On June 29th? A. Don't know how much Friday.

Q. June 30th? A. That is a Saturday.

Q. Yes. A. A few customers.

Q. You were there all day? A. Not all day. Saturday evening.

Q. You only worked Saturday night? A. Yes, sir.

Q. Is that right? A. Right.

Q. How many customers were in on Sunday? A. Sunday I am not there.

Q. You aren't there on Sunday? A. Right.

Q. You did not work on Sunday? A. Right.

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Q. You did not work on Saturday except Saturday night? A. That is right, Saturday night.

Q. What time do you quit Friday? A. Four o'clock.

Q. Now, that bag of chickens that you claim were put on a car, you don't know and you cannot say under oath at what particular place those chickens were delivered, can you? A. No, but I do know there was a call.

Q. Did you see, did you follow the automobile and did you observe at what place they were dumped? A. No, sir, they were not dumped, I am positive of that.

2696

Q. Now, Mr. Cohen, let me get you straight: Did you follow the car? A. I did not.

Q. Were you there when they were delivered? A. Was I there when they were delivered?

Q. Yes. A. No, sir.

Q. And those chickens came out of a coop that was inspected? A. Yes, sir.

Q. Is it unusual for empty coops to remain in a place for a few days? A. Yes.

Q. It is unusual? A. Yes, sir.

Q. Why is it unusual? A. Because we cannot load them all on one truck.

2697

Q. I just do not understand what you mean. Will you explain it more fully? A. Will you ask me that question again?

The Court: Repeat it.

(Reporter repeated last question.)

Mr. Heller: I will withdraw it and make it a little simpler for him. He may understand it.

The Witness: That is clear enough.

Q. Oh, is it? A. Yes.

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Q. All right. A. Sometimes the truck leaves for the railroad before we get through with the killing and sometimes there is, like on a Thursday, we have a big killing, and we load up a load of empty coops consisting of 45, and the balance we leave in the place if there is any empty.

Q. What do you mean you load up a load of empty coops? What do you mean by that? A. When we get through with a killing we roll them outside and we load them up.

2699

Q. On the truck? A. Right.

Q. Where do you take them to? A. Either to the 21st Street Yard or New York Central Yards.

Q. That is the coops? A. That is right.

Q. Sometimes they remain over night, the coops? A. Yes.

Q. They may remain in the place for two days? A. Yes, and then some.

Q. And may remain there three days? A. I don't know. Probably two or three days.

Q. Sometimes four? A. I would not commit myself.

2700

Q. You would not say no? A. Two or three days, yes.

Q. Now, the labels, inspection labels, that are on the coops, are they taken off by you every time you load them on a truck? A. No.

Q. They are not taken off, are they? A. They are taken off, but not by me.

Q. You see them taken off? A. We know that for a fact, that they are taken off.

Q. Did you see them taken off? A. Yes, I seen them taken off.

Q. Saw the operation? A. Yes.

Q. Where? A. At the New York Central Yards.

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Q. Take off every label on the truck? A. Not take it off. Scrape it off.

Q. Some of them are scraped off? A. Yes.

Q. Others are replaced? A. Right.

Q. Sometimes they are pasted over the others? A. Yes.

Q. It is possible? A. Yes.

Q. It is done frequently? A. Right.

Q. When Mr. Forsmith was there on June 28th— A. Yes, Thursday?

Q. June 28th? A. Right.

Q. You did not hear the testimony Mr. Forsmith gave in this Court, did you? A. No.

2702

Q. Did he tell you while you were there at the place, that he discovered together with the doctor one coop of chickens and one isolated basket? Did he mention that at the place? A. He did not.

Q. He did not say anything about that? A. No.

Q. Did not mention a word about it? A. No.

Q. He did not see it, as far as you know? A. Well, he did see some of them. He did not see the coop.

Q. He did not see the coop? A. No.

2703

Q. Where was that isolated basket? A. It wasn't a basket.

Q. What was it? A. A coop.

Q. How many chickens were in there? A. Juss a handful.

Q. By a handful do you mean six? A. Six or eight.

Q. Six or eight chickens? A. Yes, leghorn chickens.

Q. They were in a coop? A. Right.

Q. And where? A. In a back room.

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Q. Was that the room that the other coop was in? A. No.

Q. That was still in another room? A. No, that coop was in the second stack towards the door.

Q. You mean in front? A. In front of the door, second or third stack.

Q. Where all the chickens are displayed? A. Right.

2705

Q. Don't you know that the doctor went through each and every coop and inspected the chickens while he was there? A. He did not.

Q. And so if he testified he did he is mistaken? A. I don't know whether he did or not.

Q. Then when you said that he did not see it, you do not know whether he did see it or he did not see it? A. I am positive he did not see it.

Q. You followed him step by step? A. Right.

Q. You went in with him in the back? A. I did not go in the back with him.

Q. You were standing in front? A. Right.

Q. And Danziger and the doctor went in the rear room? A. Not Danziger.

2706

Q. Pardon me, Forsmith? A. Right.

Q. The two of them went in the rear room? A. That is right.

Q. And they came out? A. Right.

Q. Did they immediately go to the front office? A. They came out with the three chickens, I think, three or four chickens.

Q. Did they immediately go into the front office? A. No, they were outside.

Q. In the center of the place? A. Near the door.

Q. The exit in the front? A. Yes.

Q. And they came immediately to the front? A. Right.

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2707

Q. And right about to go out? A. Right.

Q. And then the doctor started in to make out the ticket? A. Yes.

Q. And then an argument ensued? A. Right.

Q. And then they went into the small office? A. Right, just for a minute.

Q. Now did you see one of the Scheeters go away with Forsmith? A. I cannot recall that.

Q. You don't know what they did after that? A. No.

Q. And during this entire time you were with them? A. Right.

2708

Q. And you stayed around with them? A. Right.

Q. The two Schechters and you? A. Yes.

Q. And the doctor? A. Yes, and the shochet.

Q. You were in every particular place together, all five of you? A. There was more than five.

Q. Well, all six of you, went from place to place? A. No, not from place to place.

Q. Well, you were together at all times, two feet away? A. Practically.

Q. Within two feet apart of each other? A. Yes.

2709

Q. Now I understood you to say that when Forsmith and the doctor and the rest of you were there, that the Scheeters were nervous, is that what you said on direct examination? A. Right.

Q. They were all upset? A. Yes.

Q. And raged? A. Yes.

Q. And they hollered about being persecuted? A. Railroaded.

Q. And they said that Ben Forsmith was a competitor of theirs? A. They did not.

2710

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Q. Didn't I hear you say that on direct examination? A. That what?

Q. That Ben Forsmith was a competitor? A. I did not.

Q. Or that his relatives were competitors. A. I did not.

Q. Was the word competitor used? A. No, sir.

Q. They merely said they were being persecuted? A. Railroaded.

2711

Q. And that is the only thing they said? A. Yes.

Q. They were enraged? A. Yes.

Q. And they wanted him to change the ticket, and take back the summons? A. Right.

Q. Now you mean that the doctor was going to make out a summons? A. Dr. Gardner.

Q. Don't you know that the doctor cannot issue a summons? A. Not a summons, a violation.

Q. Do you know whether he left the violation with them? A. I do not.

Q. You don't know anything about it? A. No.

2712

Q. But they started in to holler about not getting a summons and a violation? A. Yes.

Q. And then they went to the front office to cool off? A. They had been in the front office—not in the office, on the outside.

Q. Right next to the office? A. Yes.

Q. And you were right between them? A. Yes.

Q. And when you said they were afraid they were going to jump at him, did you see them strike anybody? A. No.

Q. They did not put a hand on anyone? A. No.

Q. Now the doctor was there during this entire period? A. Yes.

Q. And first in the back? A. Yes.

Q. And then in the middle? A. From the back to the front.

Q. There was no middle? A. No.

Q. The first thing that happened was in the back? A. Yes.

Q. And then they got right in the front? A. Yes.

Q. You remember that distinctly? A. They walked slowly toward the front.

Q. Everybody was walking slowly? A. Yes.

Q. And they were arguing as they were walking along? A. Who was?

Q. Everybody. A. No.

Q. Only the Schechters? A. No.

Q. Well, after they left the back room they walked to the front room? A. Right.

Q. Everybody walked slowly? A. Not everybody, two.

Q. Gardner and Forsmith? A. Gardner and Forsmith.

Q. The two of them walked very slowly? A. Right.

Q. And the Schechters ran? A. Sir?

Q. The Schechters ran out? A. They did not, they were in the front.

Q. They had been in the front already? A. Yes.

Q. And Forsmith and Gardner walked slowly, those two? A. Yes.

Q. When they got to the front they said "I won't let you go out until you take back the ticket"? A. He had condemned the chickens already.

Q. He had condemned them already? A. Yes.

Q. They were in a separate coop? A. No, they were in a dirt barrel.

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Q. These chickens were? A. The killed chickens, those that he killed.

Q. Those that the doctor killed? A. Right.

Q. Before that time? A. That is right, they were in a coop.

Q. In a separate coop? A. Not in a separate coop, in a coop with others.

Q. Did you see those six or eight chickens? A. Yes.

Q. And did he inspect six or eight chickens? A. I do not know whether he did or not, he destroyed three or four.

2717

Q. As soon as he destroyed those three or four chickens Forsmith and Gardner started to walk out to the front slowly, is that right? A. That is right.

Q. And you and the Schechters and the shochets started to follow them? A. We didn't have to follow them, they came up to us.

Q. You had been in front already? A. Yes.

Q. They came up to you? A. Yes.

Q. Then the Schechters said they wanted to kill the ticket? A. The chickens had already been killed.

2718

Q. The chickens had already been killed? A. Yes.

Q. And they said that they did not want to be bothered with that ticket? A. That is right.

Q. And you stayed there all during that time? A. Right.

Q. Until after the argument was over? A. That is right.

Q. While you were there there was no force used either way, was there? A. Not that I know of.

Q. You were there? A. That is right.

Q. There was no force used? A. Unless you call vile names.

Q. Just vile names? A. Yes.

Q. That they were being railroaded? A. And different other names.

Q. And that Peterson was ruining the situation, the business? A. Not ruining it.

Q. What then? A. Racketeering.

Q. He was a racketeer? A. Yes.

Q. And the Schechters hollered about paying assessments, did they? A. Yes.

Q. After this colloquy or argument they went out? A. I do not get you correctly on that.

2720

Q. After all this was said— A. Yes.

Q. Forsmith and Gardner went out of the door, is that right? A. That is right.

Q. The door was wide open? A. Right.

Q. It wasn't closed? A. I am not sure whether Forsmith and Gardner went out, I really don't remember.

Q. Eventually they did go out? A. Yes, sure.

Q. And nobody was at the door to stop them from going out? A. No.

Q. Nobody held anybody by the collar? A. I didn't.

2721

Q. Did the Schechters hold them? A. I don't know whether they did or not.

Q. You saw everything? A. Yes, they went out.

Q. Did you testify that one of the Schechters accompanied Mr. Forsmith and Dr. Gardner? A. I did not.

Q. You didn't see any of them? A. No.

Q. After this argument you went back to do your work? A. Right.

Q. That was all that happened there? A. Right.

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Q. Nothing else happened there? A. Not that I know of.

Q. Did I hear you say on direct examination one of the Schechters said, "Why shouldn't we go over to Forsmith's place and have that place examined"? A. Why shouldn't we?

Q. Yes. A. They wanted to take him over to Forsmith's place.

Q. That was the Forsmith who was there at that time? A. Right.

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Mr. Heller: That is all.

Redirect examination by Mr. Rice:

Q. You didn't see anybody inspect the poultry that was sold in the month of June, 1934, did you? A. Any what?

Q. You didn't see anybody inspect the poultry that was sold by the Schechters in June, 1934, you didn't see it inspected? A. No.

Q. You were in the premises when any of it was inspected? A. There was none that I know of.

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Q. Now on direct examination you referred to diseased chickens? A. Right.

Q. You do not include chickens with broken wings, do you?

Mr. Heller: We have had the definition of what he claims is diseased chickens fully; I think we do not have to go into that any more.

The Court: No, you asked him the question and he answered it, I will let him answer that; I heard the answer and the jury heard it.

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Mr. Heller: All right, as long as you are satisfied.

Q. Is a diseased chicken one with a broken wing? A. Well, that is part of diseases, yes.

Q. Is that part of a disease? A. Yes.

Q. You know what seconds are, don't you? A. Yes.

Q. A chicken with a broken wing is a second? A. Yes.

Q. And chickens that are fit for human consumption but are rather thin, they are called seconds? A. Very poor, yes.

2726

Q. Yes, but now there are other chickens that are unfit for human consumption, aren't there? A. Yes.

Q. Very diseased chickens? A. Yes.

Q. Is that right? A. That is right.

Q. Chickens you would not eat under any consideration? A. No, nor would anybody else.

Q. When you referred to sales afterwards of poultry unfit for human consumption from May 16th to July 26th, 1934— A. Right.

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Q. (Continuing) —were you referring to chickens that were unfit for human consumption?

A. That is right.

Mr. Heller: I object to the characterization of counsel, what he claims to be an unfit chicken, we had the definition from him fully, he has explained it one by one.

Q. You were referring to those chickens? A. That is right, yes, sir.

Q. Chickens that you nor anybody else would

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eat if you knew their condition, is that right?

A. Yes.

Q. Now on those occasions when you saw one of the Schechters, which Schechter was it you saw haul the chickens away that had had their necks slit, and on what day? A. That was on Friday, Meyer Schechter.

Q. Meyer Schechter? A. Right.

Q. You said on cross examination that you were positive that these chickens were dumped?

A. Positive that they were not dumped.

2729

Q. I mean not dumped. A. That's right.

Q. Well, what did you mean by that, do you mean dumped in the ash heap or destroyed? A. If they were dumped there was barrels over there for them to be dumped in and I would dump them or somebody would destroy them.

Q. And these chickens were hauled away? A. Yes, they were charged and hauled away.

Q. And that was after Meyer Schechter called Wagshul on the telephone? A. That's right.

By Mr. Heller:

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Q. Who slit those necks? A. I really don't know who slit those necks.

Q. All you know is that you saw them slit? A. Yes.

Q. Would you want this jury to get the impression from you that you, under oath, now say that those chickens you would have dumped actually found themselves in the place of business of some customer? A. I will not commit myself to that, Mr. Heller.

