

Witness Faces 5-Year Term for 11 Murders

By ARNOLD LUBASCH

A major witness has testified in the Westchester Premier Theater trial that he participated in 11 murders, but will serve no more than five years in prison because he is telling what he knows about crime throughout the country.

Law enforcement officials regard the witness, James Fratianno, as one of the most important organized-crime figures ever to cooperate with the Government. They describe him as a top "hit man" who rose to a leadership role on the West Coast.

Mr. Fratianno testified for the first time last week in the Federal trial in Manhattan. He said that several men had "skimmed" money from the Westchester County theater while it went bankrupt and identified the main defendants as partners in the theater.

He also testified that he had talked to Frank Sinatra about doing a benefit performance. Mr. Sinatra is not accused of any wrongdoing in the case.

A photograph that was introduced to support his testimony showed Mr. Fratianno with Mr. Sinatra, three defendants and the late Carlo Gambino, the reputed crime boss who allegedly lent \$100,000 to the theater. The picture was taken in the singer's dressing room at the theater during a concert in 1976.

Witness Quickly Relaxed

Mr. Fratianno, a small, grey-haired, 65-year-old man who wears horn-rimmed glasses, appeared nervous when he entered the courtroom under tight security. But he seemed to relax quickly, testifying in a matter-of-fact tone and smiling frequently as if enjoying a private joke.

Replying to questions by Nathaniel H. Akerman, the prosecutor, he acknowledged that he had participated in nine murders from 1947 to 1953 and two more murders last year. He added under cross-examination that he had personally killed at least four of the victims.

"You were the person," a defense lawyer asked, "who actually shot, bombed or strangled these people?"

"Yes, sir," Mr. Fratianno responded.



Associated Press

James Fratianno

"Have you ever been punished for these crimes?" the lawyer, Robert Ellis, asked him. "No, sir," the witness answered, although he noted that he had served 18 years in prison in the past.

His deal to cooperate with the Government, he said, came after he was arrested early last December for the last murder, the slaying of Danny Green in Cleveland. Mr. Fratianno narrowly escaped being killed shortly after his arrest and turned informer when he learned that a "contract" had been put out on his life.

Under his agreement to cooperate with the Government, he said, he pleaded guilty to charges involving "pornography and murder." He received a five-year sentence, served almost one year in custody so far and will be eligible for parole in about eight more months.

Mr. Fratianno, who said that his friends called him "Dr. Schwartz" and that some other people called him "the weasel," indicated that he made his deal to cooperate before the authorities knew

the extent of his murders and before he talked to the prosecutors in New York.

The extraordinary witness is expected to provide information about high-level members of organized crime, key contacts with officials of the International Brotherhood of Teamsters and a 1976 meeting he had with John Rosselli, a Chicago gangster who was killed after an alleged involvement in a plot to kill Premier Fidel Castro of Cuba.

Testifying about the Westchester Premier Theater, Mr. Fratianno said he had met with Funzi Tieri, a reputed crime boss in the New York area. He quoted Mr. Tieri as having told him "not to worry" about an associate's \$1.4 million investment in the financially troubled theater.

A defense lawyer, Marvin Segal, suggesting that the witness was an ominous figure who inspired fear, asked if Mr. Fratianno "enjoyed a certain reputation in the community."

"Were you held in high regard in the community?" asked Mr. Segal.

"As a family man," answered Mr. Fratianno.

"A family man with children?" the lawyer asked.

"A family man with an organization," the witness replied, in an obvious allusion to organized crime.

His testimony was sprinkled with several references to Frank Sinatra, who gave three series of concerts at the 3,500-seat theater in Tarrytown.

Discussion With Sinatra

Mr. Fratianno testified that he first met Mr. Sinatra in 1947, that the singer recognized him when they met again after a 1976 concert at the theater and that they discussed the possibility of a benefit performance.

"I talked to Sinatra myself," the witness insisted, "and he said we would do it at the Westchester theater."

"Ultimately," a defense lawyer asked, "there was no benefit concert, is that correct?"

"That's correct," Mr. Fratianno said, adding that "it wasn't held because I got into trouble."