

1 IN THE DISTRICT COURT OF THE UNITED STATES  
2 FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

3 UNITED STATES OF AMERICA, )  
 )  
4 Plaintiff, ) Judge Wells  
 ) Cleveland, Ohio  
5 vs. )  
 ) Criminal Action  
6 JAMES A. TRAFICANT, JR., ) Number 4:01CR207  
 )  
7 Defendant. )

8 - - - - -  
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE

10 THE HONORABLE LESLEY WELLS  
11 JUDGE OF SAID COURT,  
12 ON THURSDAY, APRIL 4, 2002  
13 Jury Trial  
14 Volume 32

15 - - - - -

16 APPEARANCES:  
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23 U.S. District Court - Room 539  
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24 Cleveland, Ohio 44114-1201  
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25 Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

Ludt - Direct

1 THURSDAY, APRIL 4, 2002, MORNING SESSION, 9:01

2 (Jury in at 9:01 a.m.)

3 MR. TRAFICANT: Your Honor, I call David  
4 Ludt.

5 THE WITNESS: Good morning, Your Honor.

6 (The Witness is Sworn)

7 DIRECT EXAMINATION OF DAVID LUDT

8 BY MR. TRAFICANT:

9 Q. Good morning, David.

10 A. Good morning, and good morning to the jurors and  
11 Judge.

12 Q. Will you give your name and spell your last name for  
13 the jury?

14 A. Last name spelling is L U D T.

15 Q. First name?

16 A. David.

17 Q. Where do you reside?

18 A. Poland, Ohio.

19 Q. And what county is that?

20 A. Mahoning County.

21 Q. What congressional district is that?

22 A. It was the 17th.

23 Q. What is it now?

24 A. The 6th.

25 Q. What is your occupation?

Ludt - Direct

- 1 A. I'm a Mahoning County Commissioner.
- 2 Q. What are your duties as a Mahoning County  
3 Commissioner?
- 4 A. The three county commissioners control the budget of  
5 Mahoning County.
- 6 Q. In addition to that, what do you also do?
- 7 A. I'm a tow truck driver. I own Ludt's Towing Company.
- 8 Q. Before you were a commissioner, how long were you a  
9 tow truck driver?
- 10 A. 46 years.
- 11 Q. Do you still tow vehicles?
- 12 A. In rare emergency. This job takes most of my time.
- 13 Q. Do you know a man by the name of J.J. Cafaro?
- 14 A. Yes, I do.
- 15 Q. Did you have occasion to be at a meeting with  
16 Mr. Cafaro, an unusual meeting with Mr. Cafaro, relative to  
17 politics?
- 18 A. Yes, I did.
- 19 Q. Would you describe where that meeting was held?
- 20 A. The meeting was held that Mr. Anthony's on the River,  
21 which is located in Youngstown, Ohio.
- 22 Q. Could you describe what Mr. Anthony's is?
- 23 A. It's a restaurant.
- 24 Q. Where was the meeting held within the restaurant?
- 25 A. They have a meeting room entering off to the right.

Ludt - Direct

1 Q. Was the meeting room door closed?

2 A. Eventually it was, yes.

3 Q. Who was all present at this meeting, to the best of  
4 your knowledge?

5 THE COURT: Can we get a time when the  
6 meeting was?

7 Q. Roughly when the meeting of this -- when was the date  
8 of this meeting, to the best of your recollection?

9 A. It was around -- it was in the morning, Saturday  
10 morning, around 2000.

11 Q. Was it winter?

12 A. It was right after the general election, yes.

13 Q. After what general election?

14 A. The November election of 2000.

15 Q. Was I on the ballot in that general election?

16 A. Yes, you were.

17 Q. Was I successful?

18 A. Yes, you were.

19 Q. What time span elapsed from the election, to the best  
20 of your knowledge, to this convening of this meeting?

21 A. Probably within the next month, within a month  
22 period. My recollection is not that great, but it's within  
23 a month.

24 Q. Do you recall the purpose of the meeting?

25 A. It was a political meeting, basically.

Ludt - Direct

- 1 Q. Do you recall the people who were -- any of the names  
2 of the people who were at the meeting?
- 3 A. I knew a few. A lot of them I didn't know.
- 4 Q. Who did you know?
- 5 A. I knew Jim Graham. He was with the UAW, General  
6 Motors.
- 7 Q. Jim Graham is whom?
- 8 A. He's with the union, with the UAW.
- 9 Q. And what position does he hold, to the best of your  
10 knowledge?
- 11 A. He's the president.
- 12 Q. Okay. Who else was present?
- 13 A. Judge Bodah.
- 14 Q. And who is Judge Bodah?
- 15 A. He's a Federal Bankruptcy Court Judge.
- 16 Q. In what court?
- 17 A. The bankruptcy court. Federal Bankruptcy Court.
- 18 Q. And where is it located?
- 19 A. In the Federal Courthouse, across the street from  
20 Mahoning County Courthouse.
- 21 Q. In what city?
- 22 A. The city of Youngstown.
- 23 Q. Who else was present at this meeting?
- 24 A. Judge Vukovich, Court of Appeals.
- 25 Q. What Court of Appeals?

Ludt - Direct

1 A. Was that the Sixth District Court of Appeals, I  
2 believe?

3 Q. Was it a state or federal court of appeals?

4 A. State.

5 Q. Okay. Who else was present at this meeting?

6 A. I believe Attorney Hanni was there.

7 Q. Who else was present?

8 A. J.J. Cafaro, J.J. Cafaro's daughter.

9 Q. Do you remember any other significant people at the  
10 meeting?

11 A. I believe the rest of them were attorneys.

12 Q. Who basically conducted the meeting?

13 A. J.J. Cafaro.

14 Q. Did you have any conversation with Mr. Cafaro?

15 A. Well, he conducted the meeting. He asked each  
16 individual there two questions.

17 Q. What was the first question?

18 A. The question was about --

19 MR. MORFORD: Objection, hearsay.

20 A. The question was at budget --

21 THE COURT: When there's an objection, you  
22 have to wait a minute.

23 THE WITNESS: Sure.

24 MR. TRAFICANT: These are political  
25 questions, Your Honor.

Ludt - Direct

1 THE COURT: I understand.

2 MR. TRAFICANT: And I understand this, and I  
3 object to having my witnesses interrupted on a regular  
4 basis before they get a chance to testify.

5 THE COURT: Okay. Well, if someone is  
6 testifying as to something that may be hearsay, a lawyer  
7 has a responsibility to pose an objection.

8 MR. TRAFICANT: Yes. If you would listen to  
9 the question, you would be able to determine if it is  
10 hearsay.

11 THE COURT: Yes. I would be able probably to  
12 do it if I had a chance.

13 MR. TRAFICANT: And they are objecting before  
14 I conclude a question. That I find irregular and cite for  
15 the record, and I'd like to continue with the witness.

16 THE COURT: Okay. Well, as soon as we hear  
17 the objection, we will see whether or not the witness  
18 should go forward and answer this particular question.

19 MR. MORFORD: Your Honor, first of all, I  
20 object to that speech. These are the rules that apply in  
21 every case.

22 THE COURT: Right.

23 MR. MORFORD: My objection was hearsay  
24 because he is testifying to out-of-court statements, and  
25 we've been through these rules many, many times. This is

Ludt - Direct

1 nothing new. It's not new to this case; it's not new to  
2 any case.

3 THE COURT: Congressman, the objection is  
4 sustained. You can continue your inquiry.

5 BY MR. TRAFICANT:

6 Q. As a result of the conversation you had, what was  
7 your impression as to the reason of that question?

8 A. My impression was that it was a motivational question  
9 for preparation for political support.

10 Q. At this meeting, were there discussions of state  
11 politics?

12 A. Yes.

13 Q. And what was your impression of the discussion  
14 relative to state politics?

15 A. Well, I was asked if I knew David Leland.

16 MR. MORFORD: Objection. Again, we're  
17 getting into hearsay, Your Honor.

18 THE COURT: We can't have you testify as to  
19 what somebody else would who would be under oath and  
20 subject to cross-examination could testify to. You have to  
21 testify to --

22 MR. TRAFICANT: Were you asked --

23 THE COURT: Excuse me. You have to testify.  
24 It's tough being a witness.

25 THE WITNESS: Sure.

Ludt - Direct

1 THE COURT: You have to give us time to rule  
2 when there's an objection before you continue, and then you  
3 have to testify leaving out what somebody else may have  
4 been saying. Okay.

5 THE WITNESS: Thank you.

6 THE COURT: That's the hearsay part.

7 BY MR. TRAFICANT:

8 Q. Were you asked any questions about state politics?

9 A. Yes.

10 Q. Did you respond in any way to any particular state  
11 political mechanism?

12 A. The fact is, I do know David Leland. The fact is, I  
13 ran for election. The fact is, David Leland opposed me,  
14 and I don't think I'm his favorite person.

15 Q. Was David Leland at the meeting?

16 A. He was not. He's in Columbus, Ohio.

17 Q. Were federal issues discussed at the meeting?

18 A. The federal budget was discussed.

19 Q. Who led the discussion?

20 A. J.J. Cafaro.

21 Q. Was there anyone who addressed the group?

22 A. J.J. Cafaro chaired the meeting.

23 Q. Were there any speakers?

24 A. Each person spoke and addressed the question that was  
25 asked.

Ludt - Direct

- 1 Q. And those were political questions?
- 2 A. That's correct.
- 3 Q. Did any union leaders speak?
- 4 A. Jim Graham spoke. He's the union leader, president  
5 of the union of UAW for the Lordstown --
- 6 Q. Is UAW the largest union in the Mahoning Valley?
- 7 A. Correct.
- 8 Q. And what does the UAW union cover?
- 9 A. Basically Lordstown, the auto workers, United Auto  
10 Workers.
- 11 Q. Are they the largest employer in the valley?
- 12 A. Yes, they are.
- 13 Q. And what was the purpose of the meeting?
- 14 A. It was a political meeting, basically. I think it  
15 was the announcement of J.J. Cafaro's daughter seeking the  
16 17th District position.
- 17 Q. Seeking office?
- 18 A. Correct.
- 19 Q. Did she speak?
- 20 A. Yes, she did. Very good speaker.
- 21 Q. What, if anything, was your impression as to the next  
22 election cycle?
- 23 A. Well, you'd just been elected, so I knew you were  
24 elected for the next two years, so I felt they were  
25 preparing for the next election, correct.

Ludt - Direct

- 1 Q. What election?
- 2 A. That would be this election here.
- 3 Q. What election? What election was she seeking when  
4 she talked?
- 5 A. That would be the election of two years after 2000.
- 6 Q. For what congressional seat?
- 7 A. The 17th District.
- 8 Q. Who was the incumbent in the 17th Congressional  
9 District?
- 10 A. Jim Traficant, you.
- 11 Q. Were there any pledges of endorsement at this  
12 meeting?
- 13 A. No, there was not, not openly on the floor.
- 14 Q. Were there remarks requesting consideration for  
15 endorsements?
- 16 A. After the meeting, it was sort of like the side-bar,  
17 you might say, and the discussion came up, you know, we're  
18 looking for your support.
- 19 Q. Had you ever attended one of these meetings before?
- 20 A. No, I had not.
- 21 Q. Did you discuss anything other than those two  
22 political issues and the campaign?
- 23 A. During the meeting or after the meeting?
- 24 Q. During the meeting.
- 25 A. Basically, no.

Ludt - Direct

1 Q. How long did that meeting last?

2 A. Approximately an hour.

3 Q. Do you recall how long Jim Graham had spoken?

4 A. Probably three to five minutes.

5 Q. Do you recall how long Mr. Cafaro had spoken?

6 A. Intermittently. He conducted the meeting, so he  
7 would have spoken many times throughout the hour.

8 Q. Do you recall how long Ms. Cafaro had spoken?

9 A. She probably spoke five to ten minutes.

10 Q. Was there any doubt in your mind as to the purpose of  
11 what that meeting was about?

12 A. No doubt in my mind, no.

13 Q. What was the meeting about?

14 A. It was about politics; it was about promoting his  
15 daughter to run for the 17th District.

16 Q. Now, after the 2000 election, was there any  
17 understanding of the new congressional district lines?

18 A. Not to my knowledge.

19 Q. Do you know when the new delineation of congressional  
20 lines was certified by the state?

21 A. Just recently. I'm not sure. I don't have the exact  
22 date.

23 MR. TRAFICANT: No further questions at this  
24 time.

25 THE COURT: Mr. Morford?

Ludt - Cross

1 MR. MORFORD: Thank you, Your Honor.

2 CROSS-EXAMINATION OF DAVID LUDT

3 BY MR. MORFORD:

4 Q. I'm sorry, sir. What do you do again for a living?

5 A. Pardon me?

6 Q. What do you do for a living?

7 A. I'm a Mahoning County Commissioner, presently.

8 Q. And that is a political office, correct?

9 A. Yes, it is.

10 Q. You run for election?

11 A. Every four years.

12 Q. And how long have you been involved in politics in  
13 the Mahoning Valley?

14 A. 23 years.

15 Q. And it's fair to say you have a fair amount of  
16 expertise on politics in the Mahoning Valley?

17 A. I would say locally, state-wide and federal, yes.

18 Q. You're a pretty savvy guy?

19 A. Not really. I'm a tow truck driver.

20 Q. Well, in terms of politics though, having been  
21 involved nationally, state-wide, and locally in the  
22 Mahoning Valley for 20-some years, is it fair to say you're  
23 fairly politically savvy?

24 A. More independent than anything else.

25 Q. No. I'm not asking about party affiliation. I'm

Ludt - Cross

1 just talking about political savvy. Are you someone that  
2 knows and understands politics? Would that be fair?

3 A. At a local level more so than a state or federal  
4 level. I've never been involved in a state or federal  
5 level, but I have knowledge of it.