Q. Do you know the custom in the Jewish trade that a shochet will not kill a chicken that has a broken wing? A. Yes, he will.

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Q. He will do it? A. Yes.

Q. You are sure about that? A. Yes.

Q. Now you know that he is not allowed to do it? A. Whether he is or not that is not my affair.

Q. Do you know whether he is allowed to do it? A. I don't.

Q. You are a Hebrew? A. Yes.

Q. Do you know that if a housewife finds something wrong after she cuts up a chicken that she must take it to a rabbi for examination? A. At certain times.

2732

Q. Any time? A. Not all.

Q. Well, most people do it? A. The orthodox people.

Q. If they find a needle in there they would take it to the rabbi, wouldn't they? A. Yes.

Mr. Heller: That is all.

By Mr. Rice:

Q. Now you say that a shochet would kill chickens even though they were not strictly kosher? A. Sometimes they would because many times they could not tell whether it is kosher or not.

2733

Q. About diseased chickens, the one you say nobody would eat, do they kill them too? A. Yes.

Mr. Rice: That is all.

The Court: We will take a recess now until ten o'clock tomorrow morning.

Gentlemen of the jury, do not discuss this case among yourselves, or allow anyone to discuss it with you and be back

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here at ten o'clock tomorrow morning sharp.

(Adjourned to Wednesday, October 24, 1934, at 10 A. M.)

Brooklyn, N. Y., October 24, 1934.

(Met pursuant to adjournment at 10:00 A. M.; present as before.)

2735

ABE DANZIGER, called as a witness on behalf of the Government, having been duly sworn, testified as follows:

Direct examination by Mr. Rice:

Q. What is your occupation, Mr. Danziger?

A. I am a chauffeur.

Q. Where do you work? A. At the Rugby Live Poultry Market, 858 East 52nd Street.

2736

Q. Speak up a little louder. A. 858 East 52nd Street, Rugby Live Poultry.

Q. Who do you work for there? A. The Schechter Brothers.

Q. Alex? A. Alex, Aaron and Meyer Schechter.

Q. How long have you worked there? A. Seven months.

Q. What do you do at the place? A. I am a market chauffeur, I go to railroads most of the time.

Q. What else do you do? A. Well, I am inside killing poultry, handing it out to butchers.

Q. You will have to speak a little louder so

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that we can hear you back here. What sort of work do you do inside with the poultry? A. I hand the poultry out to the butchers, the customers.

Q. Anything else? A. Yes, I put the stuff together, I help Mr. Cohen, my co-worker.

Q. Do you belong to a labor union? A. Yes, sir.

Q. Which one? A. Local 167.

Q. How long have you belonged to that union? A. I belonged there eight years now.

2738

Q. Were you present at the Schechter slaughter house market at 858 East 52nd Street on Saturday, May 26, 1934? A. Yes, sir.

Q. Did you take account of the amount of poultry in the premises? A. I did.

Q. When you left on Saturday? A. I did.

Q. And your co-worker, Mr. Cohen, did the same thing A. Yes, sir.

Q. When you returned to the place on Monday, May 28th— A. Yes, sir.

Q. (Continuing) —what did you do? A. I counted the poultry the first thing in the morning to see how much coops we got in.

2739

Q. How much poultry did you find had been brought in between Saturday night when you left and Monday morning, May 28th, when you arrived? A. 82 baskets.

Q. How do you know there were 82 baskets? A. We counted them.

Q. Counted them all? A. Counted 82 baskets.

Q. Were they empty baskets? A. Yes, empty baskets.

Q. Had they been in the place the Saturday night before? A. No, sir.

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Q. Was there additional poultry in the place on Monday? A. Yes, sir.

Q. How much? A. I don't know how many coops were in there, but there were 82 baskets more poultry in there than there were Saturday night.

Q. Would it be about the amount that 82 baskets would hold? A. Yes, sir.

Q. Where was that poultry? A. In coops.

Q. It had been put in coops? A. Yes, sir.

2741

Q. Did you examine the 82 baskets to see whether or not there were inspection labels on them? A. Yes, there were no inspection labels whatsoever on them.

Q. How do you know? A. Because I looked for them.

Q. What is that? A. I looked for them.

Q. How are you so certain? A. Because every one of them has a separate label with a date on it, we looked at each tag.

Q. What was the condition of the baskets? A. They were new ones.

Q. Brand new baskets? A. That is right.

2742

Q. Were there any inspection labels at all on them? A. No, sir.

Q. How about the coops into which the additional poultry had been put? A. They were all old inspection labels on there from May 23rd.

Q. From May 23rd? A. Yes, sir.

Q. Were there any more recent inspection labels? A. No, sir, the old ones are always taken off before the new ones are put on.

Q. Are you sure there were no more recent inspection labels on the coops? A. Yes, sir.

Q. Did you see what happened to these 82 baskets of poultry later on? A. Yes, sir, they were slaughtered off.

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Q. During what period of time? A. During Monday morning.

Q. Monday morning? A. Yes, sir.

Q. Were they sold? A. They were all sold, yes, sir.

Q. Do you know whether anybody came to the place to inspect the poultry? A. No, sir, nobody came to the place to inspect the poultry.

The Court: What day was this?

The Witness: May 28th, your Honor.

2744

Q. Did you handle those 82 new baskets later on? A. Yes, sir, we loaded them on another truck.

Q. When? A. About later in the afternoon.

Q. On Monday, May 28th? A. That's right.

Q. And did you look the baskets over? A. Yes, sir, we did.

Q. What did you find? A. There was no inspection tickets on them whatsoever.

Q. You handled each one? A. Yes, sir.

Q. Did anybody else handle them with you? A. Yes, Samuel Cohen handled them with me, my co-worker.

2745

Q. Both of you handled all of the baskets? A. That's right.

Q. Now, on Monday morning, May 28th, do you know whether or not 50 coops of poultry were sent to Philadelphia from the Schechter Market?

Mr. Heller: If your Honor please, I object to the form of that question. I must insist from now on that counsel ask what he found and what he did.

The Court: You should not lead him.

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Mr. Rice: Very well, your Honor, I withdraw the question.

Q. What else did you do on Monday morning, May 28th? A. There was a lot of coops on my truck, the White truck, 38 of the coops.

Q. And who loaded these 38 coops onto the truck? A. Either Al or Abe loaded them on the truck, either Sunday night or Monday morning, very early.

2747

Q. Did you find them on the truck? A. I did not find them on the truck, but Samuel Cohen told me—

The Court: Strike it out, tell us what you know.

The Witness: I know that 38 coops left for Philadelphia.

Q. Tell me, how do you know that? A. I saw that my truck was missing in the yard, and I asked what happened to it.

Q. You did not see the 38 coops yourself? A. No, sir.

2748

Q. Had you handled 38 coops earlier, the prior week? A. Yes, sir.

Q. And what had you done? A. I loaded them on the truck and I took them to New York.

Q. Thirty-eight coops? A. Yes.

Q. How do you know that? A. Well, there were five 7's and three on the shed, five 7 stacks.

Q. You mean they were piled seven high? A. That's right, and three on top of the shed.

Q. That makes 38? A. Thirty-eight.

Q. Do you know whether or not any poultry was brought in from Philadelphia on Monday night?

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Mr. Heller: I object to the question, your Honor, in the form that it is put.

The Court: What is the matter with it?

Mr. Heller: It is suggestive and leading.

The Court: He asked him a simple question and it calls for just a yes or no answer.

(To witness:) Now, of your own knowledge, not what somebody told you. Do you know that?

2750

The Witness: I know it of my own knowledge, yes.

Q. Tell us what you know. A. That 38 coops came in Monday night.

Q. How do you know that? A. Because we counted them Monday afternoon before we went home and we counted all the poultry that was in the place, and we have a record of it and we turned it in every week.

Q. You counted the inventory on Monday when you left? A. That is right.

Q. And then you counted again the poultry that was there on Tuesday morning? A. Yes.

2751

Q. And what did you find? A. Forty-two coops and 59 baskets.

Q. That had not been there the previous night? A. That's right.

Q. Did you examine those 42 coops? A. Yes.

Q. What did you find? A. I found they were not inspected either.

Q. Did you find any inspection labels on them? A. Yes, old inspection labels, the ones we had left Monday night on them.

Q. As of what date? A. The same day, May 23rd.

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Q. No other inspection labels? A. No.

Q. And did you look at every coop? A. Yes.

Q. And did you look at the 59 baskets? A. Yes.

Q. And what did you do about them? A. They were not inspected either.

Q. You saw that? A. Yes.

Q. Did you see any inspection labels on them at all? A. No.

Q. And did you look for them? A. Yes.

2753

Q. Are you sure there were none? A. Yes, because I handled every one of those baskets on the truck later on.

Q. Now, about how much poultry was in the 59 baskets? A. I don't know, there is about 12 to 13 fowl in each basket.

Q. Somewhere around 55 to 60 pounds each? A. Somewhere around 55 to 60 pounds each.

Q. Would the 59 baskets of poultry weigh around 3500 pounds? A. Yes, sir.

2754

Q. Now, what happened to the 42 coops of poultry and the 59 baskets that arrived on Monday night, May 28th? A. The 42 coops we had in the place, the 59 baskets were loaded on the truck and were supposed to go to Wallabout Market.

Q. What happened to the 42 coops first? A. We slaughtered them off during the week, we sold them.

Q. They were all sold during the week? A. Except one coop and a half that was left over at the end of the week.

Q. Everything except the one coop and a half was sold by the end of the week? A. Yes.

Q. Do you know whether or not they were

spected in the premises? A. No, sir, they were not inspected in the premises.

Q. Now, how about the 59 baskets of poultry that arrived that Monday night, May 28th, what happened to them? A. I was supposed to load them on a truck—I did load them on the truck with intentions to go to Wallabout Market, but they never went there, they went to No. 539 Snedecker Avenue.

Q. Now, just a minute, let us not go so fast. Did anybody tell you to load them on the truck? A. Yes, sir, in the morning about 9:30.

Q. What morning? A. Tuesday morning.

Q. Tuesday, May 29th? A. That is right.

Q. Who told you to load them on? A. Alex, Abe and Aaron Schechter.

Q. What did they say? A. They said we should load on the baskets on the truck, the 59 baskets on my truck, just load them on the truck for a while.

Q. Now, did anybody arrive after you started loading them on the truck? A. Yes.

Q. Who? A. Dr. Seabrook.

Q. Who is he? A. He is the colored inspector from the Department of Health.

Q. What happened after Dr. Seabrook arrived? A. He asked him where is the inspection labels on the baskets.

Q. And did he look at these 59 baskets? A. Yes, sir.

Q. And did he talk to somebody? A. He talked to Abe Schechter.

Q. Was anybody else there at the time? A. No, Abe was there alone in the back room while we were weighing them.

Q. What did he say to them? A. He said,

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“Well, why aren’t these inspected,” and he says, “Well, I am sending them down to Wallabout Market now to be inspected.”

Q. Who said that they were sending them down to Wallabout Market to be inspected? A. Aaron Schechter.

Q. And you heard him say that? A. Yes, sir.

Q. Was Alex and Martin Schechter present at the time? A. No.

2759

Q. Then what happened? A. Well, we were loading them on the truck and I was about to pull out with my truck, with the 59 baskets, when Alex Schechter stopped me and he said, “Wait a while.”

Q. Was Dr. Seabrook still there? A. Yes, sir.

Q. And Alex Schechter said, “Wait a while”? A. Yes.

Q. Who was present when Alex Schechter said, “Wait a while”? A. I think Meyer Schechter was there.

Q. How about Aaron? A. Yes, he was there.

Q. Both of them? A. They were all there.

2760

Q. And it was Alex that did the talking? A. Yes.

Q. And the others were right present? A. At the time, yes.

Q. And they heard what was said? A. Yes, sir.

Q. What did you do? A. I waited a while, and then, after a while, I waited about ten minutes—

Q. And then did Dr. Seabrook leave during that ten minutes? A. Yes, sir.

Q. After Dr. Seabrook had gone did you have any further conversation with the Schechter brothers? A. Yes, sir; Alex Schechter says I

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should take it over to his father's place at 539 Snedecker Avenue.

Q. Who was present when Alex Schechter told you that? A. Meyer Schechter was there and Alex—and Aaron Schechter was there.

Q. They were both present at the time? A. Yes, sir.

Q. And they both heard what was said? A. Yes, sir.

Q. Did they say anything? A. No, sir.

Q. Alex Schechter simply told you to take them over to his father's place at 539 Snedecker Avenue? A. That is right.

2762

The Court: That was what, how much?

Mr. Rice: Fifty-nine.

The Witness: Fifty-nine baskets.

Q. What did you do? A. Well, I went on my truck and I drove over to his father's place and we started unloading the 59 baskets.

Q. On the way over did you stop at Wallabout Market for inspection? A. No, sir, I went straight to 539 Snedecker Avenue.

2763

Q. That was your instruction from the Schechter brothers? A. From Alex Schechter.

Q. You went straight over to the Mogen David Live Poultry Market? A. That is right.

Q. What did you do there? A. I unloaded the 59 baskets, and while I was unloading Abe Schechter came over in his car and he had a yellow slip in his hand. He says, "This is the inspection ticket for the 59 baskets."

Q. To whom did he talk? A. To his brother, Harry, Harry Schechter.

Q. I hand you—did he hand him something? A. He handed him a yellow slip, I could not see

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what was on the slip, because I was on my truck unloading the baskets.

Q. What did he say? A. He said, "That is the inspection ticket for the 59 baskets."

Q. And you had not stopped for inspection? A. No, sir.

Q. There was nobody there at the place inspecting the poultry when you were unloading it? A. No, sir.

Q. Or after it was unloaded? A. No, sir.

2765

Q. While you were still there? A. No, sir.

Q. As a member of Local 167 do you keep a record of the amount of poultry brought into the market each week? A. Yes, sir, that is, the regular—

Q. Your record covers one entire week? A. That is right.

Q. When does that week commence? A. Friday, Friday after the killing.

Q. Friday after the killing? A. Friday afternoon.

Q. What time of day is that? A. That is about twelve o'clock, after the shochets go home.

2766

Q. I hand you this card with the name Rugby at the top of it and ask you whether you have seen that before? A. Yes, sir.

Q. What is that card? A. That is a stock card that we keep every week, we send that in to Local 167 as a regular routine. Every market sends it in.

