

NEW MURDER URGED TO HIDE BAFF PLOT

Cardinale Says Graff Wanted to Silence Rosenstein's "Squealing."

GANGSTER CODE UPHELD

Witness Refuses to Name Assassins as He Details Conspiracies.

When Antonio Cardinale was cross-examined yesterday by Frank Moss, chief counsel for the four defendants on trial before Justice Tompkins in the criminal branch of the Supreme Court for investigating the murder of Barnett Baff, he reiterated his story of the conspiracy, sticking to it under a severe fire of questions. He refused, however, to name or identify in any manner the two gunmen who fired the shots which killed Baff.

Mr. Moss pictured Cardinale to the jury as an arch fiend, whose criminal proclivities knew no limit, and succeeded in making Cardinale admit, which he did with candor, that he was the moving actor in all the various attempts which finally resulted in the slaying of the poultry man. When the day's session ended, Mr. Moss had relinquished his cross-examination of the witness, which was being continued by Harry Kopp, associate counsel.

The four defendants, Joseph and Jacob Cohen, Abraham Graff and David Jacobs, listened expectantly to Cardinale's cross-examination, which commenced with the attempt by Mr. Moss to wheedle from the State's star witness the admission that it was he who sent the murder telephone message to Baff and not one of the defendants. Cardinale replied with smiling assurance that he had not.

Cardinale completed his direct examination in the morning with testimony as to the interviews with Joe Cohen after the murder. He said that once he met Cohen when he was driving in a huff and that the defendant drove him to Paddy Cohen's market and gave him \$15. Cohen, he said, told him at this time to keep away from him as he was being watched, and that even his telephone wires were tapped.

Defense Grills Cardinale.

Cardinale also said that between the time of the murder and his departure for Italy he had talked with Graff, about eight times. Graff, he testified, had told him that "Chicken Moe" Rosenstein was squealing, and suggested that the safe course for all was to have him put out of the way by the same method used in eliminating Baff. Cardinale said that Graff showed him a photograph of Rosenstein to give to the gunmen.

Cardinale asserted that Joe Cohen had promised to pay his wife \$5 a week while he was in Italy.

Mr. Moss opened his cross-examination of Cardinale by asking his height and weight. Cardinale is a short man, and it has been testified to at previous trials that one of the two gunmen was shot.

Mr. Moss attempted to make the witness admit his hatred of Baff because of the poultry man's business methods, and also questioned Cardinale regarding threats he was alleged to have made against Joe Cohen's life, because David Jacobs, Cohen's brother-in-law, had been stealing chickens from him. Cardinale smilingly denied these allegations. Cardinale was asked whether he was the man who had gone to a telephone booth just before the murder and called Baff out of his stand. He said he was not. Then the counsel for the defense asked Cardinale whether he had not gotten into the murder car after the shooting. This he also denied.

Cardinale was then cross-examined regarding some letters he was supposed to have written to a woman here while he was in Italy. Moss asked whether he had written to the effect that he had left the market at 5 o'clock the day of the murder and gone to another market in 110th street. While there he wrote in the letter that he first heard of Baff's murder when some one called Louis Cohen in the market on the telephone and told him. Cardinale said he had probably written these facts to disarm all suspicion of his connection in the murder, and explained that up to the time of his first statement to the District Attorney here he had never said a word to any one.

Moss endeavored to prove by Cardinale that he was the man in the mur-

der conspiracy who was familiar with the methods of crime and the men who were used to commit them. He tried to make Cardinale admit that the suggestion of placing the bomb under Baff's Arverne home was his idea rather than that of the defendants. His answer was that Joe Cohen had talked to Sorro, Burke and Nino in perfecting the plans for the attack on Baff.

Cardinale did contradict himself regarding the direct examination of Wednesday, when he testified that he had carried a bomb to Ippollito Greco's saloon in Harlem. He denied yesterday under cross-examination that he had personally carried the explosive.

Moss made Cardinale admit that when Newmark's chicken market had been destroyed some chickens had been burned to death.

Cardinale's cross-examination was interrupted by the State, which called to the stand Joseph Martino, the chauffeur of the automobile Sorro, Burke and Nino used to take the bomb to Arverne. Martino corroborated Cardinale's story of the bomb planting in detail.

Silenced by Death Threat.

On cross-examination, Mr. Moss made Martino admit that he had never made any attempt to inform the police of the crime. The chauffeur explained this omission by saying he knew he would be killed if he volunteered such information.

Cardinale's cross-examination was then continued by Mr. Moss.

"Didn't you say to any one that the Italians were going to hang the Jews?" Mr. Moss suddenly asked.

"No," answered Cardinale, "I never did."

Moss then continued to pound at Cardinale regarding his connection in the arson conspiracy and the poisoning of the horses.

The cross-examination was interrupted for a second time by the State, when Carmelo Russo was brought in and identified by Cardinale as one of the gunmen he had seen with Greco in West Washington Market.

The cross-examination continued and Moss asked Cardinale the names of the gunmen, and the witness refused point blank to name them, saying, "I won't answer any question along that line."

When asked his reason for taking an especially active part in the conspiracy to insure Baff's death, he said that he was continuously hounded by the Cohens and others in the market, who asked him why the murder was delayed.

Cardinale's cross-examination will be continued to-day.

Charged with assaulting Isidoro Blatt of East Ninety-fourth street, a witness in the Baff trial, Jacob Hirschhorn of 123 East Thirty-fourth street was arrested yesterday on a warrant issued by Magistrate Krotel in Tombs Court. He was looked up at Police Headquarters.

Blatt and Hirschhorn are chicken handlers in Washington Market. Blatt alleges Hirschhorn on Tuesday called him "squealer" and struck him.

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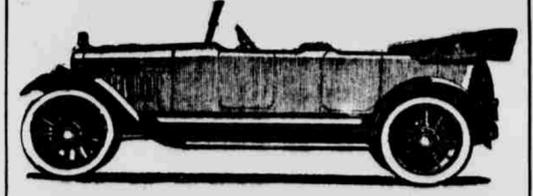
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