6 Q. My question is about Mahoning Valley politics.

7 A. Yes.

8 Q. Now, you said this conversation occurred just after  
9 Congressman Traficant had been reelected, correct?

10 A. Within a month, correct. Or in that area.

11 Q. So the next election was going to be in two years,  
12 correct?

13 A. Yes.

14 Q. And that would be the election that will be coming up  
15 this next fall, correct?

16 A. Yes.

17 Q. And as somebody that understands politics, you knew  
18 at that time that every ten years, there's a census, and  
19 after the census, there has to be redistricting, correct?

20 A. It never entered my mind at the time, sir.

21 Q. That's not my question. My question is whether it  
22 entered your mind that day at that restaurant, you did  
23 understand there would be redistricting, correct?

24 A. No. The subject was never brought up.

25 Q. Sir, hasn't that discussion been widely discussed in

Ludt - Cross

1 the Mahoning Valley the last two years?

2 A. Probably, but I was not involved in that.

3 Q. You had no idea that even though you've been involved  
4 in Mahoning County politics for two years, that they were  
5 going to have to redraw the congressional lines?

6 A. Yes. I knew that was going to happen, but that was  
7 never discussed at that meeting.

8 Q. That wasn't my question. My question was: Were you  
9 aware that there was going to be redistricting and that the  
10 congressional districts in the state of Ohio were going to  
11 be redrawn?

12 A. Did I know that in the back of my mind? Yes.

13 Q. Thank you.

14 A. But was it brought up at the meeting? No.

15 Q. That wasn't my question. My question was did you  
16 know that. Let me ask you some questions about that.

17 A. Okay.

18 Q. Isn't it true that Ohio was going to lose  
19 congressional seats in that redistricting?

20 A. Yes.

21 Q. How many seats were they going to lose?

22 A. A couple, I guess.

23 Q. And if you were advising someone who was thinking  
24 about running for Congress in the year 2002 --

25 MR. TRAFICANT: Objection as to speculation.

Ludt - Cross

1 THE COURT: Okay. That's well taken.

2 Q. Sir, wouldn't it be a factor for someone that was  
3 going to run for Congress to consider the fact that at  
4 least --

5 MR. TRAFICANT: Objection as to speculation.

6 Q. -- two seats --

7 THE COURT: I couldn't really hear the end of  
8 the question. Let me hear the end of the question, but  
9 don't answer yet. Everybody slow down. Relax. It's early  
10 in the day. Just ask the question.

11 MR. TRAFICANT: Can I have the question read  
12 back, and then --

13 THE COURT: I only got part of it. Why don't  
14 you just start --

15 MR. TRAFICANT: Well, it was just a question,  
16 and I don't have it written down. I'm not sure. I don't  
17 remember the beginning of the question.

18 THE COURT: Okay.

19 (Record read.)

20 MR. TRAFICANT: Objection as to speculation.  
21 How would he know what someone else's facts are?

22 THE COURT: Okay, Congressman. You know, we  
23 just can't get into snap judgments here. I have to listen  
24 and pay attention.

25 MR. TRAFICANT: Well, you have an objection

Ludt - Cross

1 placed.

2 THE COURT: That's right. And if you'd be  
3 quiet for a moment --

4 MR. TRAFICANT: I'm trying.

5 THE COURT: So we have a clear record.

6 MR. MORFORD: Your Honor, my question is not  
7 going to what the Cafaros were thinking --

8 MR. TRAFICANT: I object to his explanation  
9 what his question is about.

10 THE COURT: Stop.

11 MR. TRAFICANT: He can rephrase it.

12 THE COURT: Stop interrupting, Congressman.  
13 You know the process. Stand up when you have an objection.

14 MR. TRAFICANT: I object to him trying --

15 THE COURT: Don't talk. Stand, sir. Stand.  
16 That's all you have to do. We're not going to go forward  
17 until we've got this straightened out. We're just taking  
18 our time.

19 You're standing up. He's the person who is trying to  
20 explain, and it's his turn to explain. This is -- just  
21 slow down. Everybody relax. We're trying to get evidence  
22 before a jury.

23 MR. MORFORD: Let me rephrase the question,  
24 Your Honor.

25 THE COURT: Okay.

Ludt - Cross

1 BY MR. MORFORD:

2 Q. Isn't it true that at the time of that meeting, no  
3 one knew whether there would even be a 17th Congressional  
4 District --

5 MR. TRAFICANT: Objection.

6 Q. -- as it stood at that time?

7 MR. TRAFICANT: Speculation.

8 THE COURT: Stop talking on top of other  
9 people. You are ruining a record in a case where the  
10 record is very important. Okay?

11 Did you hear his question?

12 THE WITNESS: I'd like him to ask it again,  
13 please.

14 THE COURT: I don't know if the reporter can  
15 read it back because she can't write down two people  
16 talking at once. One more time, sir.

17 Q. Isn't it true that at the time of that meeting in  
18 November of 2000, no one knew for sure if there would even  
19 be a 17th Congressional District as it existed at that  
20 time?

21 MR. TRAFICANT: Objection as to the  
22 speculation.

23 THE COURT: Overruled.

24 Now you can answer the question.

25 A. It was never discussed at that meeting, so I

Ludt - Cross

1 thought -- I don't think the thought process was in motion  
2 at that time.

3 Q. That's not my question, sir, what was discussed at  
4 the meeting. My question was: Isn't it true at the time  
5 of that meeting that no one knew whether the  
6 congressional -- 17th Congressional District would continue  
7 to exist as it existed at that time?

8 A. I can tell you I didn't know whether they were going  
9 to change it, and I don't think anybody else really knew  
10 until the governor and the Republican Party made the  
11 boundaries. I believe that that's voted on through that  
12 process. Correct?

13 Q. Well, sir, you knew the district would change in some  
14 way, correct?

15 A. I never thought about it at that meeting.

16 Q. But in fact, it did change, correct?

17 A. Yes, it did.

18 Q. In fact, the district as it existed was eliminated  
19 entirely, correct?

20 A. Yes. It was split up.

21 Q. And so, therefore, any discussion about Capri Cafaro  
22 running for some congressional seat would have been greatly  
23 affected by what congressional seat would result a few  
24 months later when they finally drew the new lines, correct?

25 A. It was never discussed.

Ludt - Cross

1 Q. But isn't that a fact, whether it was discussed or  
2 not?

3 A. Eventually it became a fact. At that time it was not  
4 a fact.

5 Q. Let me ask you this: As somebody with a fair amount  
6 of political experience, can you think of a worse thing  
7 that you could do to help your daughter who wants to run  
8 for Congress and who you're promoting for Congress than to  
9 plead guilty to conspiring with a sitting congressman to  
10 violate the federal bribery statute by paying him  
11 gratuities? Can you think of a worse political thing you  
12 could do to your daughter, sir?

13 A. My daughter is not running for Congress.

14 Q. That's not my question. Can you think of a worse  
15 thing you could do to a candidate you're promoting to  
16 Congress if you're her father than to plead guilty to  
17 conspiring to violate the bribery statute with a sitting  
18 congressman, as a political person?

19 MR. TRAFICANT: Objection as to relevance  
20 with this witness's knowledge.

21 THE COURT: The objection is overruled. You  
22 can answer.

23 A. First, I'm in politics. I wouldn't run my daughter,  
24 number one.

25 Q. That's not my question, sir. My question is asking

Ludt - Cross

1       you --

2       A.     Nor would I do anything to hurt my daughter or my  
3       family.

4       Q.     Sir, my question is this.  You are someone with 23  
5       years of expertise in the area of politics in the Mahoning  
6       Valley, and my question is a simple one:  Can you think of  
7       a worse thing that J.J. Cafaro could have done to promote  
8       his daughter as a viable candidate for Congress than to  
9       have pled guilty to conspiracy to violate the federal  
10      bribery statute by paying illegal gratuities to Congressman  
11      Traficant?  Can you?

12      A.     That's his choice.

13      Q.     That's not my question.  As a political person, can  
14      you think of a worst thing you could have done?

15      A.     I wouldn't do it to begin with, no.

16      Q.     Wouldn't you say that that would have substantially  
17      destroyed her chances of running as a viable candidate, as  
18      somebody that's involved in politics for 20 years, sir?

19      A.     I can't answer that.

20                   MR. MORFORD:  Fine.  Then I have no more  
21      questions.

22                   THE COURT:  Thank you.

23                   REDIRECT EXAMINATION OF DAVID LUDT

24                   BY MR. TRAFICANT:

25      Q.     David, how old are you?

Ludt - Redirect

1 A. 62.

2 Q. Has the Mahoning Valley ever been split up as a  
3 congressional district?

4 A. Not in the 62 years that I can recollect.

5 Q. Who was in control of the Statehouse in 2000?

6 A. Governor Taft.

7 Q. And what party was he?

8 A. He was the Republican Party.

9 Q. Now, isn't it a fact that in the general election,  
10 Walters had brought up Traficant's campaign supposed  
11 allegations?

12 THE COURT: Don't answer until we hear what  
13 the objection is.

14 MR. MORFORD: I object to the leading nature.  
15 He's testifying.

16 And number two, this is beyond the scope of  
17 cross-examination. And number three, it's irrelevant.

18 THE COURT: Congressman, you can't make  
19 statements that can be used by the jury when you are  
20 examining a witness. You have to let the witness testify.  
21 You know that.

22 Q. Was the general election of 2000 a dirty campaign?

23 A. Yes, it was.

24 MR. MORFORD: Again, objection.

25 THE COURT: He can answer.

Ludt - Redirect

1 MR. TRAFICANT: I object to these continuous  
2 objections before I even complete a question.

3 THE COURT: Well, and he objects --

4 MR. TRAFICANT: You scolded me, but you never  
5 scold these prosecutors.

6 THE COURT: He objects to your continuing  
7 statements. We're trying to get evidence before the jury  
8 now.

9 MR. TRAFICANT: I am, too.

10 THE COURT: Just ask questions.

11 MR. TRAFICANT: And I'm tired of their  
12 objections.

13 THE COURT: Well, they have a duty to object.

14 MR. TRAFICANT: Well, let me finish my  
15 question.

16 BY MR. TRAFICANT:

17 Q. Do you recall the primary election of the year 2000?

18 A. Yes.

19 Q. Was that a dirty election?

20 A. Yes, it was.

21 Q. Were there allegations of Jim Traficant's so-called  
22 problems?

23 A. Yes.

24 Q. Now, in what county is the Cafaro Company located?

25 A. Trumbull County.

## Ludt - Redirect

1 Q. And in what district is Trumbull County now located  
2 in?

3 A. It's located in the 17th District.

4 Q. Do you know if I am a candidate for Congress?

5 A. I believe you filed as an independent candidate. Is  
6 that correct?

7 Q. In what district?

8 A. The 17th District.

9 Q. Was it your impression under any circumstances they  
10 would split up the 17th District of Ohio?

11 A. They did eventually, it's a fact.

12 Q. But was it your impression that that would ever  
13 occur?

14 A. Well, it usually does occur every ten years,  
15 depending upon which party is in control.

16 Q. Has the 17th District, the Mahoning Valley, ever been  
17 separated like it has been this time?

18 A. Not to my knowledge.

19 Q. Did anybody expect that?

20 A. Not that I know of. It was never mentioned.

21 Q. So the matter of the 17th District and its  
22 reconfiguration was not a concern of the meeting. Is that  
23 your testimony?

24 MR. MORFORD: Your Honor --

25 A. It was never mentioned.

Ludt - Redirect

1 MR. MORFORD: -- I'm again going to object  
2 because it's his witness, and every time he asks a  
3 question, it gets a yes or no answer because it's so  
4 leading.

5 THE COURT: Congressman, don't lead the  
6 witness.

7 Q. Was it your impression that the 17th Congressional  
8 District boundaries were not a consideration --

9 THE COURT: Wait, wait, wait, wait. Don't  
10 tell him what his answer is. Ask him a question, and let  
11 him come up with the answer himself. And if you keep doing  
12 this so frequently, then it's very hard for him not to be  
13 taught by your question what his answer should be, and  
14 that's very unfair to him as a witness and to the jury.

15 Q. Was the boundaries of the 17th District ever  
16 discussed at that meeting?

17 A. As I said prior, that was never brought up at the  
18 meeting.

19 Q. Was redistricting ever brought up at that meeting?

20 A. It was never brought up in the meeting that I was  
21 attending.

22 Q. What party chairman's name was discussed?

23 MR. TRAFICANT: Objection. Hearsay.

24 A. David Le- --

25 THE COURT: It's all right, he can answer.

## Ludt - Redirect

1 A. David Leland.

2 Q. And what party did he represent?

3 A. Democratic Party.

4 Q. Did the Democrat -- was there any representative of  
5 the Ohio Democratic Party there?

6 A. If there was, I did not know, and I couldn't identify  
7 them.

8 Q. What partisan ballot did you run on?

9 A. The Democratic ticket.

10 Q. Were you supported by the state party?

11 A. Not in the primary, but in the general election,  
12 after I'd won the primary.

13 Q. Now, you mentioned that you were independent. What  
14 did you mean by that?

15 A. I'm an independent thinker. I don't take  
16 contributions from large corporations. I try and do most  
17 of my work myself, make my own signs. I'm pretty  
18 independent that way because I don't like to be obligated  
19 to a lot of people. I like to serve the public, and I like  
20 to make the decisions with my own mind.

21 Q. How many Mahoning County commissioners are there?

22 A. Three.

23 Q. And what are the political persuasions of those three  
24 candidates?

25 MR. MORFORD: Objection as to relevance.

Ludt - Redirect

1 THE COURT: You can say that.

2 THE WITNESS: Pardon me?

3 THE COURT: You can answer that.

4 Q. What parties are they affiliated with?

5 A. All three commissioners are Democrats.

6 Q. Do you agree on all issues?

7 A. Definitely no.

8 Q. Who is the odd man out?

9 A. Myself.

10 Q. Have you ever sought assistance from my office?

11 A. Yes, I have, on many occasions. Recently was the  
12 waterline that we're going to run to Lake Milton to  
13 eliminate the contaminated water in that area; the three  
14 bridges that are located in Mahoning County, which are the  
15 Center Street Bridge, the 616 bridge, and the Jacobs Road  
16 bridge.