Q. That is, the union men from every market send it in to the union? A. That is right.

Q. It is part of your duty to keep that? A. Yes.

Q. You keep an accurate record of the amount

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of poultry coming in each week? A. Yes.

Q. What is the purpose? A. The purpose is whether we can use another man in the place, or don't need another man.

Q. To see whether the market can use another market man? A. That is right.

Q. How much poultry was left in the place at the time of the killing—at the time that the killing stopped on Friday, May 25, 1934? A. A coop and a half.

Q. One coop and a half? A. That is right.

Q. I mean the previous week. Look at the card and see whether that refreshes your memory. How much was left at the beginning of the week? A. At the beginning of the week there was left 7 coops.

2768

Q. 7 coops? A. Yes.

Q. That was prior to—— A. Last Friday.

Q. Prior to noon Friday, May 25th? A. That is right.

Q. Do you know how much poultry came in on Friday after the killing ceased? A. Yes, sir.

Q. How much? A. 18 coops.

Q. How much came in on Saturday? A. Saturday, 82 baskets came in—that was Sunday morning, I guess, because after—we worked until 11 o'clock that night and there was no poultry came in. It must have been Sunday morning it came in, 82 baskets.

2769

Mr. Heller: I object to what must have been.

The Court: Yes, I will strike it out. Incidentally, he was talking generally about Philadelphia, but you have no proof on that.

Mr. Rice: We have the Philadelphia witnesses here.

2770

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The Court: But I mean with him, so we will have no misunderstanding.

Mr. Rice: Yes.

Q. You have already told us about these 82 baskets? A. Yes.

Q. You found them there Monday morning when you arrived? A. That is right.

Q. They were not there Saturday when you left? A. That is right.

2771

Q. Do you know how much poultry came in on Monday, May 28th? A. Monday, came in 42—38 coops and 59 baskets.

Q. Was it 38 coops that came in? A. Yes.

Q. But you found 42 coops when you got there? A. That is right. The reason for 42 coops, there is 4 coops to lighten them up, the poultry was pretty heavy packed, and they must have lightened them up in four coops more extra, to have the room to walk around and eat.

Q. How much poultry arrived at the Schechter premises on Tuesday, May 29th? A. Tuesday, May 29th?

2772

Q. Yes. A. 38 coops arrived. I brought them there from West Washington Market myself.

Q. On Wednesday, May 30th? A. Wednesday we worked only to—it was a holiday and we worked only until eleven o'clock that day.

Q. Just tell us how much poultry arrived on Wednesday. A. Wednesday, 62 coops.

Q. 62 coops? A. That is right.

Q. And on Thursday? A. Thursday arrived 18 coops.

Q. And Friday was—you don't have Friday on there? A. We haven't Friday on this ticket because it was on the following week's.

Q. How much poultry was left on the premises

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at the end of the killing on Friday, June 1st? A. There was a coop and a half left from the whole week's killing.

Q. And everything else was sold during the week? A. That is right.

Q. Are you sure of that? A. Yes, sir.

Q. Were you present at the Schechter premises every working day from May 16, 1934, to July 26, 1934? A. Yes, sir.

Q. Every day? A. Yes, sir.

Q. What kind of poultry did you see there every day? A. Well, I saw all kinds of poultry.

2774

Q. Did you see any diseased poultry?

Mr. Heller: I object to that.

A. Yes, sir.

The Court: He will have to give the date. We have been all over that before. If you want him to testify, he has got to give the time, because otherwise they cannot meet it.

Q. On May 16th would you say that you saw any diseased poultry in the Schechter premises?

2775

A. Yes, sir.

Q. On May 17th? A. I did.

Q. How about each day from May 16, 1934, to July 26, 1934?

Mr. Heller: I object to that, your Honor.

Q. What kind of poultry did you see each day?

A. Well, there is some diseased poultry there and there is some that is not diseased.

Q. Every day? A. Yes.

Q. Each day? A. Yes, sir.

2776

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Q. You are sure you saw diseased poultry there each day? A. Yes, sir.

Q. Do you know what happened to that diseased poultry? A. We killed off for dealers.

Q. When you say diseased poultry do you mean poultry that is unfit for human consumption? A. Yes, sir.

Q. That anybody will recognize as unfit for human consumption? A. Yes, sir.

2777

Mr. Heller: I object to the form of the question, let him describe it.

The Court: Oh, yes, but that is what he is asking, he is asking what he means. We have been over this so many times that I see nothing wrong in asking if that is what he means, unfit for human consumption.

Q. Do you know what happened to that poultry afterwards? A. Yes, sir.

Q. What did happen? A. We killed it off for dealers and we sold it to them.

Q. Was it sold each day? A. Yes, sir.

2778

Q. To what dealers was it sold? A. We have one dealer at 1753 Prospect Avenue, we have another at 858 Blake Avenue, and we have another one at 127 Sutter Avenue.

Q. Do they buy this diseased poultry? A. Yes, sir.

Q. Did they each day during that period of time? A. Yes, sir.

Q. You are sure of that? A. Yes, sir.

Q. Do you know approximately how much they pay? A. Well, they pay about from 6 to 10 cents at the most.

Q. Per pound? A. Yes, sir.

Q. Do you know what class of people those dealers sold to?

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Mr. Heller: I object to that.

The Court: I did not hear that.

Mr. Rice: I am asking whether he knows to what class of people those dealers sell it to.

The Court: He ought to specify when, if you go into that we can't take it over a long period of time and go into generalities.

Mr. Rice: I will withdraw that question then.

2780

The Court: On any particular day he can tell you, any particular day the people that it was sold to, yes, or on or about that day.

Q. Have you seen any of those dealers on any particular day sell any of that diseased poultry?

A. Yes, sir.

Q. How did you happen to see it? A. Well, on Friday afternoons when we delivered it, what we sell to anybody.

The Court: What Friday?

The Witness: Friday——

2781

Q. Take the first Friday after May 16th. A. That would be Friday the——

Mr. Rice: Just a minute, let us find out what day of the week May 16th is.

The Court: May 16th, 1934, was a Wednesday, Friday was the 18th; Friday is the 18th and 25th of May, June 1st, 8th, 15th, 22nd and 29th.

Q. Prior to the 18th of May, 1934, that is the first Friday after the Code became effective, did

2782

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you see anything then? A. I did see them sell it that Friday, because I delivered some poultry to 1753—

The Court: Let us get that straight, wait a minute, that is right, 16th was a Wednesday and 18th was a Friday, that is correct.

Q. It was delivered practically every Friday to that dealer? A. Not every Friday, most of the times they take it themselves.

2783

Q. What did you see that Friday? A. That Friday I saw them sell it to anybody that came into the store, the diseased poultry.

Q. What class of people bought that diseased poultry? A. Poor people that couldn't afford any more.

Q. Colored people? A. I don't know whether they were colored people or not, I didn't notice.

The Court: You saw it, who were they?

The Witness: Mostly white people.

2784

Q. Some colored people? A. Some colored people, yes, sir.

Q. During that period from May 16th to July 26th, 1934 do you know whether or not any live chickens at the Schechter premises have ever been destroyed? A. Nothing alive was ever destroyed. The only ones destroyed were the dead ones that died in the coops, and they have to be green and smell bad, and we throw them out in the can.

Q. You destroyed those? A. Destroyed those that died in the coop overnight, those are the only ones that we destroyed.

Q. In what condition were they? A. They are green, greenish color and they smell bad.

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Q. That kind you do destroy? A. Yes, sir.

Q. Do you weigh them when you destroy them?

A. No, sir.

Q. What do you do? A. Just throw them into the garbage can.

Q. You say during the whole period of time you never destroyed any live chickens? A. That is right.

Q. They were all sold? A. Yes, sir.

Q. You are sure of that? A. Positive.

The Court: Now we will take a recess for a few minutes. Do not let anybody talk to you about the case, do not discuss it among yourselves.

2786

(Short recess.)

Q. Mr. Danziger, were you at the A. L. A. Schechter Poultry Corporation Market on Wednesday, June 27, 1934?

Q. Do you recall that day? A. Yes, sir.

Q. Do you recall who came into the place that day? A. Well, some of the customers I recall. There was Wagshaw, and another one, three or four, and Tanowitz.

2787

Q. Do you recall whether anybody from the Code Authority came into the place that day? A. Yes, sir, Alampi.

Q. Who? A. Alampi.

Q. Alampi? A. Yes, sir.

Q. You saw him? A. Yes, sir.

Q. What time did he come in? A. He didn't come in the place because Abe Schechter did not let him in. He was there at five o'clock in the morning.

Q. Who else was there? A. Martin Schechter.

Q. Anybody else? A. No, sir.

2788

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Q. What happened? A. Alampi tried to get in the place and Abe Schechter told him he could never get in that place, and he called him—he says, “If you don’t get out of here, I will throw you out,” and he called him all kinds of names, he called him a son-of-a-bitch; if he walked in that place, he would never walk out.

Q. Did he tell him anything else? A. He said if he wanted to come in he would have to go and get an officer to have the right to come in the premises.

2789

Q. Did Meyer say anything? A. I don’t know whether Meyer said anything, but he must have said something to him too.

The Court: Not what he must have said. I will strike that out. Did he say anything? What did you hear?

Q. Just give us your best recollection. A. Well, Meyer was talking to him and when Abie started to holler at him, I walked away.

Q. And the three of them were talking together? A. Yes, sir.

2790

Q. Anything else happen? A. No, sir.

Q. What did Alampi do? A. Alampi waited outside all morning in front of the place. He did not come in.

Q. Do you recall whether or not you had a coop of unfit poultry in the place that morning?

A. That morning, yes, sir.

Q. Do you recall what happened in respect to that coop of poultry? A. Yes, sir.

Q. Tell us about it. A. Wagshaw came in that morning and he wanted to kill off that coop of poultry.

Q. Who did he talk to? A. To Meyer Schechter.

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Q. Who else was there? A. Nobody else.

Q. Meyer Schechter was there? A. Yes, sir.

Q. Tell us what happened. A. Meyer Schechter says to me, Wagshaw wanted to kill off that coop of poultry, but he don't want to kill it off because on account of the inspector was there.

Q. Inspector Alampi? A. Yes.

Q. Meyer Schechter said that to you? A. Yes.

The Court: What was that answer?

(Reporter repeated the answer as follows: "Meyer Schechter says to me, Wagshaw wanted to kill off that coop of poultry, but he don't want to kill it off because on account of the inspector was there.")

2792

Q. You mean Inspector Alampi from the Code Authority was there? A. That is right.

Q. Is that what Meyer Schechter said? A. Yes, sir.

Q. Now in that coop of poultry what Wagshaw wanted to buy were there chickens that were unfit for human consumption? A. Yes, sir.

Q. Diseased chickens? A. Yes, sir.

Q. Chickens that you wouldn't eat? A. Yes, sir.

2793

Q. Or nobody else? A. Nobody else would eat them either.

Q. But they were alive? A. Yes, sir.

Q. What else did Meyer Schechter say? A. He said if I could get rid of the inspector he would kill them off for Wagshaw.

Q. Who did he say that to? A. He said that to me.

Q. He said if you could rid of Inspector Alampi? A. Yes, sir.

Q. What would he do? A. He would kill that

2794

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poultry off. And I went to the inspector, Alampi, and told him to go out for a cup of coffee, that no shochets were there and we would not kill off any until the afternoon.

Q. That was after Meyer Schechter told you to get rid of Alampi? A. Yes, sir.

Q. You told Alampi to go out for a cup of coffee? A. Yes, sir.

2795

The Court: If any question is asked of you the answer of which might tend to convict you of a crime or degrade you in the community you have a right to decline to answer it on that ground. Anything that you say here can be used against you in any court. You understand that?

The Witness: Yes, sir.

Q. What did you do? A. I told—

Q. Just a minute, first you were operating under instructions from your superior, were you? A. That is right.

Q. Meyer Schechter? A. That is right.

2796

Q. He told you to get rid of Alampi? A. That is right.

Q. What did you do? A. I went and told him to go out for a cup of coffee, there was nothing doing, there weren't any shochets there, and there wouldn't be any killing until afternoon when the load would come in.

Q. You told him the killing was all over? A. Yes, sir.

Q. But you knew that they were going to kill off that one coop of poultry? A. Yes, sir.

Q. What did Alampi do? A. He walked outside the place, he walked towards the corner. As he walked towards the corner, Meyer saw him out

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there, and another shochet who was hid across the street in a car, in Wagshaw's car, came back in the place and we killed off that coop.

Q. You say one of the shochets was hid across the street? A. Yes, sir.

Mr. Heller: Let us have his name please.

The Witness: Rabbi Wise.

Q. How do you know there was a shochet across the street? A. I saw him there.

2798

Q. How many shochets were there in the Schechter place? A. There were two of them there.

Q. Two? A. Yes, sir.

Q. Before you told Alampi to go out for a cup of coffee at the suggestion of Mr. Schechter, what did the shochets do? A. One of them went home, and one went across the street in a car.

Q. You say he hid in the car? A. Yes, sir.

Q. Then what happened the moment Alampi left there? A. This shochet came back from across the street, he came in the place and we killed off that coop of poultry.

2799

Q. How quick did you do it? A. In about five minutes.

Q. About five minutes? A. Yes, sir.

Q. You killed off that coop of unfit poultry? A. That is right.

Q. Was Meyer Schechter there? A. Yes, sir.

Q. Had he said anything about killing it off? A. Yes, sir.

Q. What did he say? A. He said kill it off fast before the inspector gets back.

Q. Who did he say that to? A. He said that to me, to Rabbi Wise also.

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Q. He said that to Rabbi Wise? A. Yes, sir.

Q. Are you sure that Rabbi Wise heard that too? A. I am not sure whether he heard it, but he killed them off fast.

Q. You call him Rabbi Wise, he is not a rabbi, is he? A. That is what we call him, we can't call him Mr. Rabbi, so we call him rabbi. He is much older than I am.

