

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
2 IN AND FOR THE COUNTY OF KING

3  
4 JUNE O'KEEFE and TONY F. FERRUCCI,  
5 Plaintiffs,

6 vs.

7 JOSEPH E. GANDY, CHARLES M. CARROLL,  
8 DAVID L. COHN, et al,

9 Defendants.

No. 703099

OPENED - PUBLISHED and FILED in open COURT FILE 16 OF Dec Agreement 167 AT THE COURT ALL COURT 501 COUNTY CLERK WALTER W. REISCHLER DEPUTY
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10 DEPOSITION UPON ORAL EXAMINATION OF

11 DAVID L. COHN

12 APPEARANCES:

13 DANIEL BRINK, ESQ. (Trethewey, Brink & Wilson),  
14 appearing for and on behalf of the plaintiffs;

15 KENNETH R. AHLF, ESQ., Assistant Attorney General,  
16 Temple of Justice, Olympia, Washington and

17 STEPHEN R. THOMAS, ESQ., Assistant King County  
18 Prosecuting Attorney, 6503 King County Courthouse, Seattle,  
19 appearing for and on behalf of the defendants.

20 BE IT REMEMBERED, that on Tuesday, March 4, 1969,  
21 beginning at the hour of 2:25 o'clock P.M., thereof, at  
22 1418 IBM Building, Seattle, King County, Washington, before  
23 me, Merritt G. Dyer, Court Reporter and Notary Public in and  
24 for the State of Washington, personally appeared David L. Cohn,  
25

Merritt G. Dyer, Court Reporter

50

1 the witness herein.

2 WHEREUPON, the following proceedings were had and  
3 testimony taken, to-wit:

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7 MR. BRINK: This is taken pursuant to the rules.

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11 DAVID L. COHN, called as a witness herein, being  
12 first duly sworn, was examined  
and testified as follows:

13

14 DIRECT EXAMINATION

15 BY MR. BRINK:

16 Q Would you state your name, please?

17 A David L. Cohn.

18 Q And your residence address?

19 A 2040 82nd Southeast, Mercer Island.

20 Q Were you a member of the Washington State Stadium  
21 Commission?

22 A Yes, sir.

23 Q And you were an appointee of -- ?

24 A The governor.

25 Q Did you have any position, other than just being a member?

1 A I was vice-chairman.

2 Q What period of time did you serve on the Stadium Commission,  
3 just roughly -- not any precise dates -- but do you have  
4 any recollection of generally when you were appointed  
5 and through the time in which you served?

6 A It seemed like 57 years. It must have been a year and  
7 a half, anyway. It is a matter of record, but I would  
8 have to look it up.

9 Q It was sometime in 1967, through sometime in 1968?

10 A Yes, that's right.

11 Q As a member of the Stadium Commission, did the commission  
12 have many meetings?

13 A Yes, I would say so.

14 Q On perhaps a weekly or more often than that basis?

15 A Not more often than that. It was just based on the  
16 work load that was presented to us.

17 Q And included, amongst the meetings you had, did you have  
18 meetings outside of the State of Washington?

19 A No, not outside of the State of Washington.

20 Q Or did you travel to inspect the various sites?

21 A Yes, the new stadiums, outside of the State, yes.

22 Q Among those, can you give us a few examples of the ones  
23 you inspected?

24 A Yes. San Diego, Oakland, Houston, St. Louis, New York,  
25 Atlanta.

1 Q Shea?

2 A Yes, that's it -- Shea; Atlanta. I believe that would  
3 be all of them, the ones that have been built in the last  
4 ten years.

5 Q Do you know as to whether any minutes were kept of the  
6 meetings of the Stadium Commission, either inside or  
7 outside of the State or any reports made of your journeys  
8 outside of the State?

9 A There were no reports made -- no reports made to anyone.  
10 But we discussed our travels with the two members that  
11 did not make the trip, which were Commissioner O'Brien  
12 and Commissioner Spellman.

13 Q About that time, Commissioner Spellman had a broken leg,  
14 didn't he?

15 A That's right.

16 Q How about minutes of meetings that were held here, in  
17 the State, do you know whether any minutes were kept?

18 A Yes. I think there were minutes kept by Jack Keane,  
19 who was Secretary to the Commission.

20 Q Did Mr. Keane accompany the Commission on the inspection  
21 of the other sites?

22 A Yes, he did.

23 Q By other sites I meant outside of the State?

24 A Outside of the State, yes.

25 Q As a member of the Commission, you physically inspected

1 possible sites inside the State -- I mean for the proposed  
2 stadium location?

3 A Inside, yes -- for the location, yes, we did. We  
4 inspected all of the sites that our consultants had  
5 recommended to us.