17 Q. Were they all funded?

18 A. They're all completed except the waterline. We  
19 expect to have that done in the year 2002.

20 Q. Who got you the funds?

21 A. Congressman Traficant's office.

22 Q. Who requested it from the commissioners?

23 A. I did.

24 Q. Do those other commissioners ever request me to do  
25 anything?

Ludt - Recross

1 A. You'd have to ask them. I believe so. We had done  
2 it collectively as a group and probably individually. I'm  
3 sure you're the only one who could answer that question.

4 Q. Did I ever fail to respond to any of your requests  
5 politically?

6 A. Never.

7 Q. Did you ever work on my farm?

8 A. Never.

9 Q. Do I hug you?

10 A. Yes, you do.

11 Q. Do you consider yourself my friend?

12 A. Absolutely.

13 Q. Do you have immunity for your testimony here today?

14 A. None whatsoever.

15 MR. TRAFICANT: No further questions.

16 THE COURT: Thank you, sir.

17 MR. MORFORD: I just have one question, Your  
18 Honor.

19 RECCROSS EXAMINATION OF DAVID LUDT

20 BY MR. MORFORD:

21 Q. In truth and fact, Capri Cafaro never did run for  
22 Congress, did she, sir?

23 MR. TRAFICANT: I didn't hear the question,  
24 Your Honor.

25 Q. In truth and fact, Capri Cafaro never did run for

## Ludt - Further Redirect

1 Congress, did she, sir?

2 A. Not to my knowledge, sir.

3 Q. She's not on the ballot this year, is she, sir?

4 A. No.

5 MR. MORFORD: Thank you.

6 FURTHER REDIRECT EXAMINATION OF DAVID LUDT

7 BY MR. TRAFICANT:

8 Q. At that meeting was it your impression that she would  
9 seek the election for the 17th congressional seat?

10 A. My impression was the fact that we had that meeting,  
11 it was a political meeting, and they were looking for  
12 support for her to run. That's correct.

13 Q. Do you know if she got that support?

14 A. It's the only meeting I ever attended. I don't know.  
15 She didn't get the support from me.

16 Q. What did you tell them?

17 A. I told them that I was supporting Jim Traficant for  
18 the good that he's done for the valley.

19 MR. TRAFICANT: No further questions.

20 THE COURT: Thank you.

21 MR. MORFORD: Nothing further.

22 THE COURT: Sir, thank you. You can step  
23 down.

24 THE WITNESS: Thank you.

25 (Witness excused.)

Vogel - Direct

1 MR. TRAFICANT: Ernestine, would you please  
2 call Mr. John Vogel?

3 THE COURT: I couldn't hear his last name.

4 MR. TRAFICANT: Vogel.

5 THE COURT: V O G E L?

6 MR. TRAFICANT: I think so, Your Honor. I'll  
7 ask him to spell it for the record.

8 THE COURT: Okay.

9 (The Witness is Sworn)

10 THE COURT: Have a seat. You need to speak  
11 up loudly and clearly. There's a microphone if you need  
12 it. It comes out of its little holder if you want to hold  
13 it up. Anyway, everyone here needs to hear you,  
14 particularly the jury, but everyone else, too. Thank you.

15 DIRECT EXAMINATION OF JOHN VOGEL

16 BY MR. TRAFICANT:

17 Q. Good morning, John.

18 A. Good morning, Congressman.

19 Q. Would you please give your full name and spell your  
20 last name for the jury?

21 A. John Vogel, that's V O G E L.

22 Q. Where do you reside, John?

23 A. 1763 Arbor Drive, Mineral Ridge, Ohio.

24 Q. How long have you known me?

25 A. Off and on over 25 years.

## Vogel - Direct

- 1 Q. Have I ever hugged you?
- 2 A. Yes.
- 3 Q. Have you ever worked at my farm?
- 4 A. No.
- 5 Q. Do you know where it is?
- 6 A. No.
- 7 Q. Do you know if, in fact, I own that farm?
- 8 A. No, I don't.
- 9 Q. What do you do for a living?
- 10 A. I run small political campaigns for local candidates
- 11 in the Trumbull County area.
- 12 Q. There's water there if you need it, John.
- 13 A. Thank you.
- 14 Q. Can you hear me clearly?
- 15 A. Yes.
- 16 Q. Do you know a man named George Buccella?
- 17 A. Yes, I do.
- 18 Q. How well do you know Mr. George Buccella?
- 19 A. Fairly well. I've known George about 20 years.
- 20 Q. Do you know Mr. Buccella's work experience?
- 21 A. Over the last 20 years, yes.
- 22 Q. And what was his work experience over the last 20
- 23 years?
- 24 A. He's been a Weathersfield Township Trustee,
- 25 congressional aide, he has worked for the Trumbull County

Vogel - Direct

1 Health Department. He owned a recreational vehicle sales  
2 lot, a pizza shop, and raced cars and managed a raceway.

3 Q. Do you know if he was a trustee while he was on my  
4 staff?

5 A. Yes.

6 Q. If you know, do you know if he owned a pizza shop  
7 while he was on my staff?

8 A. Yes.

9 Q. Do you know that he managed a racetrack while he was  
10 on my staff?

11 A. Yes.

12 Q. Did you know that he owned that racetrack?

13 A. I did not know that he owned it.

14 Q. Do you know if he had the recreational vehicle  
15 dealership when he was on my staff?

16 A. I'm trying to think of the dates, Congressman. I'm  
17 not sure if the RV lot was still active. It may have just  
18 been a used car lot by the time he was on the staff.

19 Q. Would you say he was a very busy man?

20 A. I would say his plate was full.

21 Q. Would you meet with him?

22 A. I'm sorry?

23 Q. Would you mean with him?

24 A. Oh, yes.

25 Q. How often would you meet with him?

## Vogel - Direct

- 1 A. As many as three times a week. Usually at least  
2 twice a week we would have lunch together.
- 3 Q. And where would you have these lunches?
- 4 A. Usually around the Eastwood Mall.
- 5 Q. Do you know where his work site was?
- 6 A. At the Eastwood Mall.
- 7 Q. What kind of clothing was he wearing?
- 8 A. Either casual business or a tie and jacket.
- 9 Q. Other than these lunches, did you ever meet with him  
10 anywhere else?
- 11 A. Yes. We would occasionally be at dinners together,  
12 or weddings, different social events.
- 13 Q. Did you ever meet with him at the pizza shop?
- 14 A. Yes.
- 15 Q. Do you have personal knowledge of any of his pizza  
16 shop business activities in the Mineral Ridge area?
- 17 A. Yes. In addition to being a friend, he was also a  
18 customer of mine at my office supply business.
- 19 Q. Do you have knowledge of any of his customers?
- 20 A. Yes.
- 21 Q. Who were some of his customers at the pizza business?
- 22 A. A lot of the local residents; then he had a major  
23 contract with the Weathersfield School System to supply  
24 pizza for lunches.
- 25 Q. Did you ever see Mr. Buccella personally make pizza?

Vogel - Direct

1 A. Yes.

2 Q. Did you know if he ever delivered the pizza?

3 A. Yes.

4 Q. Did you know if he had special permission to do that?

5 MR. MORFORD: Objection.

6 THE COURT: Sustained.

7 Q. Do you have knowledge as to how long it would take  
8 him to do these things?

9 A. Usually an entire morning on the day he was  
10 delivering.

11 Q. And you met with him at other events, you say?

12 A. Yes, sir.

13 Q. What were those events?

14 A. We were involved in several political campaigns  
15 together; for example, his reelection as a trustee after he  
16 was defeated. He made a run for the Statehouse, and I  
17 helped run his campaign for that.

18 I attended his daughter's wedding. I had been to his  
19 house on several social occasions, and then he was at my  
20 son's baptismal party. And I used to hold my kids'  
21 birthday party and take my baseball teams over to his pizza  
22 shop.

23 Q. Did you ever see him in clothing other than office  
24 clothing?

25 A. Naturally, after hours, I mean after the normal

Vogel - Direct

1 course of business.

2 Q. Do you have any personal knowledge of Mr. Buccella  
3 having a problem in Mineral Ridge?

4 A. Yes.

5 Q. And what was that problem?

6 MR. MORFORD: Your Honor, I'm going to object  
7 that this would be going into extrinsic matters, and under  
8 Rule 608 and 609 and 613, that's not proper inquiry.

9 THE COURT: You can continue because I don't  
10 know where this is going yet.

11 Q. Did you have personal knowledge that he had a problem  
12 in Mineral Ridge?

13 A. Could you be a little more specific, please?

14 I -- there were several instances where George had problems  
15 in his role as the trustee.

16 Q. Was there any public discussion of George Buccella's  
17 Mineral Ridge problems?

18 A. Oh, yes.

19 Q. Was it public knowledge?

20 A. It was at a trustees' meeting.

21 Q. Were you at the trustees' meeting?

22 A. Yes, sir.

23 Q. What did the meeting concern?

24 MR. MORFORD: Your Honor, I'm going to object  
25 unless this would go to his reputation for truthfulness,

Vogel - Direct

1 which is a proper area of inquiry of impeachment.

2 Mr. Buccella is not on trial. Anything else would be  
3 improper extrinsic evidence.

4 THE COURT: Well, we don't really know what  
5 this is going to be, so I guess we'll have to wait until  
6 the break and see where you're going with what you're  
7 asking him here.

8 MR. TRAFICANT: I want to ask my question  
9 again.

10 THE COURT: Okay.

11 Q. Were you at the meeting?

12 THE COURT: Okay. You can answer that.

13 A. Yes, sir.

14 Q. Was the matter an issue of public knowledge at an  
15 open public meeting?

16 A. Yes.

17 Q. And what did it concern?

18 A. Allegations that George Buccella had taken -- I hate  
19 to say bribe, but he had taken payment for intervening on a  
20 DUI case.

21 MR. MORFORD: I object and move to strike.  
22 This is extrinsic evidence. He can ask Mr. Buccella when  
23 he's up there about it. He can't prove it by extrinsic  
24 evidence. Those rules are clear, Your Honor.

25 THE COURT: Congressman, we'll take this up

Vogel - Direct

1 at the next break. You can move on, and for now you're  
2 going to have to disregard this colloquy. He may be back  
3 in front of you or may not.

4 You can continue on something else.

5 Q. One last question on this that doesn't deal with  
6 Buccella. Was this an open public meeting conducted by the  
7 trustees of Weathersfield Township?

8 A. Yes.

9 Q. Do they record their minutes?

10 A. Of their business part of their meeting, yes, they  
11 do. General comments usually do not appear on their  
12 minutes.

13 Q. Have you ever owned more than one business at a time?

14 A. Yes.

15 Q. How many have you owned at one time?

16 A. I had two office supply stores running at one time.

17 Q. Two of your own stores operating?

18 A. Yes, sir.

19 Q. Was that very time consuming?

20 A. Yes.

21 Q. Did you ever meet in the early mornings with  
22 Mr. Buccella?

23 A. Yes.

24 Q. And where would you meet?

25 A. At his pizza shop most of the time; sometimes at my

Vogel - Direct

1 store.

2 Q. Did you ever take any action relative to the public  
3 meeting held in Weathersfield?

4 MR. MORFORD: Objection.

5 THE COURT: That's what we're going to take  
6 up at the break, Congressman. Please don't make any  
7 further references to that until we have an opportunity to  
8 do what we need to do in order to see whether or not the  
9 jury can have that information come before them through  
10 this witness.

11 Q. Were you a friend of George Buccella?

12 A. Yes.

13 Q. Are you still a friend of George Buccella?

14 A. No.

15 Q. Are you a friend of mine?

16 A. I'm friendly towards you.

17 MR. TRAFICANT: No further questions at this  
18 time.

19 THE COURT: Thank you.

20 MR. MORFORD: No questions, Your Honor.

21 THE COURT: You can step down, sir. Thank  
22 you very much. Mind the steps, they're a little unusual.

23 THE WITNESS: Thank you.

24 (Witness excused.)

25 MR. TRAFICANT: Ernestine, would you bring in

Manente - Direct

1 Betty Manente.

2 THE COURT: I'm sorry, I couldn't hear you.

3 MR. TRAFICANT: Betty Manente.

4 THE COURT: Come right around this way,  
5 behind the court reporter. You have to thread your way up  
6 to the witness stand.

7 THE WITNESS: I get to sit up here with you?

8 THE COURT: Yes. Would you raise your right  
9 hand, please?

10 (The Witness is Sworn)

11 THE COURT: Have a seat, please. You have a  
12 soft voice. We have a microphone.

13 THE WITNESS: Okay.

14 THE COURT: Usually the best thing to do is  
15 to take it out of the stand, just lift it out. Everybody  
16 in the room needs to hear you. It's a big room with high  
17 ceilings. If you want water -- why don't you pour yourself  
18 some water if you want some water.

19 THE WITNESS: Okay.

20 THE COURT: Do that first.

21 DIRECT EXAMINATION OF BETTY MANENTE

22 BY MR. TRAFICANT:

23 Q. Good morning, Betty.

24 A. Good morning.

25 Q. Would you please give your full name and spell your

## Manente - Direct

- 1 last name for the jury?
- 2 A. I'm Betty Manente. That's M A N E N T E.
- 3 Q. And where do you reside?
- 4 A. I live in Girard, Ohio, 962 Lincoln Avenue, Girard,  
5 Ohio.
- 6 Q. Are you currently employed?
- 7 A. Yes, I am.
- 8 Q. What is your employment?
- 9 A. I work for Congressman Traficant.
- 10 Q. And do you have a title?
- 11 A. I'm the office manager for Trumbull County.
- 12 Q. For how many years have you served in that capacity?
- 13 A. 17.
- 14 Q. And what are some of your duties?
- 15 A. Basically my main job is case work, intervening with  
16 constituent problems, dealing with veterans, IRS cases,  
17 military cases, just various cases.
- 18 Q. Are you the boss of the office?
- 19 A. I guess I am.
- 20 Q. Do you have immunity?
- 21 A. No, I don't.
- 22 Q. Were you interviewed by the FBI?
- 23 A. Yes, I was.
- 24 Q. On how many occasions?
- 25 A. Just once.