Q. He is a shochet? A. Yes. He is much older than I am, and we call him Rabbi Wise out of respect for him.

2801

Q. He is not a real rabbi, he is a shochet? A. He is a shochet, that is right.

Q. You say that Meyer Schechter told you and the shochet to kill off the coop as quickly as possible, before Alampi got back? A. That is right.

Q. And it took you five minutes? A. Right.

Q. Then what happened? A. As we were weighing the coop poultry inspector Alampi came back in just as we were weighing the stuff.

Q. How long had he been gone? A. Oh, 5 or 10 minutes.

2802

Q. While you were weighing the poultry he came back? A. That is right.

Q. What happened? A. He just looked at it and he just walked out again.

Q. Was anything said? A. No.

Q. Did Meyer Schechter say anything? A. Not to him then.

Q. Did he say anything to anybody else? A. No, sir.

Q. Then what happened? A. We packed it up and we put it in Meyer's car.

Q. Who told you to do that? A. Meyer Schechter.

Q. And who put it on Meyer Schechter's car?

A. I did.

Q. You put it on Meyer Schechter's car? A. Yes.

Q. Now, you say that Wagshaw was there?

A. Yes, sir; he had his car across the street and Meyer Schechter told the bookkeeper that he should meet him in the next block and transfer those two bags of poultry onto his car so the inspector would not notice it.

Mr. Heller: May we have the name of the bookkeeper? 2804

Q. You say that after Alampi, the inspector, came back, he looked at the poultry that had just been slaughtered? A. That is right.

Q. And did he stand outside? A. Yes.

Q. Just outside the doorway? A. Yes.

Q. Then what happened? A. Then Meyer Schechter told me to put it on his car, the two bags of poultry, and he told the bookkeeper, Leo Schimmel is his name, if you want his name, he told him to transfer that over to Wagshaw's car later, on the next block. 2805

Q. Now, did you hear Meyer Schechter tell the bookkeeper to transfer that from Meyer Schechter's car into Wagshaw's car? A. That is right.

Q. And what else did he say? A. He says, "so the inspector won't see it," but then Alampi wanted to ride——

Q. Just a minute, let us get this straight, you say Inspector Alampi—— A. Yes, he wanted to go along with Leo to Joe's place and Meyer chased him off the car, and then he said in a loud voice, "Take this over to 343 Dumont Avenue."

2806

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Q. Who said that? A. Meyer Schechter.

Q. And how did he say it? A. In a loud voice so the inspector would hear it.

Q. And what did he say? A. He said, "Take this to 343 Dumont Avenue."

Q. Now, did you have a customer there? A. We had no customer at that number.

Q. Do you know whether that is a real address? A. I don't know.

Q. Had you ever heard of it before? A. No.

2807

Q. But you heard Meyer Schechter say, in a loud voice, to Leo Schimmel, the bookkeeper, "Take this over to 343 Dumont Avenue"? A. That is right.

Q. And you heard Meyer Schechter say something else in a quiet voice, did you? A. He said to him——

Q. Who said to who? A. Meyer said, "Transfer that over to"——

Q. Who did he say it to? A. To Leo Schimmel, the bookkeeper, he says, "Pass these bags over on the next block so the inspector won't see it, take off the bags of poultry."

2808

Q. He said to take the poultry around the block and then transfer it from Meyer's car into Wagshaw's car? A. That is right.

Q. Did Alampi hear him say that? A. No, sir.

The Court: He cannot tell what Alampi heard.

Q. Was Alampi there? A. Yes, sir.

Q. He saw Meyer Schechter talking? A. Meyer Schechter was talking to Leo in the car, he had his head inside the car.

Q. But you heard that yourself? A. Yes, sir.

Q. Then what happened? A. Then Leo drove

away, a block away, and he transferred the two bags into Wagshaw's car.

Q. Did you see that? A. Yes, sir.

Q. Did you hear Meyer Schechter say anything? A. He said, "Look at the dumbbell, Leo, where everybody can see him, transferring that poultry over to Wagshaw's car."

Q. Could Alampi see that? A. He did see it. He took the license plate number of Wagshaw's car.

Q. Alampi saw Leo Schimmel transfer this load of unfit poultry from Meyer Schechter's car to Wagshaw's car? A. That is right.

Q. About a block away? A. Yes.

Q. And you say Alampi took the license number of Wagshaw's car? A. Yes, sir; he walked towards the car when he saw that and he took the license plate number of the car.

Q. Before he walked away did Meyer Schechter say anything to him? A. He said, "You are pretty smart for one guy. You should incorporate."

Q. Say anything else? A. That is all.

Q. Was this poultry weighed before it was taken out? A. Yes, sir.

Q. How do you know? A. Because I weighed it myself and packed it in.

Q. Was a charge slip made out? A. Yes, sir.

Q. To whom? A. I don't know. I couldn't see to who it was made out to.

Q. Who did you see make it out? A. Meyer Schechter.

Q. Who told you to weigh it? A. Meyer Schechter.

Q. And you are sure that in this coop of poultry that was killed off while Alampi was away,

2812

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there were some chickens that were unfit for human consumption? A. That is right.

Q. Chickens that nobody would eat? A. Nobody would eat, and neither will I eat it.

Q. Were you present at the place on the following day, Thursday, June 28th? A. Yes, sir.

Q. Who was there? A. Martin Schechter and Al Schechter—and Aaron Schechter.

Q. Anybody else? A. No, sir.

Q. Wasn't Alex there? A. No; he must have come a little later.

2813

Q. Later, after what? A. After the—after they came, after we had the place all cleaned up to start work.

Q. What time did Alampi get there? A. Alampi got there five o'clock in the morning.

Q. Now, was Alex Schechter there while Alampi was there? A. No, Alex Schechter must have got there about ten after five.

Q. Ten after five? A. After.

Q. What time did you say Alampi got there? A. He got there five o'clock.

2814

Q. Wasn't Alex still there when Alampi was there? A. Alex came later, after Alampi came.

Q. Oh, after Alampi came? A. Yes.

Q. But was Alampi still there when Alex arrived? A. Yes, sir.

Q. Did you hear any conversation between Alampi and Alex, Aaron and Martin Schechter?

A. I only heard a conversation between Aaron and Martin Schechter, and Alampi.

Q. What was that? A. They were threatening him if he ever walked in—

The Court: Don't say that; what did they say? Don't say they were threatening him.

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2815

The Witness: They told him that he should not walk into the place.

Q. What time in the morning was that? A. That was five o'clock in the morning.

Q. What did Alampi do when he got there?

A. He wanted to walk into the place.

Q. Did he say anything? A. He didn't say anything, he just wanted to walk in, and Abe Schechter grabbed hold of him and said he could not walk into my place.

Q. Did he grab hold of him? A. Yes, sir.

2816

Q. What did he do? A. He started to grab hold of him, and called him names, called him a son of a bitch, and said, "You cannot walk into this place, not while I am here."

Q. That was Aaron Schechter? A. That was Aaron Schechter, yes, sir.

Q. Where was Meyer Schechter at the time?

A. Meyer Schechter was standing next to him.

Q. Did he do anything? A. Yes, he also started to holler at him.

Q. What did he say? A. He said, "You won't walk in here, not while the two of us are here, or any time. If you want to come in here you will have to bring an officer with a warrant to get in here."

2817

Q. Tell us everything that Meyer and Aaron Schechter said. A. Aaron Schechter says to Inspector Alampi, "You cannot walk into this place," not him or anybody else, he says, "you son of a bitch, if you walk into this place, I will send you back to Washington with Mr. Peterson and the—and the whole Code Authority."

Q. Did he say anything else? A. That is all.

Q. How about Meyer Schechter, did he say

2818

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anything? A. He said, "You cannot walk into this place without getting a cop or anybody else, and I don't want you here."

Q. Did he say anything else? A. No, sir.

Q. Did either of them say anything about a hatchet? A. One of them I heard threatening that he would split his head open if he tried to walk in.

Q. Who was that? A. I do not recall which one it was.

2819

Q. That was during this conversation? A. During the conversation, they were both excited.

Q. What did you hear? A. That they would hit him on the head with a hatchet if he ever walked into the place again; I don't know which one said it.

Q. Was there anything else that was said? A. That is all.

Q. Anything said about, "We will give the Code Authority any trouble they are looking for"? A. Well, I don't remember hearing that exactly, because I walked away after I heard about the hatchet, I walked away into the place.

2820

Q. Was anything like that said? A. Something like that was said, that "If you are looking for trouble you will get it."

Q. Do you remember anything else? A. No, sir.

Q. What did Alampi do? A. Alampi walked away, and later, about ten minutes later, he walked away to get an officer, and then he came back again and he stood outside.

Q. Now, on the following day, Friday, June 29th, do you remember that day? A. Yes, sir.

Q. Was it hot? A. Very hot.

Q. Do you remember that day distinctly? A. Yes, sir.

Q. Will you please tell us what happened on that day? A. That day I went to the market to drop a load of empties off, and I came back, and as I came back Julie—

Q. When you say you went to the market you mean West Washington Market? A. West Washington Market, that is right.

Q. You went there to get some poultry to deliver to Schechter Brothers? A. That is right, but I didn't bring any poultry back, I came back with an empty truck. But Julie Ketchum, he was working for Joe Schechter at the time at 991 Rockaway Avenue, and he brought us five or six coops of broilers.

Q. He was working for Joe Schechter? A. Yes, sir.

Q. At the other place? A. Yes, sir.

Q. And you say he brought— A. He brought us five or six coops of broilers.

Q. When you say he brought you, you mean he brought them to the A. L. A. Schechter Poultry Corporation? A. That is right.

Q. On East 52nd Street? A. That is right. And when we opened them up, took off the top coop, we found about ten or twelve dead ones in there.

Q. Who brought them? A. Julie Katchum.

Q. You saw them brought to the place? A. Yes.

Q. You saw the dead chickens? A. Yes.

Q. What happened? A. I took them out of the coop.

Q. Who was there? A. Martin Schechter was there alone with me.

Q. Did he say anything? A. He did not say anything, but he says, Jesus, look at all those

2824

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dead ones in there, and he said take them and throw them on the floor, which I did, and then I was taking off the rest of the broilers with Katchum, and then later on Meyer Schechter cut the dead broilers' throats and put them on a scale.

Q. You saw him cut their throats? A. Yes.

Q. And then he put them on a scale? A. Yes.

Q. Now, as a rule, with dead chickens, do you put them on a scale? A. No.

2825

Q. They were dead, were they? A. They were dead.

Q. You are sure about that? A. Yes, they were dead, they died from sun stroke on the way in from the market.

Q. Now, you saw Meyer Schechter cut their throats? A. Yes, sir.

Q. And what happened? A. We weighed them up and put them in a bag and put them on his car.

Q. Did he tell you to do that? A. Yes, sir, he did. Then he called up Wagshaw's brother at No. 969 Nostrand Avenue.

2826

Q. You say that Wagshaw is one of the men that handles diseased chickens? A. Yes.

Q. You heard him call Wagshaw on the telephone? A. Yes.

Q. What happened? A. There was no answer at the other end and Meyer Schechter got in his car and rode away with the bag of poultry.

Q. That is all you saw? A. That's all I saw.

Q. Now, you say that the poultry was weighed off. A. Weighed off and put in a bag and put on his car to be taken away.

Q. All under his direction? A. Yes.

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2827

Q. Now, do you know how much they weighed?

A. Thirty-two pounds.

Q. How do you know that? A. Because I weighed them myself.

Q. Now, did Sam Cohen come in with some chickens the same day? A. Yes, sir, he came in from the Brooklyn Commission Company as we were weighing up the broilers.

Q. Did he have any dead chickens in his load? A. Yes, sir, he had two dead fowl.

Q. Was Meyer Schechter there? A. Yes, he also cut the throats on them and they were put in the bag.

2828

Q. And you saw him cut their throats, did you? A. Yes.

Q. And they were included—— A. In the rest of the dead poultry, yes.

The Court: Who brought those in?

The Witness: Sam Cohen.

Q. Your co-worker? A. My co-worker, yes, sir.

Q. Now, getting back again to the previous day, Friday, June 28th, the day that Alampi was there. A. Yes.

2829

Q. Did anybody else come into the place after Alampi had left? A. Yes, sir, Mr. Forsmith and Dr. Gardner.

Q. Mr. Forsmith of the Code Authority came in with Dr. Gardner? A. That's right.

Q. Who was there? A. Alex was there and Martin Schechter.

Q. Anybody else? A. No.

Q. What happened—how about Aaron Schechter? A. No, he happened to be out at that time for some reason or other, he was out, and they

2830

Abe Danziger—By Govt.—Direct

were in the back room and they walked toward the back room, and as they did Mr. Forsmith—

Q. First let me ask you this; when Benjamin Forsmith came in the door did you hear him say anything? A. Hello, Mr. Schechter.

Q. Anything else? A. That's all.

Q. Did he say have you got any culls here? A. Yes, sir.

Q. Did you hear him say that? A. Yes, sir.

Q. And who did he say that to? A. Alex Schechter.

2831

Q. Was Martin Schechter there? A. Yes, sir.

Q. In hearing distance? A. Yes, sir.

Q. When Forsmith said that did Alex Schechter give an answer? A. Yes.

Q. What did he say? A. He said there were three or four back in the coop.

Q. When Forsmith came in first did he say have you got any culls here? A. Yes.

Q. And did you hear what Alex answered? A. I think he said there is three or four culls in the back, in a separate coop.

Q. When Forsmith first came in? A. Yes.

2832

Q. Are you sure about that? A. Yes.

Q. Now, isn't it a fact, Mr. Danziger, that when Forsmith first came in he asked the Schechter boys if they had any culls there and Alex Schechter said no?

Mr. Heller: Now, just a minute, the witness said he said three or four.

Mr. Rice: But we have the testimony of another witness—

The Court: Never mind about that.

Q. Now think this over carefully and see whether you want to change your testimony. A.

I don't remember hearing what he asked about the culls surely or not. I said before, I am not sure whether he asked have you got any culls.

Q. You are not sure whether this conversation took place when Forsmith first came in? A. That is it. All I know—

Q. When did this conversation take place? A. After he walked towards the back of the place and found these four culls.

Q. That is after Forsmith found the culls? A. Culls.

Q. Is that right? A. That is right.

Q. And you don't remember anything said about culls prior to the time that Forsmith walked back and found the culls? A. No, sir.