6 Q And those consultants were -- I think the term was  
7 Western Management Consultants?

8 A They were the lead one, yes.

9 Q And they had a group of others working with them?

10 A Right.

11 Q In your final resolution of the problem of deciding  
12 upon the stadium site, Mr. Cohn, prior to this did you  
13 have any discussion with anybody representing the  
14 Seattle Pilots?

15 A No, sir.

16 Q They were to be or at least we all assumed they were going  
17 to be one of your major tenants of the stadium?

18 A Yes. I think their feelings were -- now, you said prior  
19 to our selection?

20 Q Right.

21 A Nothing prior to. But from reading in the newspapers  
22 and talking to persons -- including the Sorianos -- they  
23 preferred the stadium out in the South End.

24 Q Did the Commission hold any hearings in which they invited  
25 representatives of the Seattle Pilots -- any of the

1 Sorianos -- I don't know who all was involved in the  
2 Seattle Pilots, but anybody from the Seattle Pilots,  
3 to appear before them and express their wishes?

4 A Yes. This was prior; when the ad hoc committee asked  
5 for a 90-day extension, at the same time the Sorianos  
6 or the Seattle Pilots concurred in the delay, in making  
7 our decision, going along with the ad hoc committee  
8 with a 90-day postponement.

9 Q They appeared up there at the hearing and said, "It is  
10 okay with us?"

11 A Yes, sir.

12 Q The representatives of the Pilots you indicated were  
13 interested, as far as you could tell, in a suburban  
14 location; can you tell us what they may have expressed  
15 to you as to whether you, individually, or whether you  
16 as a member of the Commission -- ?

17 A Yes. I think inasmuch as I am more sport oriented,  
18 they talked with me and said they would prefer a stadium  
19 out there in the South End, because they would then  
20 participate in half of the parking revenues. I told  
21 them that they were not in the parking business, they  
22 were in the baseball business. They knew that downtown  
23 they could not participate in the parking revenue.

24 Q Because that would be handled by the City?

25 A By the City; yes, sir.

1 Q And any revenues collected would go to the City, to pay  
2 off their bonds or whatever?

3 A Yes.

4 Q Mr. Cohn, now I am going to tell you something that I  
5 have heard about or read about, and you can tell me  
6 whether it is accurate or not, and the statement I have  
7 heard is that this stadium was going to be built  
8 downtown or nowhere?

9 A I have never heard that statement.

10 Q You have never heard that?

11 A No, sir.

12 Q Were there any pressures brought to bear on the members  
13 of the Stadium Commission -- aside from everybody  
14 wanting to have it somewhere or other -- any pressures  
15 brought by any members of government or any members  
16 of the Commission, itself, as to trying to make this  
17 decision in one place or another?

18 A No; no member of the Stadium Commission pressured any  
19 other member. I am quite strong in making a statement  
20 like that. Of course, we were pressured.

21 Q By the public?

22 A By the public.

23 Q And by the newspapers?

24 A It was a very unfortunate thing, I think, in some respects.  
25 I didn't mind the pressure. I am in the pressure business,

1 so it didn't bother me.

2 Q Did you, as a member of the Stadium Commission, have  
3 access to reports of the traffic studies done by the  
4 people out of San Francisco?

5 A Wilbur Smith & Associates.

6 Q Wilbur Smith & Associates?

7 A Yes, sir; we did. All of us had information on that.  
8 In fact, all meetings that were held were held and  
9 attended by all six members of the Commission, unless  
10 they couldn't get there. Information was given to all of  
11 us, at that time.

12 Q Were there written reports filed with the Commission,  
13 by Wilbur Smith & Associates, about traffic problems -- ?

14 A Yes.

15 Q -- and how to resolve them?

16 A Yes.

17 Q How about Fenton, Conger & Balaine, the appraisers?

18 A The appraisers, yes.

19 Q And you had access to their opinions?

20 A Yes.

21 Q Who were some of the others -- Hope?

22 A Frank Hope & Associates.

23 Q And you had access to their reports?

24 A Not only that the Commission had access to the reports,  
25 but if I remember correctly, these reports were given



1 to the media, and also representatives of the areas  
2 involved.

3 Q I think the last group of associates were Shannon &  
4 Wilson, the soil engineers?

5 A This was the soil engineers, yes.

6 Q You had access to their reports, as well, and considered  
7 them?

8 A Yes, sir.

9 Q As a member of this Commission, I can assume that one of  
10 your big problems was to consider the problem of access --?