## Manente - Direct

- 1 Q. Did they call you first?
- 2 A. Before --
- 3 Q. Before they interviewed you?
- 4 A. No, sir.
- 5 Q. They did not call you?
- 6 A. The first interview, no.
- 7 Q. Did they just show up cold?
- 8 A. They -- yes.
- 9 Q. Where did they show up?
- 10 A. At the office.
- 11 Q. What time of the day was it?
- 12 A. I couldn't tell you right now, if it was morning,
- 13 afternoon. I really don't remember.
- 14 Q. Was the office open for business?
- 15 A. Yes.
- 16 Q. Were constituents allowed to be in there when it was
- 17 open for business?
- 18 A. Yes. We didn't stay in the office.
- 19 Q. What, if anything, did they do and ask you to do?
- 20 A. They just asked me some questions.
- 21 Q. Where did they ask you these questions?
- 22 A. Outside the office.
- 23 Q. Where did you go outside the office?
- 24 A. Right down the hall.
- 25 Q. Did you talk out in the hallway?

Manente - Direct

- 1 A. No. It was like a little cove, like a little area  
2 where they have seats.
- 3 Q. There were seats?
- 4 A. Right.
- 5 Q. How many FBI agents were there?
- 6 A. Two.
- 7 Q. Do you remember their names?
- 8 A. It was Mike Pikunas and I think Richard Denholm.
- 9 Q. Was that the only meeting you had with the FBI?
- 10 A. With the FBI, yes. There was like an interview or  
11 something after. Maybe a couple months ago or six weeks  
12 ago I was called to Boardman and there was an FBI agent  
13 present there. But he didn't really do any interviewing.
- 14 Q. Who was that agent? Do you remember his name?
- 15 A. No, sir, I don't.
- 16 Q. And it was the Boardman FBI office?
- 17 A. Yes.
- 18 Q. Was there anybody else there?
- 19 A. Yes.
- 20 Q. Who was there?
- 21 A. Matthew Kall.
- 22 Q. Is Mr. Kall here in the room?
- 23 A. Yes, he is.
- 24 Q. Would you point to him and identify him?
- 25 A. Right there.

Manente - Direct

1 MR. TRAFICANT: Let the record reflect she's  
2 identified Mr. Kall.

3 THE COURT: She has.

4 Q. And who conducted that interview?

5 A. Mr. Kall.

6 Q. What time of the day was it?

7 A. I think it was in the morning.

8 Q. Was it a work morning, workday or weekend?

9 A. It was a workday.

10 Q. Did you notify me of the meeting?

11 A. No, I didn't.

12 Q. So you left work to meet with the FBI?

13 A. Yes.

14 Q. Was our office covered?

15 A. Yes.

16 Q. Who made arrangements for that?

17 A. Well, there was other staff there.

18 Q. And who, in fact, directed them to cover for you?

19 A. I guess me.

20 Q. Now, was there any other meetings with the  
21 government?

22 A. No, sir.

23 Q. Do you know if there were any IRS agents present at  
24 any of these meetings?

25 A. No.

Manente - Direct

1 Q. Did you appear before the grand jury?

2 A. Yes.

3 Q. Who subpoenaed you?

4 A. The prosecution, I believe.

5 Q. Who examined you before the grand jury?

6 A. Mr. Morford.

7 Q. Is Mr. Morford here in the room?

8 A. Yes.

9 Q. Point to him and identify him.

10 A. (Indicating).

11 MR. TRAFICANT: Let the record reflect Mr.

12 Morford has been identified.

13 THE COURT: Yes, he has.

14 Q. How long have you known George Buccella?

15 A. Since he was -- right before he was on staff, I think  
16 it was probably 1984.

17 Q. Is that when you were employed?

18 A. 1985.

19 Q. Is that when Mr. Buccella was employed?

20 A. Yes.

21 Q. Was he assigned to your office at that time?

22 A. In 1985, he was only there for a couple months, and  
23 then the office was divided, and I believe, as far as I can  
24 recollect, he went to the Warren office at that time, and  
25 then subsequently to the Youngstown office.

Manente - Direct

1 Q. Now, where was the Warren office located?

2 A. In City Hall in Warren, Ohio.

3 Q. Why was the other office closed?

4 A. The original office, there was a tornado in 1985, and  
5 it destroyed a portion of the building, including our  
6 offices at that time.

7 Q. And how long were we located in Warren City Hall,  
8 approximately?

9 A. Well, he was there for some time, and then we moved a  
10 couple times, and then -- when I say "we," the office I was  
11 in, and then when he moved to the Youngstown office, our  
12 office, Faye and I, another staffer, Faye and I moved to  
13 the Warren City Hall for, I think it was like maybe three  
14 years, four years.

15 Q. Where did you move from Warren City Hall to?

16 A. To the Eastwood Mall, to the upstairs suite.

17 Q. Is that where the FBI visited you?

18 A. No. Then we moved downstairs, and it was downstairs.

19 Q. Were you located near any other government offices?

20 A. I'm sorry?

21 Q. Were you located near any other government offices?

22 A. No. When we were upstairs, there was the Air Force  
23 office down the hallway, but not where we are at right now.

24 Q. Was there ever any state offices located near you?

25 A. Yes. I'm sorry, there was the auditor's office next

Manente - Direct

1 to us.

2 Q. Did they at some point move?

3 A. Yes.

4 Q. Did George come in at a normal time?

5 A. Actually, no. George's hours in the beginning, he  
6 started, I guess, coming in around 9:00 or quarter after,  
7 and he just kind of carried that over.

8 Q. Did you know if he had a special hiring condition?

9 A. I was told in the beginning when he was in the  
10 Youngstown office that he had a pizza shop and he was  
11 wrapping up some business or something with that.

12 Q. And had permission to start work at a later hour?

13 A. That was my understanding, yes.

14 Q. Did you know that he was a township trustee at the  
15 time?

16 A. Yes, I did.

17 Q. Did you know that he managed a racetrack at the time?

18 A. Not when he first started. Later on he did.

19 Q. Was his attendance ever an issue, ever raised?

20 A. Over the years, yes.

21 Q. At some point, was his reporting time raised?

22 A. Yes.

23 Q. Who questioned his reporting time?

24 A. There were a few times when we called and he wasn't  
25 there, like around 9:00. I remember one time specifically,

Manente - Direct

1 he wasn't there, and you asked when he came in, and I said  
2 that he still came in after quarter after 9:00 or 9:00, and  
3 you were told and told me to have him there at 8:30, and I  
4 did subsequently tell him that.

5 Q. Did you instruct him to report at 8:30?

6 A. Yes.

7 Q. Do you know where that call came from relative to his  
8 reporting time?

9 A. I think at the time you were calling, you said you  
10 were in Washington.

11 Q. Do you have immunity here today?

12 A. No. I don't feel I need it.

13 Q. Did you take up the issue with Mr. Buccella about his  
14 starting times?

15 A. Yes, I did. I hollered at him quite a bit to be  
16 there at 8:30, but (pause) --

17 Q. Did Mr. Buccella heed your directions?

18 A. For a time.

19 Q. How long a time?

20 A. I can't remember exactly, but for maybe a week or so  
21 he would.

22 Q. Then what happened?

23 A. Then he would start coming back in at 9:00.

24 Q. Was he ever there later than 9:00?

25 A. There may have been. I can't recall. There may have

## Manente - Direct

- 1       been occasions.
- 2       Q.     Did you ever work on my farm?
- 3       A.     Absolutely not.  No, I didn't.
- 4       Q.     Did I ever hug you?
- 5       A.     I'm sure.
- 6       Q.     Did you ever hold elective office?
- 7       A.     Oh, dear.  Unfortunately, I did.  I was the first
- 8       woman elected in Girard.  I had two years of it and said
- 9       that's it, I don't want any more of it.
- 10      Q.     Is that Girard, Ohio?
- 11      A.     Yes, sir.
- 12      Q.     How many terms did you serve?
- 13      A.     Just one.
- 14      Q.     And what were you elected to?
- 15      A.     City council.
- 16      Q.     Are you married and have family?
- 17      A.     Yes, I am.
- 18      Q.     Is your husband involved in politics?
- 19      A.     Not anymore, sir.
- 20      Q.     Was he an elected official?
- 21      A.     Yes, he was.
- 22      Q.     What was his position?
- 23      A.     He was a councilman, and when he retired from the
- 24      post office, he was a councilman for a couple years.
- 25      Q.     And where was he a councilman?

Manente - Direct

1 A. Girard.

2 Q. Did George Buccella ever tell you he was going to  
3 work at the farm?

4 A. That word was really never used, if ever referred to,  
5 anything with the farm. It was always called, or he would  
6 always say, "I'm going south," which we all assumed.

7 Q. What did you assume?

8 A. We assumed from just hearing talk that it was the  
9 farm. Everybody kind of knew that.

10 Q. Did I ever call you and discuss going south with you?

11 A. No. I can honestly say you never did.

12 Q. Did you ever call me about going south?

13 A. No.

14 Q. Did you ever go to the farm and see if he was there?

15 A. No.

16 Q. Did you ever call me and ask me if he was at the  
17 farm?

18 A. No, I didn't.

19 Q. How do you know he was at the farm?

20 A. Because he -- well, that was just kind of a general  
21 consensus among everybody. I mean, I couldn't prove where  
22 he went when he left the office, but he would talk about it  
23 maybe the next day.

24 Q. Where am I usually located during the week, my office  
25 location?

Manente - Direct

1 A. Washington.

2 Q. Do you know if I fly or drive?

3 A. I have no clue.

4 Q. Do you know when I'm home?

5 A. I don't have definite proof of when you're home  
6 because we don't communicate that much, but I think you're  
7 home Friday and Saturday and Sunday, and you leave sometime  
8 on Monday.

9 Q. Do you know if there are weekends when I stay in  
10 Washington on business?

11 A. I was never privy to that information, Congressman,  
12 but I'm sure you were.

13 Q. Why did you never call me about this going south?

14 A. First of all, it was never my -- I never had the  
15 authority to send anybody anywhere, so if he ever went  
16 anywhere, that directive came from someone higher up than  
17 me, so I just never questioned it. It wasn't for me to say  
18 where anyone went.

19 In fact, when I had to go somewhere, I took  
20 orders or whatever from the scheduling secretary. So it  
21 wasn't up to me to really question where anyone went.

22 Q. Did you supervise George?

23 A. In the office? Yes.

24 Q. Were you his boss?

25 A. I was his immediate boss.

Manente - Direct

1 Q. You never called once to confirm that he was with me  
2 at the farm?

3 A. No, I didn't, Jim.

4 Q. Did you know if George Buccella had immunity in this  
5 case?

6 MR. KALL: Objection.

7 THE COURT: Sustained.

8 Q. Now, if an employees is telling you he's going  
9 somewhere, that you supervise, why didn't you call me?

10 A. I never did because, to be very honest, I was  
11 always -- I always felt a little bit nervous with Chuck  
12 O'Nesti, and if we had to say anything or complain to  
13 anybody, I was always told that I had to go to him first.

14 Q. Who told you that?

15 A. I believe it was Charlie.

16 Q. Charlie told you that?

17 A. Yes.

18 Q. Did you ever call me and tell me that?

19 A. No, I didn't.

20 Q. Who hired you?

21 A. You did.

22 Q. Who supervised you?

23 A. Who my boss was? You were.

24 Q. Were you the regional director of Trumbull County?

25 A. Yes.

Manente - Direct

- 1 Q. Were you to be notified of Trumbull County  
2 activities?
- 3 A. Yes.
- 4 Q. Did you represent me in Trumbull County?
- 5 A. Yes, I did.
- 6 Q. Did George Buccella represent me in Trumbull County?
- 7 A. Yes, he did.
- 8 Q. George Buccella, did he participate in after-hours  
9 work?
- 10 A. I believe he did help you out with that, yes.
- 11 Q. Why did you have to have the impression you had to  
12 check with Charlie when I hired you and I was your boss?
- 13 A. Well, I think it was just basically like the chain of  
14 command.
- 15 Q. Did we have a set chain of command officially? Was  
16 there an official chain of command?
- 17 A. You mean --
- 18 Q. A written official chain of command?
- 19 A. There was, I remember one time where there was like  
20 in blocks the chain of command.
- 21 Q. Did you report these problems to Charlie or George  
22 coming late?
- 23 A. No, I didn't.
- 24 Q. Did I ever call you and ask George to go south?
- 25 A. No, you did not.

Manente - Direct

- 1 Q. Did George maintain a case load?
- 2 A. Yes, he did.
- 3 Q. Did he maintain a case load similar to other staff
- 4 members?
- 5 A. Yes. Yes.
- 6 Q. What specific types of things did George do?
- 7 A. We all kind of just did various -- I didn't ever tell
- 8 them what they had to do, specific cases, because you could
- 9 go for two weeks without maybe an INS case coming, so we
- 10 just kind of had a case work flow, whoever kind of
- 11 had -- we kind of had a system where they were all evenly
- 12 distributed with regards to what type of case work they
- 13 were.
- 14 Q. Did you bring with you closed cases that were George
- 15 Buccella's responsibility?
- 16 A. I believe there are some here. I didn't bring them,
- 17 but another staffer brought them for you.
- 18 Q. And they were closed by George Buccella?
- 19 A. Yes.
- 20 Q. Did you ever express a concern about his use of our
- 21 office?
- 22 A. In which way, Congressman?
- 23 Q. For other than congressional activities?
- 24 A. Over the years if I found something wasn't
- 25 congressional, I certainly would tell the staff, absolutely

Manente - Direct

- 1 not.
- 2 Q. Do you have any knowledge that he conducted township  
3 business?
- 4 A. In the office?
- 5 Q. Yes.
- 6 A. I have no knowledge, direct knowledge of conducting  
7 township business. He may have gotten calls, but he  
8 wouldn't do any business. He was always instructed to keep  
9 that separate.
- 10 Q. Did you strictly enforce that?
- 11 A. As much as I was aware. If I was ever aware of it, I  
12 would certainly tell him.
- 13 Q. Was I a micromanager, Betty?
- 14 A. Pardon me?
- 15 Q. Am I a micromanager?
- 16 A. Meaning what, Congressman?
- 17 Q. Do I look over your shoulder or --
- 18 A. No, you don't. Actually, I think that you are only  
19 in our office in Trumbull County, I would be stretching it  
20 a little if I said ten times in 17 years.
- 21 Q. Did I work out of a specific office?
- 22 A. You were at the administrative office mostly.
- 23 Q. When I wasn't in D.C.?
- 24 A. Uh-huh.
- 25 Q. When you had a major problem, who did you call?