Q. Tell us what happened. A. Well, Dr. Gardner went over to examine these culls and he found they were diseased poultry and he destroyed them; these four culls were diseased and he destroyed them, and then he went into the office to make out a ticket for them for having diseased poultry in the place.

Q. What did Aaron and Meyer Schechter do? A. Aaron Schechter and Martin Schechter—Alex Schechter.

Q. Martin is the same as Meyer? A. Meyer Schechter, Alex and Martin went to the office and started a whole argument over it; they got very excited.

Q. What did they say? A. They said, "You cannot give us a ticket for that, for three or four culls, because you can find that in any place." He says, "You won't walk out of here unless you give me a ticket that is a clean slate."

Q. Who said that? A. Alex Schechter.

Q. Did he say anything more? A. He said he

2836

Abe Danziger—By Govt.—Direct

won't walk out of this place unless he gives them a clean ticket. That is all I think he said.

Q. Did anybody call anybody else any names?

A. Well, I don't know. I was busy at the time, and after that I walked away, when I heard the argument in the office, I walked away.

Q. Did you hear Martin Schechter say anything? A. I did not hear Martin Schechter say anything.

2837

Q. Going back to Wednesday, June 27,—I beg your pardon. Going back to Wednesday, June 20th, do you recall what customers came to your place to buy poultry that day? A. Yes, sir.

Q. Who? A. The Wagshul brothers and 304.

Q. 304 what? A. Troy Avenue.

The Court: What?

The Witness: 304.

Q. Wait a minute. Have you got the right address of the Wagshul Brothers? A. The Wagshul Brothers at 127 Sutter Avenue and there is one at 169 Nostrand Avenue.

2838

Q. You said Wagshul Brothers and 304? A. 304.

Q. That is a different customer? A. That is a different customer.

Q. Were you there when the Wagshul brothers came in there? A. Yes, sir.

Q. Do you know how much poultry they ordered? A. I think it was three coops.

Q. Do you know whether or not they rejected any of the three coops? A. They rejected a half a coop of poultry.

Q. You were there? A. Yes, sir.

Q. Who else was there? A. My co-worker, Sammy Cohen.

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2839

Q. Who else? A. And there was Aaron—Aaron Schechter and Alex Schechter and Meyer Schechter that time.

Q. What happened? A. He—he pulled out, Sammy Cohen, my co-worker, pulled out the three coops to him, pulled out the fowl and handed it to him and he kept on throwing it back, selecting the poultry.

Mr. Rice: This is Count 24. I might say, your Honor, that the evidence offered as to the 82 baskets relates to Count 5.

2840

The Court: Yes, I have that.

Mr. Rice: And most of the other evidence relates to Count 1 as to this witness.

Q. Go ahead. A. He started to select the poultry, picked out one, and if he didn't like it, the color or the way the feathers looked or the way the chicken looked to him, he threw it back.

Q. Were those good chickens? A. Yes, sir.

Q. They were fit for human consumption? A. Yes, sir.

Q. You are sure about that? A. Yes, sir.

2841

Q. Were Alex, Martin and Aaron Schechter there during that procedure? A. Martin Schechter—no, Aaron Schechter and Alex Schechter were there in front.

The Court: Who was there?

The Witness: Aaron Schechter and Alex Schechter.

Q. What was Martin Schechter doing? A. He was right at the scale at that time.

Q. To weigh the poultry after it was selected? A. That is right.

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2842

Q. Did any of them raise any objection to the rejections? A. No.

Q. What happened to the rejected poultry? A. We put them back again in the coop and sold them later on during the day.

Q. They were all sold? A. Yes, sir.

Q. You are sure of that? A. Yes, sir.

Q. Were you in the place on the morning of June 25, 1935? A. Yes, sir.

Q. 1934, I beg your pardon? A. 1934.

Q. You were there? A. Yes, sir.

2843

Q. Do you know what customer came into the place that morning, do you remember any particular customer? A. Well, the Wagshaw brothers came in that morning.

Q. Do you remember whether Harry Stauber came in? A. Yes, sir.

Q. Where did he operate a store? A. 1753 Prospect Place.

Mr. Rice: This is Count No. 2, your Honor, page 21.

2844

Q. Do you know whether or not he purchased any unfit chickens? A. Yes, sir.

Q. What kind of chickens were they? A. Unfit for human consumption.

Q. How do you know? A. Because I weighed them off.

Q. Did you see them? A. Yes, sir.

Q. What was their condition? A. Very poor.

Q. Would anybody eat them? A. No, sir.

Q. You wouldn't eat them yourself? A. No, sir.

Q. Could anybody tell they were unfit? A. Yes, sir.

Q. But they were alive? A. They were alive.

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2845

Q. And they were slaughtered for Harry Stauber? A. That is right.

Q. And sold? A. And sold to him.

Q. Was anybody else there? A. Yes, Martin Schechter was there and Alex Schechter and Aaron Schechter.

Q. They were all there? A. Yes, sir.

Q. Was there anybody else there, anybody from the Code Authority? A. Yes, sir.

Q. Who? A. Alampi.

Q. And he saw all this? A. Yes, sir.

Q. Did you see him make any notes? A. Yes, sir.

2846

Q. Did you see him do anything else? A. No, sir.

Q. Did you see him mark any of the chickens? A. Well, I couldn't see; I was by the scale, no, unless he marked them when they were alive. I was by the scales at that time helping them pack in the poultry.

Q. Mr. Danziger, you are Jewish, are you not? A. Yes, sir.

Q. Do you eat Orthodox poultry? A. Yes, sir.

2847

Q. Kosher poultry? A. Yes, sir.

Q. Exclusively? A. Yes, sir.

Q. Do you know what is Kosher and what is non-Kosher? A. Yes, sir.

Q. Do you know whether or not a chicken that is damaged on the foot is Kosher or not? A. A chicken damaged on the foot, so long as it is below the knee-joint, is Kosher.

Q. Anything that happens below the knee-joint— A. Is Kosher.

Q. Doesn't hurt the chicken? A. No, sir.

Q. So far as its Kosher quality is concerned? A. Yes, sir.

2848

Abe Danziger—By Govt.—Cross

Q. You are sure about that? A. Yes, sir.

Q. Therefore, if you toe punch a bird on the toes, on the webs, that would not hurt the poultry, so far as it being Kosher is concerned? A. No, sir.

Q. Are you sure about that? A. Positive.

Mr. Rice: That is all.

Cross examination by Mr. Heller:

2849

Q. Now, Mr. Danziger, I understood you to say that during the month of June Mr. Joseph Schechter had a different place of business at 991 Rockaway Avenue? A. Yes.

Q. And he conducted that business at that place during the entire month of June, 1934? A. I don't know whether it was the entire month.

Q. Pretty near the entire month? A. Yes.

Q. And you give us the date of June 25th as the date that some poultry was being shipped to that place? A. I don't remember.

2850

Q. Well, do you remember testifying something about calling up Joe to ship some poultry to him? A. To him?

Q. Yes, from 858 East 52nd Street. A. He brought poultry to us.

Q. Now, about when was that? A. June 25th.

Q. So that on June 25th he had a different place of business? A. Yes.

Q. Nothing to do with this place? A. Nothing.

Q. Now, Mr. Danziger, you said you were a teamster, a chauffeur? A. Yes, sir.

Q. And you go to the market, do you? A. Yes.

Q. Now, what time do you leave 858 East 52nd Street to go to the market? A. About eleven o'clock or twelve o'clock.

Abe Danziger—By Govt.—Cross

2851

Q. And what time do you come back? A. Sometimes two or three.

Q. And sometimes as late as four? A. Yes.

Q. And as late as five sometimes? A. Yes.

The Court: When is this, in the morning?

The Witness: In the afternoon.

Q. You leave about ten or eleven o'clock in the morning? A. Yes.

Q. And you come back about four or five in the afternoon? A. Yes.

2852

Q. Every day? A. Yes.

Q. Is it a daily routine with you? A. Yes.

Q. Did you ever receive instructions to cull chickens down at the market? A. Sometimes, and sometimes Joe Schechter buys them, and he gets allowed so much a pound on the coop.

Q. You are now talking about July? A. No, June I am talking about.

Q. Is it a fact that Joe Schechter—I mean Alexander Schechter, was doing the buying in the month of June? A. Alex and Joe.

2853

Q. About how many times would Alex Schechter buy during the month of June? A. Only bought the first two weeks of June.

Q. And how long was he down at the market during the first two weeks of June? A. He was down there all day.

Q. The month of June the first two weeks? A. Yes.

Q. From the 1st to the 15th? A. Yes.

Q. Are you sure about that? A. Yes.

Q. There is no question about it? A. No, sir.

Q. He was down in New York during the entire day? A. Yes.

2854

Abe Danziger—By Govt.—Cross

Q. You would not change your testimony? A. Not during the whole day, from ten o'clock on until the afternoon.

Q. Was he ever there early in the morning?

A. Yes.

Q. Many times? A. Yes.

Q. So the only two men that were on the premises most of the time were the other two boys? A. Yes, sir, except on Thursdays, when Al Schechter stayed there longer.

2855

Q. That was the exception, on Thursday? A. Yes.

Q. Now, on May 25th, is that the time that you inspected the baskets to ascertain whether they were inspected or not? A. Yes.

Q. Did you look at the poultry? A. Yes.

Q. Was anything the matter with the poultry?

A. No; there was some diseased poultry in the lot.

Q. You examined each and every chicken?

A. I don't examine any chickens.

2856

Q. Well, are you guessing or telling us from your own knowledge? A. In the 82 baskets, they were in the coops, I handed them out to the butchers.

Q. But at the time that they came in did you see anything wrong with them? A. I was not there at the time that they came in; they were brought in during Sunday night or early Monday morning.

Q. Where did they come from? You don't know, do you? A. Sure; they came from Philadelphia.

Q. How do you know they came from Philadelphia? A. Well, there was a tag on each basket marked Philadelphia.

Abe Danziger—By Govt.—Cross

2857

Q. And all you saw were baskets with tags?

A. Yes.

Q. That is all you know about it? A. Yes.

Q. Empty baskets with tags? A. Yes, and I know they were there.

Q. That is all you know? A. I know there were fowl in them because I left——

Q. Did you see them there? A. I didn't see them in the baskets, I saw them in the coops.

Q. Is that the only time that chickens came in that you didn't know anything about? A. Yes, sir.

2858

Q. At all times you knew of all fowl that came in? A. Yes, sir.

Q. This is the one exception, the 82 baskets? A. I knew they came in too because when——

Q. Answer my question, wait a minute.

Mr. Heller: Will you repeat the question?

(Last two questions repeated by the stenographer.)

Q. That is correct, is it? A. Yes, sir.

2859

Q. So that you had personal knowledge as to every piece of poultry that came into this place with the exception of this one instance? A. Yes, sir.

Q. There is no question about that? A. Yes, sir.

Q. Every piece of poultry that came in you know had been inspected, don't you, except that shipment? A. Most of the shipments from Philadelphia wasn't inspected.

Q. What do you mean by most of the shipments from Philadelphia were not inspected? A. For instance, if it came in late at night——

2860

Abe Danziger—By Govt.—Cross

Q. Not "for instance," give us specific instances when a shipment came from Philadelphia that you know of that was not inspected? A. Well, there was at that time—

Q. And besides that one time, May 25th—

The Court: He is giving you that; go ahead.

The Witness: Well, the other time that he brought it in, Tuesday morning.

2861

Q. When was that? A. Tuesday night.

Q. May— A. Yes, May 26th, I think.

Q. May 26th—

Mr. Rice: Wait a minute. Have you got those dates straight?

Mr. Heller: That is what he says.

The Witness: That was at the time of the holiday; we had the holiday, the 27th, I think it was.

2862

Q. Sunday, May 27th? A. No, the 29th.

Q. May 29th? A. Yes, sir.

Q. So that on May 25th and May 29th you claim that two shipments came in from Philadelphia and were not inspected? A. Yes, sir.

Q. Besides those two shipments— A. Yes, sir.

Q. Every piece of poultry that came into the premises was inspected? A. Yes, sir.

Q. No question about that? A. Yes, sir.

Q. So that the diseased poultry that you were talking about that was sold during the month of June was inspected poultry? A. Yes, sir.

Q. There is no question about that? A. Yes, sir.

Abe Danziger—By Govt.—Cross

2863

Q. You are sure now that every piece of poultry that was sold at 858 East 52nd Street during the month of June was inspected poultry—

The Court: Wait a minute, except the two—

Mr. Heller: Those were May; those two shipments were May.

Mr. Rice: May I point out the immateriality of this?

The Court: No; he has a perfect right to show this.

2864

Mr. Rice: Very well.

The Court: It isn't immaterial at all.

Mr. Heller: Very material.

Q. There is no question about it now you brought it in yourself, didn't you? A. Yes, sir.

Q. You had it inspected? A. I did not have it inspected. It was inspected on the railroad.

Q. Before you took it? A. Yes.

Q. There is no question about it, is there? A. No, sir.

2865

Q. So that when you say we sold diseased chicken every day during the month of June, you mean to say we sold inspected chickens, but it was diseased chicken, in your opinion, is that right? A. Yes, sir.

Q. Are you a veterinarian? A. No, sir.

Q. Did you take a course to ascertain the diseases of chicken? A. No, sir.

Q. Did you go to school and study husbandry? A. No, sir.

Q. Were you ever raised on a farm? A. No, sir.

Q. You are a city man? A. Yes.

2866

Abe Danziger—By Govt.—Cross

Q. You are a truckman? A. Yes, sir.

Q. You are a laborer? A. Yes, sir.

Q. And you profess to give an opinion as to what is a diseased chicken, do you? A. Yes, sir.

Q. What do you call a diseased chicken? A. Any chicken that has a running nose or a swollen head and that gaps for air is a diseased chicken.

Q. You know that as a fact? A. Yes, sir.

2867

Q. And a chicken that has a broken leg is a diseased chicken? A. It don't have to be diseased chicken. It isn't a diseased chicken, a broken leg.

Q. Did you ever, with your co-worker, Cohen, did you ever discuss with him about it? A. No, sir, I never discussed with him.

