

Senator JAVITS. Thank you.

The CHAIRMAN. I now excuse the witness.

Mr. METZGER. May it please the committee, instead of describing at this point the conversation that I heretofore made reference to, I would like, because of the time, to have this committee hear from the lips of a loan shark victim himself the extent to which a loan shark will go in his relentless efforts to drain the lifeblood from one of his victims.

Now, this witness must be, because of obvious reasons, referred to as Mr. John Doe. He was once the owner of a small business. He borrowed \$1,900 from a loan shark, in order to sustain that business during a period of financial crisis that he experienced. Until he finally came to the authorities, he had repaid approximately \$14,000 on that \$1,900 loan, and still owed \$5,000 more. Not long ago, one of his children was accidentally electrocuted.

The CHAIRMAN. How did that happen?

Mr. METZGER. This happened in a railroad yard. It had nothing to do with the loan shark.

The CHAIRMAN. I thought maybe your mentioning it might have some implications.

Mr. METZGER. The shark in his limitless desire to engorge himself off his prey, politely sent a floral piece to the funeral, and then on the evening after the boy was buried, came to his victim's home, demanded that the victim hire a lawyer to sue the owner of the premises where this tragic event took place, and then—and this is unbelievable, you have to hear this from the witness himself—ghoulishly extracted from this victim an assignment of any recovery that might be made in connection with the death of his son. I respectfully recommend at this time, Mr. Chairman, that Mr. John Doe be brought forward as a witness.

The CHAIRMAN. All right, sir. I am advised Mr. John Doe is en route. He will be here in another minute. So we will wait.

Senator DOMINICK. Mr. Chairman, could I ask a couple of questions while we are waiting?

I was interested in looking at the criminal record of Mr. Franzese—is that his name?

Mr. METZGER. Yes, sir; John Franzese.

Senator DOMINICK. He has had quite a long record as far as arrests and charges are concerned; starting in 1938, according to the transcript which you gave us. It would seem most of the charges were pretty well disposed of. He didn't serve much time in prison, is that correct?

Mr. METZGER. That is true.

Senator DOMINICK. Was this because of lack of evidence?

Mr. METZGER. Because of the inability to procure evidence—that is to say to use evidence that was properly procured—particularly with respect to eavesdropping, electronic surveillance. His conviction could have been obtained. I can state to you with authority his conviction could have been obtained years ago. I know for a fact 5 years ago—had we been able at that time to use wiretap evidence, secured pursuant to court order.

Senator DOMINICK. Is it my understanding that the tapes you have here are obtained pursuant to court order?