Manente - Direct

1 A. If I had a major problem, I kind of went up the chain  
2 of command. I would talk to Jackie Bobby, and then she  
3 would go to whoever.

4 Q. Who ended up resolving the major problems?

5 A. Most generally, you would, if it was something major.

6 Q. Were strikes major problems?

7 A. I didn't deal with that, but yes.

8 Q. Was the RMI strike a very major problem?

9 A. Yes, it was.

10 Q. Whom did you call?

11 A. I think that George Buccella worked on that, and you  
12 pretty much handled that.

13 Q. Can you attest to George Buccella being one time at  
14 my farm?

15 A. Could I verify that ever? No, I could not. I do not  
16 recall ever having even a phone number for there.

17 Q. Did you ever gain knowledge of a problem George had?

18 MR. KALL: Your Honor, I'm going to object to  
19 this. It appears to be leading to a 608(b) issue that we  
20 raised with the previous witness, as well.

21 THE COURT: Well, if there is a problem, you  
22 can identify what it is. You have to decide if you know  
23 whether you can answer the question.

24 THE WITNESS: Are you talking to me, Your  
25 Honor?

Manente - Direct

1 THE COURT: Yes. I'm saying you can go ahead  
2 and answer.

3 Q. Did you ever gain any knowledge of a criminal problem  
4 George had?

5 MR. KALL: Objection.

6 THE COURT: Sustained. You can't answer  
7 that.

8 Q. Would George be required to inform you if he had a  
9 problem?

10 MR. KALL: Objection.

11 THE COURT: Sustained. We'll handle this at  
12 the break.

13 Q. Do we have official time sheets?

14 A. There never was, as far as I was ever aware, any  
15 particular policy as far as vacation or sick leave until  
16 Paul Marcone said in a memo in, I believe it was April of  
17 2000 --

18 Q. Is that after all the allegations hit about me?

19 A. I believe so.

20 Q. Did George attend functions as a township trustee  
21 with your permission?

22 A. You mean did he go to represent himself as a trustee  
23 during work hours?

24 Q. Did he ever make trips relative to trustee business  
25 out of town?

Manente - Direct

- 1 A. Okay. He would take vacation and go to conventions.  
2 I'm not sure where they were, except I know he used to go  
3 to Washington maybe once a year.
- 4 Q. For how long?
- 5 A. To the best of my knowledge, the best I can recall,  
6 maybe a week.
- 7 Q. Did he take vacation time for that?
- 8 A. Yes, he always had used vacation time, but --
- 9 Q. Go ahead.
- 10 A. Okay. Just to clarify that, there was always a  
11 little confusion on my part, because he would take  
12 vacation -- I would mark him down for vacation because he  
13 would be out of the office for trustee, but then he would  
14 tell me that he worked in the Washington office while he  
15 was in Washington, so I was never real sure what was  
16 vacation and what wasn't at that point for those particular  
17 meetings.
- 18 Q. Did you ever call and check with me if he worked in  
19 Washington?
- 20 A. No, I didn't.
- 21 Q. Did you like George?
- 22 A. Yes. George was a friendly fellow.
- 23 Q. Was he a busy fellow?
- 24 A. Yes.
- 25 Q. Would you say very busy?

Manente - Direct

1 A. You mean in the office or just in general?

2 Q. His lifestyle.

3 A. Yes. Yes, he was.

4 Q. Did he ever come to the office in jeans and work  
5 clothes, farm-type clothes?

6 A. Friday was sort of a dress-down day. He wasn't  
7 dressed like a farm person, but they were allowed to wear  
8 jeans on Friday if they wanted to.

9 Q. Would he do that?

10 A. Sometimes.

11 Q. Would you do that?

12 A. No. No, I didn't.

13 Q. Now, when you testified at the grand jury, did they  
14 focus on George's farm activities?

15 A. Yes.

16 Q. Did they ever ask you if he owned other businesses?

17 A. If George did?

18 Q. Yes.

19 A. I don't think so. I don't recall that.

20 MR. TRAFICANT: Your Honor, I'm not finished.  
21 It's past 10:30. I still have some questions of this  
22 witness, if you want to take a break.

23 THE COURT: Thank you, but we'll just go  
24 forward.

25 Q. Did they ask you if he owned a racetrack?

Manente - Direct

1 A. No, they didn't.

2 Q. Did they ever ask you if he borrowed equipment from  
3 me?

4 MR. KALL: Your Honor, I'm going to object.  
5 What was asked in the grand jury is irrelevant.

6 THE COURT: Don't answer.

7 Q. Did they ever ask about the pizza shop?

8 THE COURT: Excuse me, excuse me.

9 Going back to the question that was objected to, the  
10 objection is overruled, so she can answer. It was, "Did  
11 they ever ask you if he borrowed equipment from me?" You  
12 can answer that.

13 A. No, they didn't.

14 Q. Thank you. Did they ask you about the pizza shop?

15 A. No. No, I don't believe they did.

16 Q. Did they ever ask you about any contracts he had with  
17 the Weathersfield School Board?

18 A. No, sir.

19 Q. Did they ever ask you if he worked evenings?

20 A. I can't recall if they did, Congressman.

21 Q. Did they ever ask you if George Buccella ever drove  
22 me to Washington?

23 A. I don't think they asked me that.

24 Q. So all they asked you about was the farm and going  
25 south, is that correct?

Manente - Direct

1 A. Pretty much, his activity in the office and that.

2 Q. Did they ask you what his duties were?

3 A. I think they asked in general what the staff did.

4 Q. Did they ever in specific ask what George did?

5 A. I don't recall.

6 Q. Did I ever inquire as to his punctuality and work  
7 habits?

8 A. On the days that you would call and he wasn't there,  
9 you did ask --

10 MR. KALL: Objection. Hearsay.

11 THE COURT: Sustained. Don't answer.

12 Q. Do you have any knowledge of George B. using me as an  
13 excuse to get out of work?

14 A. I have no knowledge of that.

15 Q. Did the government ever ask you that?

16 A. I don't believe so.

17 Q. Now, in this formal policy now, do you enforce it?

18 A. Yes.

19 Q. Was George still on staff when the formal policy was  
20 announced?

21 A. I think it was right during the month when he left.  
22 I'm not a hundred percent sure of that.

23 Q. Would you recall if he was there at any time before  
24 he left when the formal policy was established?

25 A. I'm trying to think if he left in April or May. He

Manente - Direct

1       may have been there for a few days. There is a possibility  
2       of that.

3       Q.     Did he adhere to the policy?

4       A.     Did George?

5       Q.     Yes.

6       A.     I think during that time it was the interim period  
7       where George was getting ready to leave. It was in the  
8       beginning. If he adhered to it, he would have had to fill  
9       out these sheets, and I think there was just a few days  
10      that he did at that point, yes.

11      Q.     Did he honor the policies?

12      A.     Yes.

13      Q.     Was our last campaign for Congress a very dirty  
14      campaign?

15                   MR. KALL: Objection, leading.

16      Q.     What was the status of our last campaign?

17                   THE COURT: Okay. This is a great example of  
18      the problem. Please don't lead anymore. You can answer  
19      what you know about that campaign.

20      Q.     Was it your impression --

21                   THE COURT: Excuse me. Putting aside what is  
22      described, answer independently what you know of the  
23      character of that campaign.

24      Q.     What was your impression of the last campaign --

25                   THE COURT: Congressman, when you talk on top

Manente - Direct

1 of me, it's impossible even though we have probably the  
2 best court reporters in the Northern District of Ohio for  
3 them to write down two conversations at once.

4 MR. TRAFICANT: I apologize, Your Honor.

5 THE COURT: You just did it now. You just  
6 did it again.

7 MR. TRAFICANT: I apologize. I thought you  
8 had completed your comments. Thank you.

9 THE COURT: I thank you.

10 MR. TRAFICANT: I could not hear your soft  
11 spoken voice.

12 THE COURT: Thank you. Listen carefully.  
13 Okay.

14 BY MR. TRAFICANT:

15 Q. Can you hear me?

16 A. I can hear you.

17 I don't remember a whole lot about it, but I know it  
18 was a pretty busy campaign, and a pretty tough one.

19 Q. Dirty?

20 A. I -- I suppose there are things that I wasn't aware  
21 of that was.

22 Q. Do you know if we won?

23 A. Yes, sir.

24 Q. Did you help in that campaign?

25 A. I think everybody did.

## Manente - Direct

1 Q. Did you do so on office hours?

2 A. Absolutely not.

3 Q. Did you ever represent me at political functions?

4 A. During the day?

5 Q. Yes.

6 A. No.

7 Q. Did you represent me during the day on congressional  
8 functions?

9 A. Yes.

10 Q. Would you suggest needs to me relative to Trumbull  
11 County?

12 A. I'm sorry?

13 Q. Would you suggest needs to me relative to Trumbull  
14 County?

15 A. As far as what was going on in the county?

16 Q. Yes.

17 A. Yes. Yes.

18 Q. Did we usually meet those needs?

19 A. Yes.

20 Q. Do you field many complaints about our service?

21 A. Actually, no, not in the Trumbull County office.

22 MR. TRAFICANT: No further questions at this  
23 time.

24 THE COURT: Thank you.

25 MR. KALL: I don't know if you want to take a

Manente - Direct

1 break or you want me to head into my cross-examination.

2 THE COURT: I think it would be a good idea  
3 to take the morning break. We'll take a 30-minute break  
4 this morning, and you'll need to be here and available at  
5 the end of the break. Okay? Thank you very much.

6 (Jury out at 10:40 a.m.)

7 THE COURT: Did you get the fact I told the  
8 lawyers to come back in 15 minutes? Always wait for these.

9 So the lawyers and Congressman Traficant will be back  
10 in 15 minutes so we can handle the voir dire on the issues  
11 that arose in this testimony. Okay? Congressman?

12 MR. TRAFICANT: I have taken a laxative, and  
13 I will try and make it in 15 minutes.

14 THE COURT: We'll expect you in 15 minutes.

15 MR. TRAFICANT: I'll try my best.

16 (Recess had.)

17 THE COURT: We're having a hearing outside  
18 the hearing of the jury. I'm saying this to the marshal in  
19 the back.

20 You can all be seated.

21 There were objections posed to similar questions with  
22 two witnesses, Vogel first and then this last witness who  
23 was on the stand, and I said we have to handle this out of  
24 the hearing of the jury with Ms. Manente as well.

25 The reason for this has to do with the rules of

Manente - Direct

1 evidence, and in both these cases the evidence sought to be  
2 elicited can fall into several categories under the rules.  
3 And so I'm going to first ask the Congressman if you can  
4 represent to us what the question was about that you were  
5 asking, and if you can, it may solve the problem and we  
6 won't have to go any further and we can bring your  
7 witnesses back, and then I'll let the government respond.

8 MR. TRAFICANT: The question of Mr. Vogel is  
9 different than that of Mrs. Manente. Mr. Vogel requested a  
10 public hearing of the Weathersfield Township Trustees  
11 relative to the behavior and investigation of the FBI into  
12 allegations that George Buccella had received a \$25,000  
13 payment to try and fix a DUI case in front of Judge Bailey  
14 that I believe was prosecuted by these attorneys seated  
15 here.

16 And he brought it to the attention -- and it  
17 was a matter of public record and discussion, and at that  
18 public meeting it was aired, those problems, and I can't  
19 speak for the witness who is here, but I believe he posed  
20 questions, as well, in that process.

21 Now, being that this was an open public meeting  
22 relative to the fact that the FBI had investigated -- was  
23 investigating Buccella, and that, in fact, the matter of  
24 the \$2500 payoff now speaks to the veracity and impeachment  
25 of the testimony of Buccella.

Manente - Direct

1 THE COURT: Thank you. And do you want to  
2 address the second question that you asked of Mrs. --

3 MR. TRAFICANT: I don't remember the second  
4 question.

5 THE COURT: -- Manente.

6 MR. TRAFICANT: But at some point I believe  
7 the individual himself made mention of it to his  
8 supervisor.

9 THE COURT: Oh, okay. We're all talking  
10 about Vogel now, right?

11 MR. TRAFICANT: No. You asked me about the  
12 second instant. I thought that was Manente.

13 THE COURT: I can go back and find the  
14 Manente question for you. Let's deal with the Vogel  
15 question first.

16 MR. TRAFICANT: Okay. It was a public  
17 meeting of a public record.

18 THE COURT: I understand what you're saying,  
19 and I'm going to let the government now respond to your  
20 statement so that they can reiterate their objection, and  
21 also I can rule on the objection now that I know more fully  
22 what it is that you were going to elicit.

23 MR. MORFORD: Thank you, Your Honor. And  
24 it's my understanding from what the Congressman just said  
25 that the Manente and the Vogel statements both deal with

Manente - Direct

1 the same conduct, this allegation of bribery.

2 Under Rule 608(b), the Federal Rules of Evidence  
3 provide that specific instances of conduct of a witness for  
4 the purpose of attacking or supporting a witness's  
5 credibility other than a conviction of a crime as provided  
6 in 609 may not be proved by outside evidence.

7 And so the rules prohibit this kind of testimony from  
8 coming in and having a mini-trial on Mr. Buccella. It  
9 would also be hearsay.