Q. You never spoke to him about what is a diseased chicken? A. No.

Q. A running nose means a cold? A. No, it don't mean a cold.

Q. What does it mean? A. It means it has bronchitis.

2868

Q. What is bronchitis?

The Court: He is not a medical expert.

The Witness: I am not a medical doctor.

Q. Let us have it if he knows. A. I don't know what bronchitis—

The Court: He has told you what the facts are. He does not have to tell you what the names mean.

Q. On June 1st who came into the store?

A. On June 1st? What date was that?

Q. On June 1st. A. What day of the week was that?

Q. You seem to remember June 25th and June 23rd. A. That can be on a Sunday. I don't know the exact dates when they come out. I can ascertain it, if it is a Wednesday, Monday or Tuesday, I have that right to ask.

Q. June 1st was on a Friday? A. Friday.

Q. Who came in the store that day? A. All our customers.

Q. Now, mention their names— A. Three or four.

2870

Q. Specifically who came in on the 1st? A. Tanowitz and Wagshul Brothers and other customers that I don't remember exactly.

Q. You don't recall the names. Who came in on June 4th? A. All our customers that I mentioned, our steady trade came in.

Q. Who are they? A. Three or four, Tanowitz, and 127 Sutter Avenue, that is Wagshul Brothers.

Q. You have two customers? A. No, we have quite a few.

2871

Q. How many came in, specifically, on June 4th? A. We cannot remember how many came in.

Q. But you do remember who came in on June 25th? A. Because I saw them.

Q. Didn't you see them come in on June 4th? A. I don't remember who came in. We have a drifting trade.

Q. Who came in on July 7th? A. I don't remember who came in.

Q. Who came in on July 9th? A. All our customers came in, whoever is there.

Q. You don't know anything about it, do you? A. Yes, I do.

2872

Abe Danziger—By Govt.—Cross

Q. You know that some of our customers must have been in there on a certain date? A. Yes, sir. You cannot remember every one exactly who came in.

Q. That is true, isn't it? A. Yes.

Q. You are definitely sure that the testimony you gave on direct examination you were certain about? A. Yes.

Q. There is no question about it? A. Yes, sir.

Q. You made a memorandum of it? A. Yes, sir.

2873

Q. Every time a customer came in? A. Yes, sir.

Q. You made a memorandum of it? A. Yes, sir.

Q. Will you show us the memorandum? A. I haven't got it with me.

Q. Where is the memorandum? A. I turned it in.

Q. To whom? A. To the Code Authority.

Q. Who asked you to make it? A. The Code Authority.

2874

Q. When did you see them about this case? A. I saw them a week after the Code took effect.

Q. May 23rd? A. Yes.

Q. Who sent for you? A. Mr. Dale.

Q. He was the attorney? A. Yes, sir.

Q. The lawyer for Mr. Peterson? A. Yes, sir.

Q. He asked you to come to his office? A. Yes, sir.

Q. What was said? A. He asked me to keep a record of what customers came in and what we kill off, what culls we kill off, diseased poultry.

Q. That was on the 23rd of May? A. Yes.

Abe Danziger—By Govt.—Cross

2875

Q. Did you tell the Schechters that you were going to see Mr. Dale? A. No, sir.

Q. Said nothing to them about it? A. No, sir.

Q. Did you tell them you were keeping a record? A. No, sir.

Q. Were you paid for keeping records? A. No, sir.

Q. What salary are you getting now? A. I am getting forty-seven dollars a week.

Q. Plus your chickens? A. Yes, sir.

Q. That amounts to about fifty dollars? A. Yes, sir.

2876

Q. That is the lowest amount you ever got? A. Yes, sir.

Q. And you got as high as sixty? A. Yes, sir.

Q. As high as seventy? A. Yes, sir.

Q. As high as ninety? A. Sometimes.

Q. And you think you were loyal? A. Yes, I did my duty, what I thought was right.

Q. Was your duty to Mr. Dale or the Schechters? A. My duty was to my business.

2877

Q. You have an interest in that business? A. Not in that business. I have a business to myself to protect the people.

Q. You were put there to protect the people? A. I wasn't put there to protect the people. I did that because the Code Authority asked me to.

Q. How did you get this job? Do you remember the time you were picketing in front of this place? A. Yes, sir.

Q. You remember that fact, don't you? A. Yes, sir.

2878

Abe Danziger—By Govt.—Cross

Q. And then you were taken in as an employee? A. Yes, sir.

Q. And you were taken in because of your representation that you could determine whether a cull is a cull, weren't you? A. Yes, sir.

Q. You were chosen for that purpose? A. Yes, sir.

Q. You made that representation to the Schechters? A. Yes, sir.

2879

Q. And they took you on your word? A. Yes, sir; they did not take me—they took me on my word.

Q. They forced you onto them? A. Who forced me? Nobody forces me into anything.

Q. They took you, didn't they? A. Yes, sir.

Q. Is that a fact? A. Yes, sir.

Q. You belong to a union? A. Yes, sir.

Q. The executive of that union was indicted and convicted, wasn't he? A. That has nothing to do with this here.

Q. I know, but haven't you a grudge against the Schechters because of that? A. I have no grudge.

2880

Q. You are positive? A. Yes, sir.

Q. You recall the next strike called against them? A. Yes, sir.

Q. You remember they did not want to take an additional man, they said they could not afford it? A. Yes.

Q. And you said you were going to force them to do that? A. I did not say anything of the kind.

Q. Your union did? A. Our union did not force anybody.

Q. You called a strike? A. Because there was work for another man in there.

Q. You mean you were working too hard? A. Yes, sir.

Q. Do you remember a strike that was called against them? A. Yes, sir.

Q. And do you remember they did not want to take the additional man that they said they could not afford? A. Yes.

Q. Now your work consisted of making secret memorandums? A. My work did not consist of making secret memorandums.

Q. You were working too hard? A. No.

Q. You had told him about making the memorandums? A. Told who?

Q. Mr. Schechter. A. I did not.

Q. You worked right up to this day, did you not? A. Yes.

Q. And you expect to go back tomorrow morning? A. Yes.

Q. And you told them you were before the grand jury? A. Yes, sir.

Q. And they did not fire you, did they? A. No, sir.

Q. And when you needed an advance did you get it? A. I never asked for an advance.

Q. Are you sure about that? A. Yes.

Q. You never asked for a \$10 bill in advance? A. I asked once, when I had to have \$30—my wife just gave birth to a baby and I had to buy a carriage and I asked for \$20.

Q. You got it? A. Yes.

Q. No question about it? A. No.

Q. You were treated like a gentleman? A. Yes.

Q. Now on June 28th, you are very certain that Mr. Alampi, Aaron and Meyer Schechter were in the premises when a certain coop of

2884

Abe Danziger—By Govt.—Cross

chickens was to be slaughtered, and you sent away Mr. Alampi? A. That time you sent him for coffee?

Q. Yes. A. That was on a Wednesday.

Q. You said that was on June 28th, on direct examination, do you remember that? A. It was not June 28th.

Q. Now you change your testimony. A. It was on a Wednesday morning.

Q. Was it June 28th? A. I don't remember the date.

2885

Q. Did you say that on direct examination a few minutes ago? A. June 28th is on a Thursday I think.

Q. Have you already forgotten, from a few minutes ago, until now, whether or not you testified in answer to Mr. Rice's question whether on June 28th there were three people present when the inspector was sent away? A. Yes, sir.

Q. And it was June 28th? A. Yes.

Q. And there were three people that were there, Alampi, Meyer and Aaron Schecter at five o'clock in the morning? A. Yes.

2886

Q. And Alampi was told to go away and get a cup of coffee? A. Yes.

Q. Do you remember saying on direct examination, previous to this answer, that Mr. Alampi was not allowed in the place, that he was kept out of the place, do you remember saying that a few minutes ago? A. Yes, sir.

Q. Now will you tell the jury how he got in there when he was prevented from coming in?

A. The day he came in about the argument—on a Wednesday—it was not on Thursday morning.

Q. You mean you don't know what you said?

A. I do know what I said, I am explaining to

Abe Danziger—By Govt.—Cross

2887

the jury that it was on June 27th, the time I asked Mr. Alampi to go for a cup of coffee was on June 27th, on a Wednesday morning.

Q. So the answer that you gave on direct examination is erroneous?

Mr. Rice: If your Honor pleases, this witness testified on direct examination that this happened on Wednesday, June 27th, and there was also another threat against Alampi on Thursday, June 28th.

The Court: Go ahead now and ask questions, the jurors' recollection of the testimony will apply.

2888

Q. So on the 27th he was permitted to come in? A. Yes.

Q. On the 28th he was not? A. No.

Q. And was he in the place at all on the 28th? A. No, sir.

Q. So that if Alampi said he was in he was wrong? A. Alampi was not in there on the 28th.

Q. You say yourself he was not in there? A. No, sir.

2889

Q. Now you are sure of that date, that date is fixed in your mind? A. Yes, sir.

Q. It is absolutely on the 28th?

The Court: Which?

Q. June 28th that Alampi wasn't permitted to come in? A. Yes, sir.

Q. You are definitely certain about that? A. Yes, sir.

Q. And if Alampi said he was there all day he was mistaken? A. Yes, sir.

2890 *Abe Danziger—By Govt.—Cross*

Q. And on June 29th he wasn't permitted again? A. June 29th Alampi wasn't there.

Q. Was it June 29th again that he wasn't permitted? A. No, sir, on a Thursday.

Q. On the 28th? A. Yes, sir.

Q. You are sure about that? A. Yes, sir.

Q. You remember that date, do you? Yes, sir.

Q. It is very certain in your mind? A. If the 28th is a Thursday that is the date.

2891 Q. You put that down in your memorandum? A. I did not put that down, I had it in my mind.

Q. You are just trusting to your memory? A. Yes, sir.

Q. Was he there on the 25th? A. Yes, sir.

Q. Was he there on the 24th? A. Yes, sir.

Q. Was he there on the 23rd? A. What day was the 23rd, if it comes out a Sunday he wasn't there, or on a Saturday.

Q. Were you there on Saturdays and Sundays? A. No, I am not there on Sunday, only on Saturdays.

2892 Q. You do not know whether he was there on Sunday or not? A. No, sir.

The Court: What date do you want?

Mr. Heller: June 23rd.

The Court: June 21st was a Thursday, the 23rd was Saturday.

The Witness: Alampi was not there on June 23rd.

Q. On June 22nd? A. June 22nd he wasn't in—he was in.

Q. June 21st? A. What day is that, June 21st?

Q. June 21st was on a Thursday. A. Thursday he was in.

Q. June 20th? A. Yes, sir.

Q. June 19th? A. Yes, sir.

Q. June 18th? A. Yes, sir.

Q. June 15th, the Friday before? A. The Friday before I do not remember.

Q. But after June 15th he was there every day except Saturday and Sunday? A. Yes, except that one Thursday, that one Thursday that he wasn't allowed in.

Q. Just the one Thursday? A. Yes, sir.

Q. You are sure about that date? A. Yes, sir.

Q. That is definitely fixed in your mind? A. Yes, sir.

Q. No question about it? A. Yes, sir.

Q. Do you remember seeing him with a notebook there? A. What date?

Q. On all the days he was there. A. He didn't have a notebook, he just took a little card, a tag and marked it down.

Q. With a pencil? A. Yes, sir.

Q. Did he have his badge on his lapel? A. Yes, sir.

Q. Did he have arguments with customers? A. No, sir.

Q. Didn't say a word? A. No, sir.

Q. Quiet? A. Yes, sir.

Q. Peaceful? A. Yes, sir.

Q. Never heard him use bad words? A. No, sir.

Q. You were there all the time from morning until evening? A. Not from morning until evening, from nine to eleven.

Q. You were there from nine to eleven? A. Not all the time.

Q. You were there when the chickens were killed? A. Most of the time when killing was going on I was there.

2896

Abe Danziger—By Govt.—Cross

Q. Some of the time? A. Some of the time.

Q. You were there every day and you saw him there? A. Except that one Thursday, I was there all day then, and that one Wednesday.

Q. June 27th and June 28th? A. Yes, sir.

Q. That is the time that they wouldn't let him come in? A. They wouldn't let him come in that Thursday.

Q. That is June 28th? A. Yes, sir.

Q. They allowed him in on June 27th? A. Yes, sir.

2897

Q. They allowed him in on June 29th? A. No, sir, he didn't come back after that no more.

Q. You are sure about that? A. Yes, sir.

Q. Isn't it a fact that you get into the place on Wednesdays at eight o'clock in the morning? A. No, sir, I never get into the place at eight o'clock Wednesday morning.

Q. Don't you go to New York at eight o'clock in the morning? A. No, sir.

Q. You never did? A. Except on cases that I have a load of empties, and then I am not there when all the killing is done.

2898

Q. Then you do get over to New York at eight o'clock? A. Yes, sir.

Q. So some of the days you get there at eight o'clock in the morning? A. Yes, sir.

Q. Isn't it a fact that you make sometimes two or three trips to New York? A. Yes, sir.

Q. That happens very frequently? A. Yes, sir.

Q. So you are not in the place all the time? A. No, except that one Wednesday I was there all day.

Q. Just one Wednesday? A. That one Wednesday.

Q. June 27th? A. That is right.

Q. Outside of that you are in and out? A. In and out.

Q. Is that correct? A. Yes, sir.

Q. There are many empty coops that you take out of the place? A. Yes, sir.

Q. There is nothing unusual in taking chickens from one coop and putting them into another? A. No, sir.

Q. That is done regularly? A. Yes, sir.

Q. You load the coops on your truck? A. Yes, sir.

Q. And take them to Washington Market? A. That is the empty coops.

Q. And you have them filled up? A. No, I get other coops.

Q. They are filled up in your place? A. They fill them up in different coops.

Q. Those coops have inspection tags on them? A. The coops that I get, yes, sir.

Q. Is that right? A. Yes, sir.

Q. Can you tell us the date of the inspection certificate that was on the coops on May 26th? A. Can I tell you the date of inspection?

Q. Yes. A. May 26 was on it.

Q. You are sure about that? A. Yes, sir.

Q. Do you know the date of inspection that was on the coops that were in the premises on May 27th? A. May 27th should be on there.

Q. Do you know the date of the inspection certificates that were on the coops on May 29th? A. The same date as May 29th is on it.