11 A That's right.

12 Q -- to any area?

13 A That's correct.

14 Q Whether it be South Park, Riverton, Northrup or the  
15 Seattle Center?

16 A That's right.

17 Q As part of your consideration, did you concern yourself  
18 with when the Bay Freeway might be completed?

19 A Yes. May I enlarge on that?

20 Q Surely?

21 A We were told by government -- this is city, county, state  
22 and federal -- that the access would be taken care of;  
23 that it was the responsibility of government to take  
24 care of access. Senator Magnuson appeared, at a hearing  
25 that we had, and reemphasized the statement that I made.

1 I think there was a letter read or a telegram sent by  
2 Governor Evans and read by Eddie Carlson, as to their  
3 cooperation.

4 Q When Magnuson appeared, did he also read a telegram that  
5 he had gotten from some head of the Bureau of Highways  
6 or whatever their technical name is?

7 A That's right.

8 Q And Mr. Prah! appeared?

9 A Mr. Prah! was not there.

10 Q He sent a letter?

11 A He sent a letter, yes.

12 Q That I think you all have a copy of, here, so we  
13 need not go into that.

14 A I know Senator Magnuson kept asking, "Where is Mr. Prah!  
15 where is Mr. Prah!" Mr. Prah! did send a letter.

16 Q Also, something I have read is that you at one time had  
17 an interest, as a sports minded figure, in becoming  
18 a participant in the Seattle Pilots?

19 A Yes. I can explain that to you. You can't meet with  
20 the American League owners and president as many times  
21 as I have, without they either liking you or disliking  
22 you. They asked me if I would be a participant, and  
23 they wanted me to participate in the new franchise for  
24 Seattle. I thanked them for their confidence in me  
25 and told them that I would be far more effective if I

1 did not have any stock or was able to purchase any stock  
2 in the new baseball franchise, at that time. If, after  
3 the Forward Thrust election, they still wanted me, yes,  
4 I would certainly consider being a part of baseball.  
5 I think all red-blooded Americans either dream of playing  
6 or of being part of a baseball team. There was nothing  
7 in writing.

8 Q Did you, at any time, have shall we say a verbal option  
9 to go in sometime later?

10 A Yes, I did have a verbal option with the Sorianos and  
11 Mr. Dailey.

12 Q I don't know Mr. Dailey. I know the Sorianos.

13 A He is the chairman of the board of the Seattle Pilots.

14 Q Is this a fellow from Cleveland?

15 A He used to own the Cleveland Indians, that's right. He  
16 is one of the participants -- one of the majority  
17 stockholders in the new Seattle franchise.

18 Q Your verbal option -- were there any terms attached to  
19 this -- ?

20 A No, sir.

21 Q -- any price at which you would be able to buy or any  
22 percentage which you would be limited to?

23 A Yes.

24 Q I assume they wouldn't tell you that they would sell you  
25 51 per cent of it.

1 A No. I had a verbal option to buy as much stock as the  
2 Sorianos had, individually -- not collectively --  
3 which amounted to 15 per cent.  
4 Q Approximately what time was that verbal option entered  
5 into?  
6 A Oh, gosh! This was before we got the verbal commitment  
7 from the American League. I had been back in Chicago  
8 and asked the American League for a commitment, if the  
9 domed stadium would pass, and felt this would be about  
10 a ten per cent to fifteen per cent plus factor, in  
11 getting the people to go for it. Because, in the prior  
12 elections, "Well, why vote for a stadium, when you  
13 haven't got a team?" So the American League accepted  
14 my recommendations and gave us a commitment, based  
15 on the stadium being built.  
16 Q Has this option been repudiated?  
17 A Yes.  
18 Q By Mr. Dailey?  
19 A No.  
20 Q Or the Sorianos?  
21 A No, not the Sorianos, because the stadium went downtown  
22 instead of going in at the South Park site.  
23 Q So far as you were concerned, the option was in effect,  
24 until sometime after November 15th, which I think was  
25 the date of this last report of the Stadium Commission?

1 A I think it was.

2 Q And sometime thereafter, they in effect said, "Go away?"

3 A They are down the tube -- "Evidently you don't think  
4 baseball." I said, "The entire community thinks this  
5 is where it should go" -- which was the Seattle Center.

6 Q But there was no price attached to these shares of  
7 fifteen per cent, that you were going to be able to buy?

8 A Only because we did not know what the stock was going  
9 to cost us. There were certain expenses incurred.  
10 We had borrowed monies from the bank which I had known  
11 about and helped negotiate, to the tune of four million  
12 dollars.

13 Q When you say "we," are you talking about the Sorianos  
14 had done so?

15 A Yes -- or the Seattle Pilots.

16 Q Because Mr. Dailey still has a major portion of the  
17 stock?

18 A I don't know any more, because I am not now in the group.  
19 But when I was, yes, he was a majority stockholder --  
20 not a majority stockholder, but he had a substantial  
21 amount of stock in the club.