10 THE COURT: Just a second, Congressman.  
11 Don't talk.

12 MR. TRAFICANT: I thought he was finished.

13 THE COURT: Just a minute, and I will let  
14 you, but wait until he finishes.

15 MR. TRAFICANT: I thought he was finished.

16 THE COURT: Well, if you listen carefully,  
17 you will know he started to say and "also" something.

18 MR. TRAFICANT: He seemed to be stammering  
19 and stuttering and citing laws to gain your attention.

20 THE COURT: Yes. Well, that would get my  
21 attention.

22 MR. MORFORD: The second thing, Your Honor,  
23 is the testimony is all hearsay, as well.

24 THE COURT: Thank you.

25 MR. TRAFICANT: The testimony is not hearsay.

Manente - Direct

1 THE COURT: Let's go back to the other one.

2 Does this --

3 MR. TRAFICANT: No, I don't want to leave  
4 this one.

5 THE COURT: Does this involve a conviction of  
6 a crime? You just heard him state the rule.

7 MR. TRAFICANT: No. It involves the veracity  
8 of the testimony of a witness, to impeach the witness's  
9 testimony. Mr. Buccella was investigated by the FBI  
10 relative to a payoff. He had immunity, and the only staff  
11 member of mine to have immunity, and they used Mr. Buccella  
12 to, in fact, suborn perjury. That man wasn't at my farm or  
13 our farm 300 times.

14 THE COURT: Congressman, thank you very much.  
15 The objection that they have made regarding this witness is  
16 sustained.

17 MR. TRAFICANT: I knew you would sustain it.  
18 And I'm going to say this for the record: You have given  
19 them every opportunity to win, and you are making yourself  
20 very unbelievable in the legal world.

21 THE COURT: Thank you, Congressman.

22 Now we go to the second one with the witness that was  
23 just on the stand, and I'll go back and read you the  
24 question --

25 MR. TRAFICANT: Give me the question.

Manente - Direct

1 THE COURT: -- that they objected to. This  
2 is Betty Manente.

3 MR. TRAFICANT: Would the Court then  
4 stipulate that a public meeting and comments at a public  
5 meeting are not eligible under the Federal Rules of  
6 Criminal Evidence to be an exception to allow the  
7 impeachment of a witness? That's a direct question to the  
8 Court. I want an answer for the record.

9 THE COURT: The answer is no.

10 MR. TRAFICANT: Thank you. Now let's go to  
11 the next one.

12 THE COURT: Okay. What the question was,  
13 was, "Did you ever gain any knowledge of a criminal problem  
14 George had?"

15 Mr. Kall objected. I sustained the objection. "You  
16 can't answer that."

17 "Would George be required to inform you if he had a  
18 problem? Objection. Sustained. We'll handle this at the  
19 break."

20 That was the colloquy.

21 MR. TRAFICANT: Why are you wasting our time?  
22 Why don't you just rule? My voice is going, and I need it  
23 for my witnesses.

24 THE COURT: It's your choice, sir. If  
25 there's anything you'd like to say --

Manente - Direct

1 MR. TRAFICANT: I say that you have allowed  
2 them to bring in hearsay that is worthless and have denied  
3 me now, including the interview of Judge Aldrich, 11  
4 witnesses to testify relative to the veracity of the  
5 testimony of all of their immunized felons.

6 THE COURT: Congressman, the clock is ticking  
7 and running so --

8 MR. TRAFICANT: I'm not causing it to tick.  
9 You're causing it to tick.

10 THE COURT: Let's hear from the government on  
11 this situation.

12 MR. KALL: Your Honor, I still haven't heard  
13 an admissible basis for the question, and until we hear  
14 that, we would maintain our objection that it's improper,  
15 an improper attempt to impeach the witness that's not  
16 permitted under Rule 608(b) or Rule 609.

17 MR. TRAFICANT: I want to respond. I cite as  
18 a pro se defendant the United States Constitution. No  
19 attorney, no judge, is totally knowledgeable in all  
20 aspects. Every rule of evidence is subject to the document  
21 itself, and the amendments therein. And that falls within  
22 the province of the Court. And I cite the U.S.  
23 Constitution and the common sense of the Constitution that  
24 directs us to the veracity of a witness's testimony and the  
25 right to impeach the testimony of a government witness.

Manente - Direct

1           Now, Ms. Manente is the government witness. They  
2 subpoenaed her. They chose not to call her.

3           They subpoena Nemenz; they chose not to call him  
4 because they had a tape on Nemenz and his girlfriend  
5 corroborating what they did.

6           THE COURT: Congressman, this is not your  
7 final argument to the jury.

8           MR. TRAFICANT: No, it's not. But I have  
9 nine tapes that you're not allowing to be brought in.

10          THE COURT: That's true.

11          MR. TRAFICANT: Where people took the Fifth  
12 Amendment and give me no right to defend myself.

13          THE COURT: Congressman, it's now time for  
14 them to respond if they want to.

15          MR. TRAFICANT: Why can't I continue? Why do  
16 you cut me off?

17          THE COURT: Because what you're saying isn't  
18 relevant to what we're doing.

19          MR. TRAFICANT: Yes, I am. I'm talking about  
20 the Constitution.

21          THE COURT: Thank you.

22          MR. TRAFICANT: And I am citing any  
23 applicable law. I am not the expert; neither are they.  
24 You are. You are the decider and presider of facts, and  
25 I'm citing the Constitution and asking you to peruse the

Manente - Direct

1 Constitution.

2 THE COURT: I actually am not the decider of  
3 facts here, sir.

4 MR. TRAFICANT: You certainly are.

5 THE COURT: No, I'm not.

6 MR. TRAFICANT: You're certainly not Dr.  
7 Ruth here.

8 THE COURT: Okay, Congressman. We're going  
9 to bring the jury in now. Who is your next witness? Do  
10 you have a witness?

11 The objection is --

12 MR. KALL: Your Honor, we would like an  
13 opportunity to cross-examine Ms. Manente based on the  
14 direct examination.

15 THE COURT: I'm sorry. You get an  
16 opportunity. Bring in Ms. Manente for cross-examination.

17 MR. TRAFICANT: Let the government bring her  
18 in. They called her.

19 THE COURT: Well, she's your witness.

20 MR. MORFORD: We did not call her.

21 THE COURT: You call the witness,  
22 Congressman.

23 MR. TRAFICANT: Ernestine is calling her for  
24 me.

25 THE COURT: Thank you.

Manente - Cross

1 MR. TRAFICANT: And I'd ask you to ask these  
2 prosecutors to moderate their behavior. They're beginning  
3 to upset me.

4 THE COURT: Congressman, we're going to bring  
5 the jury in now.

6 MR. TRAFICANT: Thank you.

7 (Jury in at 11:14 a.m.)

8 THE COURT: You're still under oath. Okay?  
9 Thank you. Mr. Kall?

10 CROSS-EXAMINATION OF BETTY MANENTE

11 BY MR. KALL:

12 Q. Mrs. Manente, can you hear me okay?

13 A. Yes.

14 Q. Okay. You've been employed by Congressman Traficant  
15 longer than any other person on his staff; isn't that  
16 correct?

17 A. I think I'm the oldest by now.

18 Q. You've been there basically since day one or month  
19 one?

20 A. Yes. Month two actually.

21 THE COURT: Speak a little louder so everyone  
22 can hear you.

23 Q. Can you repeat your last answer, please?

24 A. I started in February rather than January, so it was  
25 month two.

## Manente - Cross

- 1 Q. Of 1985?
- 2 A. Yes.
- 3 Q. And you are a supporter of Congressman Traficant's,  
4 correct?
- 5 A. Yes.
- 6 Q. You've worked on his political campaigns?
- 7 A. Yes.
- 8 Q. Now, over the years, how much direct contact have you  
9 had with the Congressman while you've worked for him?
- 10 A. Very, very little.
- 11 Q. You said maybe a handful of times over the course of  
12 17 years?
- 13 A. That he actually was in the Trumbull County office.
- 14 Q. Now, you stated on direct that when you had problems  
15 within your office, you went to Chuck O'Nesti or to Jackie  
16 Bobby, correct?
- 17 A. Most generally to Jackie.
- 18 Q. And you also stated on direct that you didn't like to  
19 go to Chuck O'Nesti, correct?
- 20 A. Correct.
- 21 Q. You were afraid of him?
- 22 A. Charlie was gruff and I just would rather not.
- 23 Q. Well, you stated you were afraid of Chuck O'Nesti,  
24 correct?
- 25 A. I guess you could say a little bit apprehensive.

Manente - Cross

1 Q. Why?

2 A. Well, he was just gruff speaking, and I just -- I  
3 don't know, I just -- he wasn't one of the people I wanted  
4 to talk to, actually.

5 Q. Now, you mentioned that you would go to Jackie Bobby  
6 mostly and occasionally to Chuck O'Nesti, correct?

7 A. Mostly Jackie Bobby; there were times Henry DiBlasio.  
8 I think there were a couple times possibly for Henry.

9 Q. Now, Henry DiBlasio was supposed to be the chief of  
10 staff, correct?

11 A. Yes.

12 Q. Or the administrative officer?

13 A. Yes.

14 Q. In the course of the 17 years that you worked in the  
15 office, how many years was Mr. DiBlasio employed by the  
16 Congressman?

17 A. He started when I did, and I don't recall what year  
18 he actually terminated his employment.

19 Q. Would it be around late '98?

20 A. Probably.

21 Q. Over the course of those 13 years, did you ever  
22 report in to Mr. DiBlasio as chief of staff?

23 A. Reporting which way?

24 Q. Did he supervise the work you did?

25 A. Actually supervising it, I wasn't aware of actual

Manente - Cross

1 supervising.

2 Q. You never reported to Mr. DiBlasio as the chief of  
3 staff, did you?

4 A. There may have been on occasions for different  
5 things. I don't recall. Not routinely though.

6 Q. Do you recall being asked in the grand jury, "Are you  
7 aware of actual duties that Henry DiBlasio had?" And you  
8 said, "No, sir. I never worked in the same office"?

9 A. That's correct.

10 Q. And you were also asked, "As the office manager in  
11 the Niles office, did you ever have any dealings where  
12 Henry DiBlasio did anything?" And then you asked back,  
13 "For us?"

14 "Yes."

15 And you answered, "Not that I can recall. Not that I  
16 can recall."

17 A. Okay. I'm a little confused. I was then, too, a  
18 little bit. Doing anything such as?

19 Q. Did you have any dealings that you can recall with  
20 Henry DiBlasio?

21 A. That I can recall, not offhand.

22 Q. Okay. Congressman Traficant asked you some questions  
23 about what you were and were not asked in the grand jury.  
24 Do you recall those questions?

25 A. Some of them.

Manente - Cross

1 Q. Now, can you recall sitting here today, on April 4th  
2 of 2002, everything that you were asked in the grand jury a  
3 year and a half ago?

4 A. No, I can't.

5 Q. So you might have been asked some of those questions;  
6 you just can't recall them sitting here today?

7 A. Correct.

8 Q. You were also asked some questions regarding George  
9 Buccella working out at the Congressman's farm, correct?

10 A. Yes.

11 Q. Was it common knowledge at your office that George  
12 Buccella was working out at Congressman Traficant's farm?

13 MR. TRAFICANT: Objection as to speculation.

14 THE COURT: She can answer.

15 A. That seemed to be -- everybody seemed to think that,  
16 yes.

17 Q. It was common knowledge in the office?

18 A. Pretty much.

19 Q. And George Buccella said many times that he was out  
20 there?

21 MR. TRAFICANT: Objection --

22 A. Yes.

23 MR. TRAFICANT: -- as to hearsay.

24 THE COURT: Well I don't know anything that  
25 would permit that to come in for the direct. Go on to

Manente - Cross

1 something else.

2 MR. KALL: Your Honor, we'd offer it as a  
3 prior consistent statement under 801(d)(1)(B).

4 THE COURT: To something she said before?

5 MR. TRAFICANT: I object under the laws of  
6 the Constitution. It's hearsay.

7 THE COURT: Hold on.

8 MR. TRAFICANT: Your Honor, might I inquire  
9 as to the law they cited?

10 MR. KALL: It's the Federal Rules of  
11 Evidence, Rule 801(d)(1)(B).

12 MR. TRAFICANT: (d)(1)(B). Thank you.

13 THE COURT: The objection is sustained. Go  
14 to something else.

15 Q. As the office manager, you supervised Mr. Buccella  
16 for a period of time, correct?

17 A. In the office, yes.

18 Q. And there were many times where Mr. Buccella was not  
19 in, correct?

20 A. That's correct.

21 Q. He would be gone for whole days?

22 A. Yes.

23 Q. Sometimes whole weeks he would be gone?

24 A. There may have been occasions, yes.

25 Q. What was your understanding of where Mr. Buccella was

Manente - Cross

1 during those times he was not in the office?

2 A. I never got any direct -- no one ever came to me to  
3 actually tell me -- if someone would call for George  
4 Buccella, they never ever went through me. They would call  
5 and talk directly to him.

6 A lot of times when George would leave the  
7 office he would just say, "I've been told I have to do  
8 something for the boss." And so I really didn't -- I mean  
9 if he was out of the office, it was because he had gotten a  
10 call from somebody to tell him to do something for the  
11 boss. So I really -- I was never told exactly where he  
12 was.

13 Q. Well, you've already testified it was common  
14 knowledge --

15 A. Right.

16 Q. -- that he was working down at the farm at times,  
17 right?

18 A. Correct.

19 Q. And during those times that he was gone days and on  
20 occasions weeks at a time, was it your understanding that  
21 he was down at the farm?

22 A. On occasions, yes.

23 Q. Now, Congressman Traficant asked you on direct  
24 examination about your understanding of whether George  
25 Buccella was working on his farm. Do you recall those

## Manente - Cross

1 questions?

2 A. Would you repeat them, please?

3 Q. Congressman Traficant asked you on direct examination  
4 about what you understood about whether George Buccella was  
5 down at the farm, correct?

6 A. Yes.

7 Q. And you testified earlier that your understanding was  
8 that he was down there, but you never physically with your  
9 own eyes --

10 A. Exactly.

11 Q. -- saw him?

12 A. Yes, that's correct.

13 Q. So what was the basis of your understanding that he  
14 was out at the farm?

15 A. Well, for one thing, when George would come back to  
16 the office, he oftentimes would complain about it or talk  
17 about it, about --

18 Q. Complain about what?

19 A. About being at the farm.

20 Q. Congressman Traficant also asked you some questions  
21 about whether you ever called Congressman Traficant about  
22 George Buccella being at the farm. Do you recall those  
23 questions?

