

# Testimony changed in Barry trial

By ROBERT KIPPER  
OAKLAND COUNTY—During cross examination a prosecution witness has refuted his own testimony against former Oakland Drain Commissioner Daniel Barry and two others facing bribery charges.

James E. Pemberton, an engineer with the county drain commissioner's office, corrected his earlier description of Barry's intervention in decided price negotiations between the Nichols Drain Board and the Greenfield Construction Co., contractor of the drain project.

Barry faces bribery charges along with James Nichols, his chief deputy, and Angelo DiPonio, the owner of Greenfield Construction who allegedly bribed Barry and Nichols for favorable treatment on two Oakland County drain projects.

The three men, indicted on the charges by an Oakland County citizens grand jury, are facing preliminary examination before 50th District Court Judge James H. Sell, who will decide whether to bind the case over to circuit court for trial.

LAST WEEK Pemberton testified that Barry appeared uninvited at a special negotiating session between representatives of the county drain board and the Greenfield Construction Co. over a request by Greenfield for an additional \$220,000 from the county for additional stone and excavation work on the Nichols Drain.

Pemberton testified that the negotiations had been unable to reach a compromise price until Barry arrived and left the room with Nichols and DiPonio for a secret meeting.

After this meeting, Pemberton said, Nichols had been persuaded to agree with DiPonio on a price for the additional work of roughly \$120,000.

TUESDAY, HOWEVER, Pemberton admitted in cross examination that his recollection was wrong. Barry and Nichols did confer at that meeting, but never outside the room and not with DiPonio. DiPonio did leave the room, Pemberton said, but with representatives of his own contracting firm. Pemberton further testified that the \$120,000 compromise figure had been worked out in advance of the meeting as a negotiating tool. Earlier testimony seemed to imply that the figure had been thrashed out between Barry, Nichols and DiPonio during their private caucus, which now, Pemberton testifies, apparently didn't take place during the negotiating session.

Apparently, one of the reasons both sides couldn't agree on a price for the additional stone or excavation work took place on the project.

IT WAS also clarified in Tuesday's

cross examination, that Greenfield had threatened legal action against the county if it wasn't paid for the additional work. Some at the county felt that reaching a compromise price with Greenfield, rather than refusing the claim for additional work, was in the county's best interests.

Pemberton, who during previous testimony was critical of the conduct of the negotiating meeting, Tuesday said he believed negotiations had probably wrestled the best settlement they could from Greenfield.

THE PRELIMINARY examination, which has covered only four prosecution witnesses thus far, moves into its sixth session Thursday.

John Wilkinson entered his 48th piece of evidence Tuesday and acknowledged that he had no idea when the slow-moving and highly technical examination could be wrapped up.

Due to a crowded court docket, the examination has been held only on Tuesday and Thursday afternoons.

BARRY AND Nichols allegedly received over \$5,000 from DiPonio. The funds were supposedly disguised as interest free loans which the county officials used to buy new automobiles.

Barry and Nichols, if convicted, could face maximum 10-year prison terms for accepting bribes as public officials. DiPonio, charged with offering a bribe, faces up to four years in prison.

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## Damman convinced he will be cleared

By MICHAEL CHARLES  
BIRMINGHAM—A confident James J. Damman returned to his old legislative district Feb. 19 to boost what he called the reawakening of citizen involvement in politics and to assure friends he is "absolutely convinced" Atty. Gen. Frank Kelley will clear him of any wrongdoing as a Troy public official.

Michigan's 56th lieutenant governor told a group of Birmingham businessmen: "I continue to take the position the allegations (against me) were unfair, unjust and unwarranted. I am not happy with these charges, but I'm absolutely convinced my position will be supported in the end."

A series of stories in a Detroit metropolitan paper last fall accused Damman and several past and present Troy city officials of profiting from their public positions through well timed investments in Troy land in the late 1960s.

GOV. WILLIAM MILLIKEN ordered Kelley to investigate the charges. To date, the attorney general's staff has interviewed a number of Damman's associates in the land investment group and checked old city records. A report on the outcome of that investigation is expected within the next few weeks.

Damman said he remains "relaxed and confident" that he will be vindicated in what he termed his "running dispute" with the Detroit paper.

In a brief interview Monday, he discounted the possibility he will sue the newspaper should Kelley's report support his claims of innocence. "I don't think we can successfully pursue that alternative because of the way the libel laws are structured," Damman said, adding that civil action is "extremely remote."

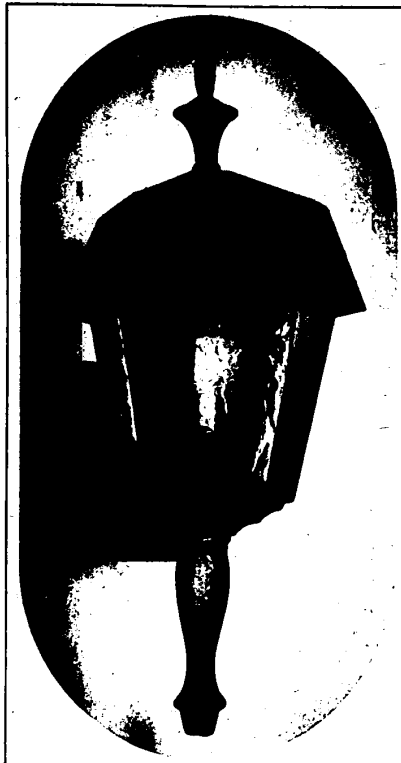
ALL I WANT is to clear my name and reputation," he said.

In a short speech to the Birmingham Rotary Club, Damman urged all citizens to become involved in politics.

"Each of us has a responsibility to work for the things he believes are right," he said. "I am afraid self-government as we know it is in jeopardy in America."

"We have looked to too great a degree to a powerful central government," Damman said.

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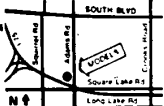




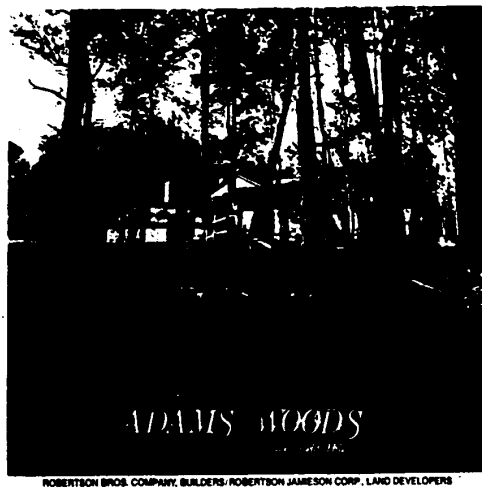
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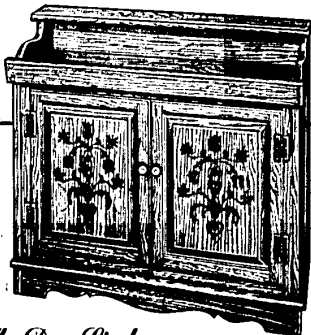


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