Q. Do I understand you to say all the poultry is sold the same day? A. Not all of them.

Q. Some of the coops remain over from day to day? A. Yes, sir.

2902

Abe Danziger—By Govt.—Cross

Q. And don't they bear a different date of inspection? A. Yes, but those are not the ones that I come from New York with, those are the ones that remain with the old inspection tag on them.

Q. You mean the poultry that is left in the premises? A. You are talking about the poultry that I bring in.

2903

Q. No, I am not talking about that. A. That is what you are referring to, you asked me when I brought it in in the truck, when I brought it on the 26th it would bear the tag of the 26th.

Q. When you brought in a load of poultry with inspection certificates on it, on May 26th, it would be dated, the inspection certificates would be dated the 26th? A. Yes.

Q. Unless the poultry is sold the next day that date stays on there? A. Yes, sure.

Q. It may stay on there for three days? A. Yes, sir.

Q. Or four days? A. Yes, sir.

Q. No question about that? A. Yes, sir.

Q. Now you graduated from rabbinical school?

2904

A. No, sir.

Q. Have you gone to Hebrew school? A. Yes.

Q. As a youngster? A. Yes.

Q. Until 13 years of age? A. That's right.

Q. And you profess to state what the Jewish law is with reference to toe punching of a chicken? A. Yes.

Q. And you are qualified to so testify? A. I am not qualified but I know according to the Jewish law anything broken below the knee joint is kosher.

Q. Tell us what chapter in the laws did you find that rule. A. I didn't find it at all. It is known as a fact in the Jewish law.

Q. You know it is a fact from hearsay? A. Yes.

Q. You have not examined Jewish literature on the subject? A. No.

Q. And you are not the son of a rabbi? A. No.

Q. And your grandfather wasn't a rabbi? A. No, but he was an Orthodox Jew.

Q. Now is it unusual for chickens to die? A. No.

Q. They are mishandled, aren't they? A. Sometimes.

Q. They are packed one on top of the other? A. Yes.

Q. And that doesn't mean that a chicken is diseased. If a chicken gets hit on the head, and dies, that doesn't mean that it is diseased? A. Well, if a chicken was hit on the head by being packed on top of one another it would usually be bruised on the head.

Q. It would have a fracture? A. Yes.

Q. And that is not permitted to be eaten by Jewish people? A. No.

Q. Yet you would not die from that? A. No.

Q. And you have taken chickens to your own home, from the Schechter Poultry place? A. Yes.

Q. And you have eaten them? A. Yes.

Q. And you have no objection to eating those, have you? A. No.

Q. Do you know whether there is a difference of opinion as to what is a cull or what is not a cull? A. Yes, there is.

Q. Some butchers say this is a cull and somebody differs with them? A. Yes.

2908

Abe Danziger—By Govt.—Cross

Q. You may say it is a cull and somebody may differ with you? A. Yes, but when I say it is a cull it is a genuine cull.

Q. Now what do you call a cull? A. Well, when the chicken has no meat on her breast, it is just the frame of a chicken.

Q. You call that chicken a cull? A. Yes.

Q. Will you die if you eat that chicken? A. If it is not diseased, you won't.

2909

Q. Well, can you tell whether it is diseased or not, without cutting it open? A. By looking at the face you can tell.

Q. You can tell whether or not it is diseased? A. Yes.

Q. What disease? A. I don't know what disease.

Q. You know it is a disease? A. Yes.

Q. Now you want the jury to believe that? A. Yes.

Q. That you can tell if it is a disease, just by looking at the chicken? A. Yes.

Q. Now, do I understand that both you and Cohen picked the chickens out from the coops?

2910

A. Yes.

Q. You would hand them to the butchers? A. Yes.

Q. During some sales on Thursday mornings there are a lot of customers in the place? A. Yes.

Q. You are busy taking out chickens from the coops, aren't you? A. Yes.

Q. Giving them to the buyer? A. Yes.

Q. And he gives them to the shochet, is that right? A. Yes.

Q. You pay attention to your work? A. Yes.

Q. Cohen pays attention to his? A. Yes.

Abe Danziger—By Govt.—Cross

2911

Q. You do not know what goes on in the place?

A. No—I know what is going on in the place.

Q. You mean while you are doing your work?

A. Certainly, we can see what is going on in the place.

Q. Do you pay attention to pulling out the chickens? A. That is right.

Q. Or do you pay attention to what is going on elsewhere? A. I pay attention to both.

Q. You observe everything? A. Yes.

Q. All through the day? A. All through the day.

2912

Q. That you are in there? A. Yes, sir.

Q. And when you are there? A. Yes.

Q. You go down to the office? A. I don't know what goes on in the office, inside, privately, I don't know.

Q. You take the chickens out, give them to the buyer, who gives it to the shochet, and then you turn around and see how it is weighed? A. No, sir.

Q. You pay attention to the weighing? A. I only pay attention to what I am doing at that time.

2913

Q. That is all you know? A. That is all I know.

Q. During these periods of time that you testified about in the month of June, that the customers rejected the chickens, isn't it a fact that the customer said that looks like a cull to me, I don't want it? A. No, she just threw it back in the coop, didn't like it.

Q. That is all she said? A. That is all.

Q. She felt it? A. She just looked at it.

Q. A woman? A. A woman, he or she.

Q. You have women customers there? A. Yes, sir.

Abe Danziger—By Govt.—Cross

2914

Q. Wholesalers? A. Yes.

Q. They feel the chickens with their hands?

A. Yes.

Q. And they said they didn't like it? A. They didn't say they didn't like it. They just threw it back in the coop, they did not want it.

Q. Did not say a word? A. No.

Q. Did not say it was a cull in their opinion?

A. No.

Q. Not one customer? A. Yes, one of them, when there was a real cull, he would say, this is a cull, and throw it back.

2915

Q. In your opinion they came to the conclusion it was a real cull? A. Not all of them, just one or two.

Q. Just one or two? A. Just one or two chickens they said was a cull, not all of them, and they threw them back. Lots of times they just say they don't like it and throw it back.

Q. And these chickens came in the regular chicken crates? A. Yes.

Q. Mixed with good ones? A. Yes.

Q. That is how you got them in the market?

2916

A. Yes.

Q. That is how they loaded them? A. Yes.

Q. Except those you found were no good and those you threw out in the market, West Washington Market? A. Some of them.

Q. You picked out some? A. Yes.

Q. Threw them away? A. Yes.

Q. Bring back the other good ones? A. Yes.

Q. And the butcher says in his opinion some are culls and he doesn't take them? A. He doesn't say they are culls, he just throws them back.

Q. That makes you think they are all diseased chickens? A. No.

Abe Danziger—By Govt.—Redirect

2917

Q. They are not all diseased chickens? A. They are not all diseased chickens.

Q. That is, the chickens you bring in are diseased chickens? A. I didn't say they were all diseased chickens.

Q. The chickens you brought in during the month, did you bring in any diseased chickens? A. Some of them.

Q. You knew they were diseased in the market? A. I did not know they were diseased in the market. You cannot see every chicken in the crate.

2918

Q. You saw the inspection label? A. Yes, but you cannot see every chicken when you are loading them.

Q. The inspection certificate said they were fit for human consumption? A. I just saw the inspection certificate. I did not know what they said or anything.

The Foreman of the Jury: Your Honor, may we have a recess?

The Court: Yes. Do not talk to anybody about the case.

(Short recess.)

2919

Redirect examination by Mr. Rice:

Q. Now, Mr. Danziger, you have talked this testimony over with me from time to time? A. Yes, sir.

Q. And you have refreshed your memory from time to time? A. Yes, sir.

Q. And you have talked with Mr. Dale, the associate counsel of the Code Authority? A. Yes, sir.

Q. And you made out one affidavit for him? A. Yes, sir.

Abe Danziger—By Govt.—Redirect

2920

Q. And you were called up to the Code Authority office? A. Yes, sir.

Q. And he asked you to make out an affidavit?

A. Yes, sir.

Q. And did he urge you to make one? A. No; he said, "You can make it out of your own free will."

Q. And you made it out, did you? A. Yes.

Q. And your co-worker, Mr. Samuel Cohen, made out an affidavit? A. Yes.

2921

Q. And you were requested to come up there?

A. Yes.

Q. Now, you have recently refreshed your memory from the affidavit of yourself and Mr. Cohen's affidavit, is that so? A. That is right.

Q. And you have refreshed your memory as to dates? A. Most of the dates.

Q. Do you remember what day of the week it was that Alampi first came to your place—was it on a Thursday? A. I don't remember exactly what date; the first time he came to our place.

Q. You don't remember exactly? A. Not exactly.

2922

Q. Do you remember about how long it was before the date that he was excluded from the premises? A. It was about a week.

Q. One week? A. One week.

Q. The day that he was excluded you say was June 28th? A. Yes.

Q. On a Thursday, was it? A. That is right.

Q. Therefore, the first day that Alampi came was on June 21st, on a Thursday? A. Yes.

Q. And he was there on Friday, June 22nd? A. That is right.

Q. But he was not there on June 15th, was he?

Abe Danziger—By Govt.—Redirect

2923

Mr. Heller: If your Honor pleases, I object to counsel suggesting. The witness said he was and now he tells him to say he was not.

The Court: You may ask him if you want to, but do not tell him that he was not there.

Q. Then what was the first day that Alampi was there? A. June 21st.

Q. And what day of the week was that? A. That was on a Thursday.

2924

Q. And that is the first time that he was there? A. Yes.

Q. And he was there several days after that? A. Yes.

Q. Up until June 28th? A. Yes.

Q. On Thursday, June 28th, the day that you say that he was excluded? A. Yes.

Q. You have that straight now, have you? A. Yes.

Q. That is right, is it? A. Yes, sir.

Q. Now, after poultry from the West Washington Market has been brought to the Schechter Market, can some things happen to the poultry between the time it is inspected at the railroad terminal and the time it is sold at the Schechter Market? A. Oh, yes.

2925

Q. Can some of the poultry become diseased? A. Yes, sir.

Mr. Heller: I object to that, if your Honor pleases; this witness is not qualified as an expert to testify on what might happen to poultry.

Q. Have you observed what has happened?

2926 *Abe Danziger—By Govt.—Redirect*

The Court: He can testify to a fact, but he is not here to give expert testimony.

Q. Have you observed what has happened? A. Sometimes they get a little weaker when they come in.

Q. Have you observed anything else? A. Yes, sir; sometimes some of them die during the time they come in.

2927 Q. That is what happened on June 28th? A. Yes.

Q. Some of them died? A. Yes, sir.

Q. But the necks were cut and they were weighed?

Mr. Heller: If your Honor pleases, I object to counsel summarizing the testimony that we have already had.

Q. In spite of the fact that the poultry coming in from West Washington Market is inspected, you have seen diseased poultry on the premises?

2928 A. Yes, sir.

Mr. Heller: I object to the characterization; in the first place it is not even proper redirect examination.

The Court: You should not tell him what he saw. Ask him questions, and if he has already testified to it there is no need of repeating it.

Mr. Rice: Very well.

The Court: Did he see something, when was the time that he saw it?

Mr. Heller: I think he has testified very fully as to what he saw.

Abe Danziger—By Govt.—Redirect

2929

Mr. Rice: I think he has covered it fully on direct examination; I quite agree with you.

Mr. Heller: All right.

Q. Now, when you were speaking on direct examination, when I questioned you first about diseased poultry and unfit poultry that you had seen in the place every day from May 16, 1934, to July 26, 1934, you weren't talking about a chicken with broken wings, were you? A. No, sir.

Q. What kind of chickens were you talking about?

2930

Mr. Heller: I object to that; if he is going to explain what his testimony was he should not do that; the jury heard it.

The Court: You went ahead and asked him to give any days that certain things happened, and he testified to the days. You can't bind him with general statements. It must be something exact. If he told you certain days, he may explain as to certain days.

2931

Mr. Rice: All I want, if your Honor please, is just the type of chickens that he has been talking about.

The Court: All right, but do not tell him what to say; let him testify.

Q. Very well, tell us—

The Court: What do you mean by chickens unfit for human consumption?

The Witness: Chickens that have a tumor inside, and that you can feel them as when you are handling them, and chickens that have no meat on them, that have a running nose, and swollen head.

2932

Abe Danziger—By Govt.—Redirect

Q. Have you ever heard of tubercular chickens? A. Yes, sir.

Q. Chickens with tuberculosis? A. Yes, sir.

Q. Did you include them? A. Well, yes, sir.

Q. That is the kind of chickens that you were talking about on direct examination? A. Yes, sir.

Q. You weren't talking about the culls that are simply seconds? A. No, sir.

2933

Q. Now, you said on cross examination that sometimes Joseph or Alex Schechter told you to cull the chickens at West Washington Market. A. Yes, sir.

Q. What did they tell you to do on other occasions? A. On other occasions they would make some kind of a deal with the weighmaster or the commission man, or whoever was in charge at the time when they would buy the poultry, so much for a coop.

Mr. Heller: If your Honor please, if he is going to testify as to that, he should go into details; let us have the days, and so forth.

2934

Q. When was this, when did this happen after May 16, 1934? A. May 17th or May 18th, any one of the days——

Q. For what period of time? A. Until the time, until today.

Q. Until today? A. Yes, sir.

Mr. Heller: I want to get the dates, whether it was May 17th, 18th, 19th or 20th.

Mr. Rice: Obviously, your Honor,——

The Witness: I can't tell you each date.

Mr. Rice: He can't tell the exact date.

*Abe Danziger--By Govt.—Redirect***2935**

Q. Tell us as nearly as you can any occasion when this happened after May 16, 1934? A. Well, it happened on Wednesday, May whatever date it was.

Q. Wednesday after May 16th? A. That is right.

Q. First Wednesday after May 16th? A. That is right.

Q. What happened?

Mr. Heller: Let us fix the date, Mr. Rice, please. May 23rd?

2936

Q. You think it was about May 23rd? A. Yes, sir.

Q. You would not say the exact date was May 23rd, would you? A. I won't say exactly the date because—

Q. It was a Wednesday shortly after May 16, 1934? A. That is right.

Q. What happened on that Wednesday? A. Well, I would go to the railroad and he would say to me, "Pull in to the car there"—

Q. Who would say that? A. Joe Schechter, or Alex Schechter, who was down there at the time.

2937

Mr. Heller: Who was there? Let us get the names of the persons.