24 A. Yes, I do.

25 Q. And you stated you never did contact the Congressman

Manente - Cross

1 about this, correct?

2 A. No; no, I didn't. I had --

3 Q. I'm sorry, go ahead.

4 A. I had very little contact with the Congressman in my  
5 17 years.

6 Q. And you never contacted Chuck O'Nesti about this?

7 A. Never. No.

8 Q. And you never contacted Jackie Bobby about this?

9 A. Because they -- I assumed they all knew. And it  
10 wasn't my place, because no one told me to send him  
11 anywhere, so --

12 Q. You assumed who all knew?

13 A. Jackie and Chuck, or whoever.

14 Q. You assumed they knew what?

15 A. That George was gone. If he got the call from Chuck,  
16 or whoever, and a lot of times I didn't know who called,  
17 they would know where he was.

18 Q. You assumed they knew he was down at the farm?

19 A. Yes, because no one ever told me, no one ever came  
20 and said to me that: I'm going to send him here or there.  
21 They did not go through me that I can ever recall. I mean,  
22 no one asked if I needed him in the office or whatever, so  
23 I mean, it was just a matter of he would say he would get  
24 his call and he had to do something for the Congressman.  
25 So --

Manente - Cross

1 Q. Did George Buccella hide the fact that he was doing  
2 farm work at the Congressman's farm?

3 A. No, he didn't.

4 Q. Did you ever talk with anyone to say: Is this all  
5 right, is this okay?

6 A. I don't recall. I may have. I don't recall anything  
7 in particular.

8 Q. But you never went to Chuck O'Nesti or Jackie Bobby  
9 about that?

10 A. I can't recall any particular times. I think it was  
11 just something that was -- it seemed like everybody knew.

12 Q. Were you afraid to go to them because they were close  
13 to Jim Traficant?

14 A. I never would go to Chuck O'Nesti.

15 Q. The question is: Were you afraid to go to them  
16 because they were close to Congressman Traficant?

17 A. I was never afraid to go to Jackie Bobby, no. And  
18 there may have been discussions about George. I can't  
19 recall anything in particular.

20 Q. Do you recall being asked in the grand jury, "Were  
21 you afraid to go to them because they were close to Jim  
22 Traficant?" And your answer was, "Probably"?

23 A. Chuck O'Nesti I was.

24 Q. Were you afraid to go to Congressman Traficant and  
25 discuss this issue of George being at the farm?

Manente - Cross

1 A. I wasn't afraid, but I was told many times to go  
2 through the chain of command, which would have been Chuck  
3 first, and maybe I was afraid to go over his head.

4 Q. Do you recall being asked that question in the grand  
5 jury, "Question: Were you afraid to go to Jim Traficant  
6 and discuss it?

7 "Answer: I obviously -- obviously I was. I  
8 mean, I wasn't afraid, but I didn't know that it was my  
9 place to do that."

10 A. Correct.

11 Q. It wasn't your place to question where George  
12 Buccella was?

13 A. It wasn't.

14 Q. But it was your knowledge that he was out working at  
15 the farm?

16 A. True.

17 Q. And --

18 A. From what he said.

19 Q. And it was common knowledge in the office that he was  
20 working out at the farm?

21 A. Yes.

22 Q. What were some of the things that George Buccella  
23 complained about that led to your understanding that you  
24 testified about on direct examination?

25 MR. TRAFICANT: Objection as to hearsay.

Manente - Cross

1 THE COURT: Going back to what you testified  
2 on direct examination, you can answer that question as part  
3 of cross-examination.

4 Q. What was your understanding of some of the things  
5 George Buccella complained about that led to your  
6 understanding that he was working out at the farm?

7 A. He would talk a lot. George would talk a lot in the  
8 office to friends that would come in, to anybody, and he  
9 would just say, you know, he worked his butt off or  
10 something, pretty much just complained about having to go.

11 Q. He complained that he was having to work on machinery  
12 when he was out there?

13 A. Yes.

14 Q. He complained --

15 A. There was a time --

16 Q. I'm sorry?

17 A. I think there was a time he did.

18 Q. And he was complaining about having to bale hay out  
19 there?

20 A. He may have talked about that.

21 Q. And he was complaining about having to do other farm  
22 chores when he was out there?

23 A. Yes.

24 MR. KALL: Nothing further, Your Honor.

25 THE COURT: Thank you.

## Manente - Redirect

1 REDIRECT EXAMINATION OF BETTY MANENTE

2 BY MR. TRAFICANT:

3 Q. Who is the district director of the congressional  
4 office?

5 THE COURT: I'm sorry? None of us could hear  
6 your answer.

7 Just wait a minute, Congressman. Who is the --

8 Q. Who was the district director?

9 A. Chuck O'Nesti.

10 Q. And whom would you report to?

11 A. Supposed to report to Chuck O'Nesti.

12 THE COURT: Could you speak up a little more?  
13 Your voice is kind of falling off at the edge.

14 THE WITNESS: She told me not to hold it so  
15 close.

16 THE COURT: That's better.

17 Q. You said you didn't like to go to Chuck?

18 A. That's right, Jim.

19 Q. But you did go to others, didn't you?

20 A. Jackie would discuss it and comment, her or Grace  
21 would comment about it. They knew.

22 Q. Did you ever work in the same office with Henry  
23 DiBlasio?

24 A. No, I didn't.

25 Q. Was Henry DiBlasio a public persona type of guy?

## Manente - Redirect

- 1 A. You mean did he get out and about a lot?
- 2 Q. Yes.
- 3 A. I was not aware of what he did, truthfully, being  
4 that I never worked with him.
- 5 Q. Was Chuck an outgoing guy?
- 6 A. Outgoing in which way? Talking to people?
- 7 Q. Out in the public eye?
- 8 A. Pretty much.
- 9 Q. Was Henry that sort of guy?
- 10 A. I don't think. To be out like Chuck was, maybe not.
- 11 Q. Now, this common knowledge thing that they're  
12 discussing, who, if anyone, ever checked where George  
13 Buccella really was?
- 14 A. I'm not aware of that. I don't know.
- 15 Q. So all George Buccella had to say was he got a call,  
16 and he had to see the Congressman?
- 17 A. That's --
- 18 Q. Is that about it?
- 19 A. Yes. When he first got the call, yes, he would say,  
20 "I have to do something for the Congressman."
- 21 Q. And you'd assume that George would be doing farm  
22 work? Is that what you said you assumed?
- 23 A. I wouldn't assume that until George would come back  
24 and how he talked about the time.
- 25 Q. And every time he got that call, he'd come back and

Manente - Redirect

1 say he was at the farm?

2 A. Basically. He --

3 Q. Pardon?

4 A. I was going to say he referred to the farm as "down  
5 south."

6 Q. Down south. But you assumed, your testimony was you  
7 assumed he was down south?

8 A. When George left the office, Congressman, I had no  
9 way of knowing where he was, because it would always be my  
10 superiors who would make the call to him, so I didn't  
11 question that.

12 Q. How would you know he wasn't at the racetrack?

13 A. I wouldn't know that.

14 Q. How would you know he wasn't at the pizza shop?

15 A. I wouldn't know that.

16 Q. How would you know if what George was telling you was  
17 the truth?

18 A. I wouldn't know.

19 Q. So all George Buccella had to do was say, "I'm going  
20 south," and he's just able to go south?

21 MR. KALL: Objection. This is leading.

22 THE COURT: You can answer.

23 A. He would talk about it when he got back.

24 Q. But if he talked about being at the farm when he got  
25 back, how do you know he was telling you the truth that he

Manente - Redirect

1 was at the farm?

2 A. Congressman, as you know, I never even had the phone  
3 number for the farm, so I have no idea. I mean, I -- it  
4 wasn't for me to check on him, so I don't know.

5 Q. Was there anybody other than me that called to  
6 inquire about George Buccella's work habits?

7 A. I think over the years maybe Jackie, maybe Chuck on  
8 occasion would call to ask if he was there.

9 Q. When I called, what were the purposes of my calls  
10 about George Buccella?

11 A. I remember one specific time you called, it was maybe  
12 around 9:00, and you did ask --

13 MR. KALL: Objection. This is hearsay, Your  
14 Honor.

15 MR. TRAFICANT: It was talked about on cross.  
16 Subject to discussion on direct.

17 THE COURT: She can't testify as to what the  
18 purpose -- what your purpose was as to the calls for George  
19 Buccella.

20 The question to her was, "When I called, what were  
21 the purposes of my calls about George Buccella?" She would  
22 have no way of knowing your purposes.

23 BY MR. TRAFICANT:

24 Q. Did I call you and inquire about George's work time  
25 activities?

Manente - Redirect

1 MR. KALL: Objection. Hearsay, leading.

2 THE COURT: Both. Sustained.

3 Q. Did you and I have conversations about George's work  
4 habits?

5 MR. KALL: Objection. Hearsay.

6 THE COURT: The question itself isn't. You  
7 can answer that.

8 A. On occasion you would ask me, yes. Yes, you did.

9 Q. And what was your impression of those conversations?

10 A. My impression -- (pause).

11 Q. Yes?

12 A. You mean like if you asked if he was there and he  
13 wasn't, I remember one time you told me you wanted him  
14 there at 8:30 in the morning. You were checking on him.

15 Q. Now, the government asked you how can you recall if  
16 they didn't ask you about all these other businesses that  
17 George owned. Was that not a question that the prosecutor  
18 posed to you?

19 A. I'm sorry. I didn't catch that, Jim.

20 Q. The government talked about your grand jury  
21 testimony, and they mentioned that: Do you recall if they  
22 talked to you about all these other businesses that George  
23 owned?

24 A. I don't believe they did. I don't remember. I think  
25 it was just a discussion of the pizza shop and his time

## Manente - Redirect

1 coming in initially. I don't recall anything else.

2 Q. Was there a time when somebody got on George's back  
3 about his appearing at work?

4 A. I think that he was reprimanded by our superiors, and  
5 you were angry that he wasn't there.

6 Q. Did you ever get a call from me about any other of  
7 your employees about their work habits?

8 A. No.

9 Q. Did I micromanage your office?

10 A. No. You pretty much left us -- you always said as  
11 long as we were doing -- you didn't get complaints about  
12 our office from the constituents, that you knew we were  
13 doing our job.

14 Q. Did I tell you how to do your job?

15 A. No, you didn't. We had very little conversation,  
16 Congressman, over the years.

17 Q. Was it business oriented, Betty?

18 A. Yes.

19 Q. Did George Buccella put in an average of 30 hours a  
20 week?

21 A. It was always difficult to really pinpoint George's  
22 times because I never knew when he said he had to do  
23 something for you if he was representing you, or whatever.  
24 I never really knew for sure. It was difficult keeping  
25 track of George.

## Manente - Redirect

1 Q. Did you know of George doing congressional work on  
2 the weekend?

3 A. Yes. I think everybody does.

4 Q. Do you know of George working at night for the  
5 Congressman?

6 A. There were occasions that he would tell me that he  
7 did, yes.

8 Q. Did George participate in helping settling strikes?

9 A. Yes.

10 Q. Did some of those strikes last five days?

11 A. I think the RMI strike.

12 Q. Did George Buccella ever drive me to D.C.?

13 A. Yes, he did talk about that.

14 Q. Did he attend trustee meetings throughout the state?

15 A. He was -- yes.

16 Q. After hours, is it your time?

17 A. Yes.

18 Q. Can I tell you what to do with your time, Betty?

19 A. No, you can't.

20 Q. Have I ever asked you to do anything or forced you to  
21 do anything?

22 A. No.

23 Q. To your knowledge, have I ever forced anyone on my  
24 staff to do anything?

25 A. Not to -- I couldn't say you force anyone.

## Manente - Redirect

- 1 Q. Was my staff afraid of me?
- 2 A. I don't think so.
- 3 Q. Was anyone on my staff ever afraid of me?
- 4 A. I don't believe so.
- 5 Q. Do you know if I ever fired anybody on my staff?
- 6 A. I don't -- I was never privy to anything. I don't
- 7 believe.
- 8 Q. In Trumbull County, did you recommend employees?
- 9 A. Yes.
- 10 Q. Did you recommend employees that I had no prior
- 11 knowledge of?
- 12 A. I think there was a young intern who became an
- 13 employee.
- 14 Q. Did I know this person at all?
- 15 A. No.
- 16 Q. Did I employ this person?
- 17 A. Yes.
- 18 Q. On whose recommendation?
- 19 A. On my recommendation.
- 20 Q. Who was the boss of Trumbull County?
- 21 A. I was.
- 22 Q. Who had the right to hire?
- 23 A. You did.
- 24 Q. Did I appoint some political flunky --
- 25 A. Meaning --

## Manente - Redirect

- 1 Q. -- in that spot? Or did I hire your recommendation?
- 2 A. You hired the young lady who interned.
- 3 Q. Could I have said, "Betty, I'll hire who I want"?
- 4 A. You didn't say that.
- 5 Q. But could I have?
- 6 A. Sure.
- 7 Q. Did I let anyone ever act as Congressman for me?
- 8 A. No, sir.
- 9 Q. Was it understood who the Congressman was?
- 10 A. Yes.
- 11 Q. Was it understood who the boss was?
- 12 A. Yes.
- 13 Q. And did I ever threaten anyone, to your knowledge?
- 14 A. Not to my knowledge.
- 15 Q. When a case met a dead end, what would you do?
- 16 A. Most generally, if I had trouble with something and I
- 17 wasn't sure how to handle it, I would talk to Jackie Bobby,
- 18 and then she ultimately would maybe discuss it with you or
- 19 whoever.
- 20 Q. Did you ever on occasions have certain issues of
- 21 trouble that you contacted me directly?
- 22 A. There were a few occasions.
- 23 Q. And were they major?
- 24 A. Pretty much, something we couldn't handle or
- 25 something that you would need to get involved in

Manente - Redirect

1 personally.