22 Q Do you know of anybody else who had any kind of similar  
23 option, whether it was for 15 per cent or less or more,  
24 who would be allowed to be a participant in the Pilots?

25 A No. Well, of course, at the time that I was one of the

1 boys, the name of Dr. Hutchinson as participating in  
2 it, in a small way. Vern Coulon.

3 Q He is a realtor in West Seattle, is he not?

4 A No, not in West Seattle. I think he is, in fact, right  
5 across the street from the ball park, on Empire and -- .

6 Q And Rainier?

7 A Yes. His name was mentioned. Why I say this is because  
8 at one of the American League meetings, the Sorianos  
9 had to submit the list of stockholders.

10 Q Was Mr. Coulon on this, at that time, that they submitted  
11 it?

12 A Yes.

13 Q As potential stockholders?

14 A Yes, he was.

15 Q Was your name on it?

16 A No -- because I hadn't committed myself. I think  
17 perhaps I made a mistake. I felt it would be more  
18 effective if I tried to sell the domed stadium without  
19 people saying, "Cohn has a gimmick. He is going to  
20 be a member of the baseball team." I mentioned this  
21 to Ross Cunningham, when I got back from Chicago, and  
22 I told Ross the same thing I just told you. I said, "I  
23 have a problem. The American League wants me in."  
24 Ross said, "why shouldn't you be, if anybody is going  
25 to be?" I said, "I thought I would be more effective,

1 in selling this bond issue, if I stayed out. But I  
2 wanted you to know that I have been invited in."

3 Q Is Mr. Cunningham one who took you on a tour, later on?

4 A Yes -- because we turned down the Fifth and Yesler  
5 site. This was the site that the mayor originally  
6 wanted and that the Times supported. Our consultants  
7 said that it was on the bottom of the list, as far as  
8 being feasible. That downtown site was on the bottom of  
9 the list and the Seattle Center site was on the top of  
10 the list, if we could stay within our forty million  
11 dollars. If we could not stay within our forty  
12 million dollars, then they had a prerogative -- they  
13 didn't have the prerogative. They, of course, then  
14 would recommend another site, which of course would  
15 have to be in the county. We had told them, originally,  
16 that we had the forty million dollars to spend and  
17 therefore the site must qualify with the forty million  
18 dollars. The construction of the stadium would cost the  
19 same, no matter where you put it -- downtown or in  
20 the South End or on the East Side. The additional cost,  
21 in parking, was the reason why the Seattle Center was  
22 not seriously considered, until the City committed  
23 themselves to taking care of the parking. The access  
24 was going to cost more monies than the forty million  
25 dollars, no matter where you put it.

Merritt G. Dyer, Court Reporter

1 Q The access was going to cost more than the forty  
2 million dollars, no matter where you put it, but it  
3 would cost a great deal more at a downtown site, whether  
4 it was Fifth and Yesler or at Seattle Center?

5 A Yes. But you have got to think more than in terms of  
6 only dollars and cents. We have had a deplorable  
7 situation, out there at the Seattle Center, since the  
8 Worlds Fair, in access and in parking. By building  
9 the stadium down there, it would take care of the  
10 mistakes that had been made many years ago. I go out  
11 there to the symphony and to the opera, as well as  
12 the basketball games or a boxing match, and I know  
13 the conditions out there. Yet, it took a stadium  
14 to bring about the necessary incomes to build the parking  
15 and take care of the access, and also -- which is just  
16 as important to me and why I voted for it -- is that  
17 the conditions of our major city downtown areas, in our  
18 major cities, today, is deplorable. Now, we have got  
19 to maintain a strong downtown area. This was another  
20 reason which was examined very, very carefully.

21 Thirdly, the fact that it was a multi-purpose  
22 stadium, and we know that there was at least 50 more  
23 uses for the stadium, at the Center, than at any  
24 suburban site.

25 Q In effect, if I can paraphrase this a little bit, if you



1 can lay off the additional cost problems onto the  
2 City or the State or the United States government, for  
3 that matter, under the building of access and the parking  
4 and so on and still keep within your forty million  
5 dollars, then that was consistent with your opinion  
6 and in that way it would be the best site?

7 A That's right. It is the responsibility of government  
8 to provide for access, no matter what you build and  
9 where you build it. We have done this for Boeing,  
10 at Renton, at Auburn, at Kent, at Everett. We have done  
11 this for South Center Shopping Center. It has been  
12 built in the South End, right now, and it is our  
13 responsibility.

14 MR. BRINK: I have no other questions.

15 (Witness excused.)

16 (No Exhibits.)

17 (Signature waived.)

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19 - C O N C L U D E D -  
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