

Zimmerman wears the tape recorder that he used to take down his conversation with a federal agent. In actual use, the recorder and wires are worn under the clothes with a switch in the front pocket.

Newsday Photo by Joe Dombroski

Jury Hears Report Of Perjury Try In Rinaldi Probe

Witness says U.S. agent offered documents that might free mobster if he'd lie about judge



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 cution to accept guilty pleas just to misdemeanors from the defendants in a brokerage embezzlement case.

Federal sources said yesterday that the Treasury Department was concerned about the allegations and has begun its own investigation of the agent, Robert Murphy. Murphy is a member of the elite self-policing inspection unit of the Internal Revenue Service. The federal sources said the unit has not been tainted by scandal in its 22 years.

Nadjari and his aides concede that Zimmerman and Murphy had discussed something outside Nadjari's Brooklyn grand jury room, but they contend that the subject was not the Rinaldi case. Nadjari said that because Murphy had supplied an informant in his investigation of Rinaldi, it was only a courtesy to allow Murphy to use his facilities to interview Zimmerman "on another investigation."

A spokesman for Gov. Rockefeller said that the governor's chief counsel, Michael Whiteman, was aware of the

accusations about Nadjari's investigation and had satisfied himself that they were "false." Murphy said yesterday that he was guilty of no wrongdoing, but that because he was tied to "an open investigation," he could not tell his side. Federal sources said they believed that, at worst, Zimmerman had misunderstood Murphy. Rinaldi denies all charges against him.

Newsday has obtained portions of Zimmerman's tapes in which a voice identified by Zimmerman as Murphy is agreeing to such an offer. It could not be proven, however, that the tapes are, in fact, what they are alleged to be.

The tape recordings are a bizarre element in a complex case that included a 10-month investigation of Rinaldi's judicial conduct by Nadjari's office. Key man in the case, it was learned, was a federal informant named Leon Ratner. Federal sources say that Ratner, an auto salesman, left Long Island for California in 1971 and shortly thereafter began providing information for the IRS. Nadjari says the IRS turned over to him "various statements"

about Rinaldi after he took office last year as special prosecutor.

Rinaldi said he met Ratner in 1954 at a Brooklyn auto showroom where he purchased a car. Ratner later moved to various showrooms on Long Island and retained Rinaldi as a steady customer. It was on Long Island that Ratner worked for a dealer who had another salesman: Jerome Zimmerman.

He and Ratner became fast friends, Zimmerman says, and were frequent partners in a time-honored auto salesman's gimmick—off-the-books side deals with customers when the boss was not looking. "Automobile people as a rule are very close," Zimmerman said, "and we were very, very close."

Ratner frequently called him with assorted business deals, Zimmerman said, and they invariably involved Rinaldi and just as invariably disintegrated. Ratner would refer to the judge as "my father," Zimmerman said.

Rinaldi maintains that he and Ratner were not close friends. "I was in his house once and he was in mine [once]," Rinaldi said. "Other than that,

the man sold me cars or serviced them, and one time he sold a car for me."

In 1966, Ratner was employed by a Hicksville auto dealership. Among the other salesmen at the time was Robert Gomes. The year before, Gomes, brother George and three other employees of the Edwards & Hanly stock brokerage in Hempstead gave themselves up and admitted that they had embezzled hundreds of thousands of dollars in an incredibly complicated scheme, had spent it all and more and were \$300,000 in debt.

The four defendants were penniless and were cooperating with insurance companies eager to discover and prevent further use of their embezzling scheme. By the summer of 1966, when Rinaldi was assigned by the Appellate Division to help clear the Nassau County calendar and inherited their case, the four men, law-enforcement sources say, had already been promised relatively short sentences in exchange for guilty pleas.

According to sources close to Nadjari's investigation, Ratner approached Robert Gomes one day in 1966 with a deal—for \$3,000, he said, he could get his friend Rinaldi to keep George Gomes and the others from serving time in jail. The four defendants, however, decided that they were in enough trouble already and called their attorneys.

Those attorneys were Nicholas Castellano, John Chamberlain and Jimmy Blake. Chamberlain insisted that they go to Nassau District Attorney Cahn to report the offer. Castellano called Rinaldi, and the following morning, Chamberlain, Castellano and Rinaldi went to Cahn's office. Cahn was out of town, and his chief assistant was on vacation.

"I asked, 'Who's next in charge?'" Castellano says, "and they told me it was Henry Devine. I said, 'Let's see him.' Devine took us into Cahn's office and we told him about the offer. He said to forget it—no money had been passed. I remember he said, 'We're not trying to build cases in this office.' And we left."

According to sources close to the investigation, Devine testified before Nadjari's grand jury that he remembered no such meeting, and Cahn reportedly testified later before the Nadjari grand jury that he did not believe the meeting had taken place because Devine would certainly have informed him of it. Rinaldi agrees with Castellano's version of the conversa-

A Link to Franzese Case

The circumstances surrounding the indictments of State Supreme Court Justice Dominic Rinaldi have touched on the 1967 conviction of organized crime figure John (Sonny) Franzese for conspiracy to rob banks.

The Franzese case has been marked by charges from Franzese's attorneys and supporters that important evidence was suppressed, but their claims have not been documented. Former law-enforcement personnel familiar with the case say privately that Franzese was under surveillance by authorities, and that the surveillance shows that Franzese was not where the prosecution said he was when the conspiracy took place. Local and federal agencies conducting the surveillance disagree about whether it was constant or only frequent, however.

Franzese's supporters are hoping that there are surveillance reports proving that Franzese was not at the underworld motel conference where the bank robberies were planned. No such reports were introduced as evidence during Franzese's trial, and some law-enforcement agencies claim that such reports do not exist. Confirmation that such reports exist would be enough to earn Franzese a new trial, legal sources said.

Franzese and four other persons were convicted of conspiring to rob banks in Oceanside, Kew Gardens and Salt Lake City. Franzese, now 54, was sentenced to a 50-year term in federal prison and fined \$20,000 by U.S. District Judge Jacob Mishler.

Franzese's attorney, Maurice Edelbaum, has filed several motions for a new trial, based on affidavits from former police officers and neighbors of Franzese who swore that the Franzese home was under extensive surveillance during the summer of 1965. Edelbaum charged the government with suppressing evidence. Mishler has rejected his motions.



Newsday Photo by Jim O'Rourke

Franzese, center, in Mineola police headquarters after his arrest in 1966.

—Manny Topol