The Witness: I don't remember the one, I don't remember who was there. Both of them were down.

Q. Both of them there? A. Yes, sir.

Q. And they both said that to you? A. Not both. One of them said it to me.

Q. You don't know which one? A. No, sir.

Q. They were both present? A. Yes, sir.

2938

Abe Danziger—By Govt.—Redirect

Q. What did they say? A. To pull in to the car and load on the poultry. Nothing was said about culling.

Q. What else did they say to anybody else?

Mr. Heller: Now, he said nothing else was said.

Mr. Rice: Yes, he did. Just a moment ago he said that they made a deal with the weighmaster.

Mr. Heller: All right, let us hear about it.

2939

Q. What sort of deal was it? Let us hear what was said. A. He said that he would allow him so much to the coop.

Q. Who said that? A. Weighmaster to Joe Schechter or Alex Schechter, who at that time was there at the railroad, so much to a coop, two pounds, or a pound, or whatever it is, to allow him instead of culling.

Q. That is, they would give him an allowance of two pounds? A. To each——

2940

Q. Per coop? A. Per coop.

Q. In lieu of culling? A. That is right.

Q. That is, in lieu of taking out the unfit chickens? A. That is right.

Q. And they sell the whole coop? A. That is right.

Q. Including the unfit chickens? A. Yes.

Q. But the Schechters would get the benefit of the two pounds deduction, or something like that? A. Yes.

Q. You heard this arrangement made? A. Yes.

Q. Did you hear it made on several occasions after May 16th? A. Yes, sir.

Abe Danziger—By Govt.—Recross

2941

Mr. Heller: I object to “several occasions” and move to strike it out.

The Court: Yes.

Mr. Rice: I will withdraw it.

Q. Did you hear such conversations between Joseph Schechter, Alex Schechter and the weighmaster at West Washington Market on any other occasions? A. Yes, sir.

Q. After May 16th? A. Yes, sir.

Q. When? A. The following day, or the following week, I don’t remember exactly what day. Most of the times we do—he does make those suggestions.

2942

Q. How many times would you say you heard that between May 16th and July 26th, a little over two months? A. I cannot tell you exactly how many times, but lots of times he just said, “Leave them alone and load them on.” I don’t remember exactly how many times he would tell me. Sometimes I would make two trips a day, and he could tell me three or four times during that week to leave them alone and make—and they make that proposition. I don’t know every time they make that proposition because I did not sit there and watch them. My job is on the truck, not watchman.

2943

Recross examination by Mr. Heller:

Q. What is the name of the weighmaster? A. There is one Eddie Goodheart at the Chelsea stand.

Q. And with whom else was such a deal made? A. I don’t know all the names of the weighmasters.

Abe Danziger—By Govt.—Recross

2944

Q. You stand and listen in to every word that was said on each of those occasions between Joseph and Alex and the weigh master? A. Yes.

Q. And you remember the days of the month?

A. I don't remember the dates; I cannot remember the dates exactly.

Q. Do you remember any other gentlemen with whom such an arrangement was made besides Mr. Goodheart? A. Yes, there is the other men there, but I don't know their names; there may be 50 or 60 weigh masters, and it is just this one house that he deals with, I know the weigh master of that house.

2945

Q. That is, the Chelsea Commission Merchants? A. Yes.

Q. And he made deals with that man? A. Yes.

Q. And he made a deal before the poultry was loaded on your truck? A. Yes.

Q. And was that particular poultry inspected poultry? A. Yes.

Q. And it had a label on it? A. Yes.

2946

Q. And you mean that he made a deal about the price, don't you? A. Not about the price, about the weight. I don't know about the price—he told me not to cull them, that is all I know, to put them on the truck. I do not know what deal he made, but he usually allows him two pounds on the coop instead of culling.

Q. And who tells you to cull them? A. Joe does.

Q. Do you always cull them? A. Not all the time.

Q. Can you always cull them? A. Not always.

Q. Do the commission merchants always permit you to cull them, at all times? A. Not when

Abe Danziger—By Govt.—Recross

2947

there is a scarce market, they don't, but they still give you the allowance.

Q. In other words, he makes a deal with the commission merchant for the poultry? A. Yes

Q. And he fixes a price? A. Yes.

Q. And he gets an allowance on weight? A. Yes.

Q. And that is all that happens? A. Yes.

Q. But the poultry was nevertheless inspected poultry? A. Yes.

Q. Now, among that poultry there were some lean chickens as well as fat ones? A. Yes.

2948

Q. And he did not want to pay the same price for a lean one as for a fat one? A. I don't know what price he made with him.

Q. Do you know what a tumor is? A. Yes.

Q. Did you ever have one? A. No, sir.

Q. Do you know how you can ascertain whether a person has a tumor or not? A. I don't know what you call a tumor, but I call a tumor a lump inside the body.

Q. And you can feel that chicken and find that it has a tumor by holding the stomach of a chicken? A. Yes.

2949

Q. Now, have you ever heard about the fact that doctors cannot tell about a tumor until they cut your belly open? A. Well, a person is different than a chicken.

Q. A chicken hasn't the same kind of a tumor as a human being, is that it? A. I don't distinguish that that way.

Q. Well, do you know how to distinguish them? A. No; I am not a medical doctor.

The Court: Now, he told you, he said that the way he discovered it was by feeling. He has not been feeling human beings.

2950

Abe Danziger—By Govt.—Recross

Q. Have you ever cut a chicken open and found a tumor? A. Yes.

Q. Can you describe it to us, can you? A. Yes, sir.

Q. Now, describe to us what you found and what you diagnosed to be a tumor after you cut it open? A. Well, it is when you open it up, it has a little round ball, a pretty big one, and any chicken that you cut open and you find that—

2951

Q. Where is that located? A. I don't know where it is located; I cannot explain that. I am not a doctor.

Q. Where does that appear to be located when you cut it open? A. It is located on the intestines.

Q. On the inside of the chicken? A. Yes, sir.

Q. It is surrounded by the intestines? A. No, it is not surrounded by the intestines; it hangs down by the intestines.

Q. Is there anything else that hangs down from the intestines? A. There is the stomach there, I don't know how you call it in English.

2952

Q. That is round too? A. That is very different.

Q. That is a bumpy thing? A. You cannot feel that when you feel a chicken.

Q. But the tumor you can feel? A. Yes, sir.

Q. You are saying that when you feel a bird you can feel a tumor, and you can be sure you are not feeling fat, can you? A. Oh, no, I know the difference between fat and a tumor. I don't know that that is the right word; maybe in our way we call it it is a killer.

Q. What is a killer? A. It is some little rupture or something like that, I can't explain it.

William H. Cloward—By Govt.—Direct

2953

Q. So you diagnose a tumor as a rupture? A. Oh, I don't know what it is.

Q. Have you ever diagnosed a chicken as to whether it was tubercular or not? A. Well, no.

Q. You do not know what a tubercular chicken is? A. I can tell one when its nose is running.

Q. When its nose is running you call that a tubercular chicken, is that it? A. Well, no,—

Q. Can you define the word "tubercular"? Can you give a definition of it? A. No, I do not.

Mr. Heller: That is all.

2954

Mr. Rice: That is all.

(Witness excused.)

WILLIAM H. CLOWARD, called as a witness on behalf of the Government, having been duly sworn, testified as follows:

Direct examination by Mr. Rice:

Q. What is your business, Mr. Cloward? A. Why, I am secretary and controller of Risser & Rabinowitz, Inc., Philadelphia.

2955

Q. What are they? A. Wholesale poultry dealers.

Q. Do you sell occasionally to wholesale slaughter house men in New York? A. Yes, sir.

Q. Do you deal with the A. L. A. Schechter Poultry Corporation? A. We have had dealings with them.

Q. Did you have dealings with them in May, 1934? A. Approximately that date; I haven't a memorandum here.

Q. Did you have dealings about the same time with Joseph Schechter of the Schechter Live Poultry Market, Inc.? A. Yes, sir.

2956 *William H. Cloward—By Govt.—Direct*

Q. At 991 Rockaway Avenue, Brooklyn? A. Yes, sir.

Q. You have had dealings with both of those establishments? A. Yes, sir.

Q. Just what is the nature of your dealings with the two Schechter establishments? A. Selling them live poultry.

2957 Q. Who do you deal with, what individuals do you deal with? A. The bills have been made out to both A. L. A. and Joseph Schechter. I do not know them as separate individuals at all. To us it is simply a Schechter account.

Q. That is, you treat Joe Schechter's establishment as the same account as A. L. A. Schechter? A. As far as our accounting records go, yes, sir.

Q. What individuals do you deal with? A. I do not know that. I merely handle the accounts as they are in the office.

Q. You do not know any of the Schechter brothers personally? A. No, sir.

2958 Q. Did you sell poultry to the A. L. A. Schechter Poultry Corporation on May 26, 1934? A. I haven't exact dates in mind, but around that time we did, sir.

Q. You appeared before the Grand Jury, did you not? A. Yes, sir.

Q. And at that time you were given a subpoena to produce certain records from Risser & Rabinowitz? A. Yes, sir.

Q. And you produced a bill or an invoice dated May 26th of poultry sold to A. L. A. Schechter Poultry Corporation, 858 East 52nd Street, Brooklyn, did you not? A. Yes, sir.

Q. Is this the invoice? A. Yes, sir.

Q. Is this regularly kept as a part of your business records? A. Yes, sir.

William H. Cloward—By Govt.—Direct

2959

Q. Accurately kept? A. Yes, sir.

Q. How many pounds of poultry did you sell to the A. L. A. Schechter Poultry Corporation on May 26, 1934? A. This one bill calls for 5,200 pounds.

Q. Is that what you sold on that day? A. As far as I know, unless there are bills here.

Q. That is at least part of what you sold on that day? A. That is at least part, yes, sir.

Q. How many baskets of poultry were there in those 5,200 pounds? A. I could not answer that from the invoice definitely.

2960

Q. Doesn't your invoice indicate the number of baskets? A. Only approximately.

Q. May I see it? A. (Witness handing paper to counsel.)

Q. This particular invoice does not indicate the number of containers? A. That is right.

Mr. Rice: I offer this in evidence.

Mr. Heller: No objection.

Mr. Rice: This relates to Count 4 and also Count 1.

(Marked Government's Exhibit 32 in evidence.)

2961

The Court: What is it?

Mr. Rice: It is an invoice from Risser & Rabinowitz, commission dealers, Philadelphia, showing a sale of 5,200 pounds of poultry to A. L. A. Schechter's Poultry Corporation, May 26, 1934.

Q. This bill indicates the price paid for those 5,200 pounds of poultry—

Mr. Heller: The bills speaks for itself. It is all on there.

William H. Cloward—By Govt.—Direct

2962

Mr. Rice: It may not be perfectly clear that this is dollars and cents. I simply want to clear it up.

Q. Does that indicate the price paid? A. Yes, sir.

Q. Which was how much? A. Fifteen and three-quarters cents on two classes.

Q. I mean the total price paid. A. \$807.52.

Q. That is true as to each one of your invoices? A. Yes, sir.

2963

Q. They indicate at the bottom the price charged? A. Yes, sir.

Q. For the poultry? A. Yes, sir.

Q. On the following Monday, May 28th, did you sell additional poultry to the Schechter Brothers? I hand you two invoices of Risser & Rabinowitz, both of them dated May 28, 1934. A. One for Joseph and one for A. L. A.

Q. You made one sale to Joseph Schechter? A. From the invoices, yes, sir.

Q. In what amount? A. \$1,148.20.

Q. In what amount in pounds? A. Joseph Schechter was 7,209 pounds.

2964

Q. In how many containers? A. I would not know whether these are containers or not.

Q. Doesn't it indicate containers on the left-hand side of the invoice?

Mr. Heller: I have no objection to those bills going in, and they will speak for themselves. Let counsel offer them instead of reading them. I haven't any objection if they go in.

Mr. Rice: It may clarify the record, your Honor, if I ask the witness—

William H. Cloward—By Govt.—Direct

2965

The Court: But he says he is willing to take it in; is there anything that is not understood on it?

Mr. Rice: Perhaps so, your Honor, the number of containers. May I see the invoices? (Counsel examining papers.)

Q. Now, on the left-hand side of these invoices, addressed to Joseph Schechter, you indicate various numbers of containers of various kinds of chickens, and a total of 111. Does that mean 111 containers? A. Yes, sir, 111 coops.

2966

Q. Or baskets, it may have been baskets, may it not? A. Possibly, but we do not use the New York style of coops in Philadelphia at all; sometimes they bring their own.

Mr. Rice: I offer in evidence this invoice of May 28, 1934, addressed to Joseph Schechter, showing the sale by Risser & Rabinowitz of 7,209 pounds of poultry in 111 baskets.

Mr. Heller: I object to counsel characterizing about the baskets, your Honor. The document speaks for itself.

2967

The Court: Does the document say baskets or coops, or just what does it say? Just containers?

Mr. Heller: It doesn't say anything—oh, yes, it says coops.

Q. It does say coops in two places, but what is your practice?

Mr. Heller: I object to counsel's attempt to vary a written document.

Mr. Rice: I can ask him what his practice is.

The Court: What does coops mean?

2968 *William H. Cloward—By Govt.—Direct*

Q. What do coops mean?

Mr. Heller: I object to the varying of the writing on a document in evidence.

The Court: I don't think it is marked in yet. He can tell us what that word there means. Look at the paper. What does that mean?

2969 The Witness: I don't feel qualified to testify on the question here. As I say, there are two kinds of coops used in the market, and I am not familiar enough with the live poultry operation to definitely state just what they do mean.

Q. When you supply the containers what do you supply?

Mr. Heller: I object to any interrogation with reference to these documents.

Mr. Rice: But I believe I can ask him; he can testify what they supply when they supply the containers.

2970 The Court: But he said he was not familiar enough to tell you.

Mr. Rice: I think he knows this, your Honor.

Q. Do you know what kind of containers are used when you furnish the containers? A. Small spindle coops.

Q. Are they sometimes called baskets? A. We refer to them as coops, poultry containers.

Q. Will you describe them? A. The container they use in Philadelphia is a regular poultry coop about that long (indicating), and more or less square, with an opening at the top.