

*Leroy Peterson—By Govt.—Direct*

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Q. Were the Code provisions discussed at this meeting of 800 people of the industry? A. They were.

Q. And what particular provisions were discussed?

Mr. Heller: I object to that.

The Court: How does that bind these people at all, Mr. Rice?

Mr. Rice: We will show that these people were among the 800 present.

The Court: Well, show that first and then you can go ahead. 1478

Q. Do you know whether the Schechter Brothers were represented at that meeting?

Mr. Heller: I object to the form of the question. Let him state who was there.

Q. You stated that there were 800 people there.  
A. Yes.

The Court: Were any of these defendants there?

The Witness: Personally I don't know whether they were or not. 1479

Q. Have you been informed?

The Court: Oh, no.

Mr. Rice: If your Honor pleases, we will prove by another witness that the Schechter brothers were present at that meeting.

The Court: I understand, but you have not proved it and he objects. If it was some other thing I would take it subject to connection, but I am afraid you will

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have to prove that they were there before you can show what happened at that meeting.

Q. Mr. Peterson, when did the Live Poultry Code Authority commence active enforcement of the Code? A. May 16th, 1934.

Q. That is the day after the meeting of May 15? A. Yes.

Q. 1934? A. Yes.

1481                    Q. Was it announced at the meeting of May 15, 1934, that enforcement of the Code would commence on the following day? A. Yes.

Mr. Heller: Objected to.

The Court: I do not see how you are going to bind these people by announcements in a meeting unless you show they were there.

Mr. Heller: I move to strike the statement out.

The Court: They can show what they did to enforce it.

1482                    Q. What happened immediately after the meeting of May 15th, 1934?

Mr. Heller: Objected to, in the first place because it is too general. I do not know how that binds us, what he did or someone else did.

The Court: That question is too broad.

Q. What steps did you, as Code Supervisor, take toward enforcement of the provisions of the Live Poultry Code after the meeting of May 15th, 1934?

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Mr. Heller: That is immaterial.

The Court: I will let him answer what he did. I do not know what they are getting at.

Mr. Heller: Exception.

The Court: You ought to get down to the case, because some of these things have no materiality at all so far as I can see. Go ahead. What steps did you take?

A. Our investigators, who we hired prior to May 16th, were assigned to various sections of the City, and their function was to go from slaughter house to slaughter house to see if the provisions of the Code were being lived up to. That was continued and is still in effect. These men would make reports. We hired two men from the industry, one from the slaughter house group and one from the commission house group. These men were able, through their contracts, to find out those persons who were living up to the Code and those who were not. For the first week after the Code was in effect we got almost 100 per cent. compliance with the Code. The provisions that were most effective, most important, were the provisions——

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Mr. Heller: I object to this statement, your Honor.

The Court: Yes.

Mr. Heller: It certainly hasn't anything to do with us.

The Court: His opinion as to the importance of the provisions is of no moment.

Q. Do you know to what extent the live poultry trade of New York generally received notice to the effect that the Live Poultry Code was

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being enforced after May 15, 1934? A. I did not get your question. What methods by which they knew?

Q. No, to what extent did the Live Poultry industry receive notice? A. Well, a hundred——

Q. That the Code was being enforced after May 15, 1934. A. A hundred per cent. of the industry knew it was being enforced.

Q. How do you know that? A. Because our inspectors visited every slaughter house in the City and told them it was.

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Mr. Heller: I move to strike it out. It is purely hearsay.

The Court: Yes.

Q. Did you instruct your investigators to visit every slaughter house?

The Court: Strike it out as hearsay.

Mr. Rice: I beg your pardon?

The Court: I say, strike it out as hearsay. What we want to do is to get down to these defendants. I do not care whether everybody else knew it or did not know it, and it was the law that they must find out. Go ahead.

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Q. On June 1, 1934, did you have a telephone conversation with the defendant Aaron Schechter? A. I did.

Mr. Heller: Objected to because there has been no foundation laid for that.

The Court: Of course, he will have to say that he knew the person, knew the voice and so forth.

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Mr. Rice: This will be definitely connected up by a party who was on the other side of the telephone wire.

The Court: All right.

Mr. Heller: At this time I object to it.

The Court: You had better show how he knows it. Then we will get the other part of it.

Q. Did you have a telephone conversation with a person purporting to be Aaron Schechter on June 1, 1934? A. Yes.

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Q. Under what circumstances did you have that telephone conversation? A. As part of the enforcement of our Code, we sent auditors and accountants to the various slaughter houses. A few days before June 1 we sent accountants and auditors to the Schechter slaughter house.

Q. For what purpose? A. To examine their books to see to what extent they were violating the Code.

Mr. Heller: Now, may it please your Honor, I move to strike that statement out. It is wholly prejudicial to the defendants.

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The Court: Yes.

Mr. Heller: And I ask that the witness be instructed not to repeat it.

The Court: Yes. I do not see how you can say they were violating the Code.

Mr. Rice: We, of course, do not rely on any such statement as that as affirmative proof.

The Court: I know, and the jury should not hear any such statement as that either. The jury will disregard it.

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Q. You had a telephone conversation after you had sent accountants to examine the books of Schechter Brothers at 858 East 52nd Street, Brooklyn, is that right? A. That is right.

Q. What was that telephone conversation?

Mr. Heller: I object. He has not identified the defendant that he spoke to as yet.

The Court: That is technically correct.

Mr. Rice: I beg your pardon?

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The Court: That is technically correct. If he insists on the objection, that the man be definitely identified before the jury hears the conversation, he is right.

Mr. Rice: Do you want to reverse the order of our witnesses, putting on the—

The Court: No, you must not, in a criminal case, and you haven't the right to, ask him before the jury whether he will concede or not. That is all right in a civil case, but not in a criminal case. It has been so held in this Circuit. If you want to withdraw this witness to bring somebody here to identify him and then go on, that is another way.

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Mr. Rice: I should like the privilege of withdrawing Mr. Peterson.

The Court: Yes, and let somebody identify the man who was speaking over the phone and then you may go right along.

Mr. Rice: Very well. I have sent for him, your Honor.

The Court: That is all right, surely.  
(Witness temporarily excused.)