2 Q. Were you able to resolve in most cases the matters  
3 that came before Trumbull County, Betty?

4 A. The regular constituent work, yes. VA, IRS,  
5 immigration, that stuff.

6 Q. Now, I have here a box. Are you familiar what's in  
7 this box?

8 A. Those are George's closed cases.

9 Q. These are closed cases?

10 MR. KALL: Objection, Your Honor. We've  
11 never seen this. It's not been provided to us in  
12 discovery.

13 THE COURT: This will be something that you  
14 need to provide to the other side before you get into --

15 Q. Are these confidential cases, Betty?

16 THE COURT: Congressman you're talking across  
17 me. You're ruining the record in your own case.

18 These have to be shown to the other side, as you well  
19 know, before you use them in any way, and so you can't use  
20 those right now.

21 MR. TRAFICANT: Okay.

22 Q. I can ask this question, I think. Betty, are our  
23 cases confidential?

24 A. Yes, they are.

25 Q. Without a subpoena, can I show them to the

Manente - Redirect

1 government?

2 MR. KALL: Objection. This calls for a  
3 legal conclusion.

4 THE COURT: It does.

5 Q. Is anyone allowed to see those cases, Betty?

6 A. I was always told that they're confidential. If  
7 someone has a problem and they come to our office, we're  
8 not to share it with anyone.

9 Q. Did you ever share any matter of any case with  
10 anyone?

11 A. Not that I can recall.

12 Q. Were you ever subpoenaed for George Buccella's  
13 records?

14 A. No. No, I wasn't.

15 Q. Did he maintain an active case load?

16 A. Yes.

17 Q. Did he service that case load?

18 A. Yes.

19 Q. What is the amount of hours that a congressional,  
20 full-time congressional employee must put in?

21 A. I was never aware until April, 2000, when I got the  
22 memo from Paul Marccone that it's a 30-hour minimum, but we  
23 worked 8:30 to 4:30, and longer sometimes.

24 Q. How many hours is our offices open, Betty?

25 A. 8:30 to 4:30.

## Manente - Redirect

1 Q. And how many hours do our workers average a week?

2 A. That depends. I mean, if you have to go  
3 represent -- if we have to represent you in the evenings or  
4 something, then it would be longer, but we're there from  
5 8:30 to 4:30.

6 Q. Was George always seeking pay raises?

7 A. I really don't know. He wouldn't go through me for  
8 that.

9 Q. As his supervisor, why did you assume George's  
10 behavior?

11 A. Why did I assume his behavior?

12 Q. Yes. Assume his statements of behavior.

13 A. I think because right from day one, it was sort of a  
14 general consensus. Maybe because he talked about -- maybe  
15 because I was never actually involved in what he did, I  
16 really didn't have the authority to tell George when to go,  
17 when to come back, or where to go.

18 I took instructions on that myself, as far as  
19 where I went in representing you, so I wasn't really -- I  
20 was a supervisor, but I wasn't overall supervisor as far as  
21 did I have the authority to actually tell George if he  
22 received a call from one of my superiors what to do or what  
23 not to do, and I never crossed that barrier of command.

24 Q. Now, did they call George or did they call you for  
25 George?

Manente - Redirect

1 A. They never -- they never went through me, Jim. They  
2 never went through me. If they called, they would ask  
3 whoever answered the phone, which generally it was some  
4 other staff, and they would go directly to George.

5 I can never recall anyone ever saying to me to send  
6 George to the farm or send him south, or any of that. I  
7 cannot recall.

8 Q. Had they said that to you, would you have gone along  
9 with it?

10 MR. KALL: Objection. Speculation.

11 THE COURT: Sustained.

12 Q. So you don't know if George was at the farm or at the  
13 racetrack, do you?

14 A. Physically, I don't know where George was when he  
15 left the office.

16 Q. So you don't know if George was at the farm or at the  
17 pizza shop, do you?

18 A. I don't remember when he closed that pizza shop. I  
19 don't know if he still had it when he was working under my  
20 supervision in Trumbull County. I don't remember what year  
21 that was. But I didn't know when he left the office -- the  
22 nature of congressional offices are a lot of times you have  
23 to attend meetings and go to different places, so -- and I  
24 was not the one who gave those directives, so I'm not sure.

25 Q. So you don't know if George met with the Congressman

## Manente - Redirect

1 about a strike, would you?

2 A. Not if I wasn't told, no. Sometimes we would just  
3 most generally say, "I have to go meet the boss," or, "I  
4 have to go do something for the boss."

5 Q. So sometimes it was do something for the boss and  
6 sometimes it was go south? Is that your testimony?

7 A. Yes.

8 Q. After our conversations about Buccella, did you  
9 establish a time sheet for Buccella's attendance at work?

10 A. No. Those directives would have come from, again,  
11 the chain of command. That wasn't for me to do that. I  
12 mean, if he was called by someone else to go somewhere, you  
13 know -- I mean, I told him to be in the office at 8:30,  
14 yes, I said, many, many times.

15 Q. At whose direction?

16 A. His contention was when he was coming in late in the  
17 morning that he was doing congressional work by meeting  
18 with constituents.

19 Q. At whose direction did you, in fact, confront George  
20 Buccella about his working habits?

21 A. I think mostly I talked to Jackie, Jackie Bobby. A  
22 lot of times he would catch heck from them about different  
23 things. So it wasn't where everybody would come to me and  
24 say, "You're the supervisor, you take care of this."

25 Q. Did you ever have a direct order from me about his

## Manente - Redirect

1 work attendance?

2 A. Yes. I remember when you called and you were really  
3 mad because he wasn't there, and you said, "I want him  
4 there at 8:30." And I did tell him that. And that lasted  
5 for a couple of weeks.

6 Q. George was the biggest abuser, wasn't he?

7 A. Well, with the time coming in like that, I didn't set  
8 those times for him, so I don't know what -- how that  
9 happened.

10 Q. So George basically didn't listen to anybody, did he?

11 A. I can't speak for anybody else, but as far as the  
12 time element, coming in at 8:30, he did not adhere to that  
13 time.

14 Q. And when that happened, who called you?

15 A. You mean when that happened --

16 Q. When he disregarded everybody, who called you about  
17 his time?

18 A. Well, you called me that one time I remember.

19 Q. Who was in charge of the congressional district? Who  
20 was the boss in that district?

21 A. I was the office manager.

22 Q. And who was your boss?

23 A. You were.

24 Q. And when Buccella's time matter became an issue, and  
25 it was disregarded, who finally stepped in?

## Manente - Redirect

1 A. You did. I believe you told me about it. It lasted  
2 for a couple weeks.

3 Q. Did you report back to me that he started to abuse it  
4 again?

5 A. No, because he would get -- if he had to go  
6 somewhere, it wasn't from me, the directives. You mean as  
7 far as him coming in at that time? Repeatedly I told him  
8 to be in on time.

9 Q. After my call?

10 A. Uh-huh.

11 Q. Why were you afraid of Chuck O'Nesti?

12 A. Okay, I'll answer that. There was a time that I had  
13 sent a letter to you asking if you would consider me for a  
14 raise, and somehow Charlie must have got ahold of it, and  
15 he didn't tell me he did, but he sort of reiterated  
16 everything I said in the letter for a period of about a  
17 month or so. And I didn't say anything to you about that,  
18 but I just figured I didn't want to deal with him anymore  
19 on any issues.

20 Q. Did you have -- was your concern about going over his  
21 head?

22 A. Yes. Yes. We were told that we couldn't go over his  
23 head.

24 Q. Who told you that?

25 A. Well, it was Charlie, for one thing, said that, "If

## Manente - Redirect

1       you have anything to say, you come to me. You don't bother  
2       the Congressman."

3       Q.     Did you ever get your raise?

4       A.     I don't recall at that time. I don't think at that  
5       time I did. But maybe. I can't recall.

6       Q.     Did you ever bring it to my attention for a raise at  
7       some point?

8       A.     Yes.

9       Q.     Did you get the raise?

10      A.     Yes, I did. You're always fair with that.

11      Q.     And did you go through Mr. O'Nesti that time?

12      A.     For the raise? I think I seen you out one time, and  
13      I mentioned it to you.

14      Q.     Personally?

15      A.     Yes. Not another letter.

16      Q.     Were you afraid to send another letter?

17      A.     Yes, yes.

18      Q.     So if Chuck O'Nesti called Mr. Buccella, how would  
19      you know he was doing work for me or for Mr. O'Nesti?

20      A.     I would have no idea of that, Jim.

21                   MR. TRAFICANT: No more questions.

22                   THE COURT: Thank you.

23                   MR. KALL: Nothing further, Your Honor.

24                   THE COURT: Thank you. You can step down.

25       Be careful.

1 (Witness excused.)

2 THE COURT: We're going to take our lunch recess now.  
3 We'll see the jury back at 1:30, and remember all your  
4 admonitions. We're also going to wait here while the jury  
5 gets organized so they can be taken out before we leave.

6 Thank you

7 (Jury out at 11:56 a.m.)

8 THE COURT: If all of you will be just be  
9 seated, they'll be bringing them through in just a minute,  
10 and then we'll all go out.

11 THE CLERK: This Honorable Court is in recess  
12 until 1:30.

13 MR. TRAFICANT: I do have a proffer for the  
14 record at some point, and I do have some business and  
15 motions for the Court.

16 THE COURT: Fine.

17 MR. TRAFICANT: And I have other witnesses.

18 THE COURT: Good. Who is your next witness?

19 MR. TRAFICANT: I don't know yet. I don't  
20 know who's back there. They're on a subpoena list, and  
21 I'll know when I get there.

22 THE COURT: Okay. These documents that you  
23 haven't shown yet to the other side --

24 MR. TRAFICANT: These are confidential. If  
25 they want to look at them, I will not allow them to be

1 taken without a subpoena. If they want to subpoena them,  
2 they can take them. And if they do, I want it placed on  
3 the record. These are closed cases of George Buccella, and  
4 they are only subject to subpoena. I will not release  
5 them.

6 And they must be reviewed by general counsel  
7 of the House of Representatives. If they want to come look  
8 at them without looking at names, they're eligible to come  
9 see the volume and number of them.

10 THE COURT: Thank you. Now I'm clear about  
11 how you intend to handle this, and we'll let them respond.

12 MR. MORFORD: Your Honor, based on what he  
13 just said and based on the fact that he's been told on  
14 numerous occasions that he had to give us discovery of any  
15 matters he wanted to use as evidence, I ask that those  
16 files be excluded because he did not provide them to us in  
17 discovery, and he has not provided copies to us.

18 MR. TRAFICANT: I will stipulate that I am  
19 not offering them to be admitted in evidence. They're  
20 confidential matters. They were just brought here to make  
21 a point.

22 THE COURT: Okay. Well, if you're going to  
23 make a point, you're doing something in the case that  
24 affects the case, so if you will just remove them now while  
25 you go to lunch and put them somewhere else, we'll decide

1 later if we need to -- whether having them sit there makes  
2 any sense or not.

3 MR. TRAFICANT: The government can subpoena  
4 them.

5 MR. MORFORD: We have no reason to, Your  
6 Honor.

7 THE COURT: Thank you. We're in recess.

8 (Whereupon, at 11:59 a.m., the luncheon recess was  
9 had, to reconvene at 1:30 p.m., the same day.)

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Carna - Direct

1 THURSDAY, APRIL 4, 2002, AFTERNOON SESSION, 1:31 P.M.

2 THE COURT: Congressman, who is your next  
3 witness?

4 MR. TRAFICANT: Mary Ann Carna.

5 THE COURT: Mary Ann --

6 MR. TRAFICANT: M A R Y, C A R N A, relative  
7 to the Sugar case.

8 THE COURT: Very well. You can bring in the  
9 jury.

10 THE CLERK: All rise for the jury.

11 (Jury in at 1:32 p.m.)

12 THE COURT: Just sort of go around the court  
13 reporter, come up the steps. Thank you. Would you raise  
14 your right hand?

15 (The Witness is Sworn)

16 THE COURT: Have a seat, please. It's a big  
17 courtroom, so you'll need to speak out so everyone can hear  
18 you in the back. There is water here. And you might want  
19 to pour some water if you think you might want some.

20 DIRECT EXAMINATION OF MARY ANN CARNA

21 BY MR. TRAFICANT:

22 Q. Good afternoon, Mary Ann.

23 A. Good afternoon.

24 Q. Would you please give your full name and spell your  
25 last name for the jury?

Carna - Direct

- 1 A. Mary Ann Carna, C A R N A.
- 2 Q. And where do you reside?
- 3 A. 101 Leslie Drive, Edenberg, PA, 16116.
- 4 Q. 16116?
- 5 A. Correct.
- 6 Q. And what is your occupation?
- 7 A. I work for a cement company, T. C. Redi-Mix, of
- 8 Youngstown.
- 9 Q. And how long have you worked for T. C. Redi-Mix?
- 10 A. Ten-plus years.
- 11 Q. What was your employment before you worked with T. C.
- 12 Redi-Mix?
- 13 A. I was an X-ray technician at North Side Hospital.
- 14 Q. And how long were you with the North Side Hospital?
- 15 A. I went to school there two years and worked for about
- 16 a year after.
- 17 Q. Is that when you went to work at T. C. Redi-Mix?
- 18 A. Actually, not right away. I had the children, and
- 19 then I went to work.
- 20 Q. How many children do you have?
- 21 A. I have two daughters.
- 22 Q. Now, who is the owner of T. C. Redi-Mix?
- 23 A. T. C. Redi-Mix of Youngstown is owned by Sherry
- 24 Andrews.
- 25 Q. Were you interviewed by the FBI?

Carna - Direct

1 A. About a year and a half ago they came down to the  
2 office, asked questions, and I had to produce deposit slips  
3 showing them that payments were made on your account.

4 Q. Do you know if they had a subpoena?

5 A. No, I don't. I can't remember that. I was upstairs,  
6 and they walked up the steps.

7 Q. How many FBI agents were there?

8 A. There were two.

9 Q. Do you remember their names?

10 A. No, I do not.

11 Q. What deposit slips were they concerned about?

12 A. The deposit slips on cement that was taken on Island  
13 Drive on Route 170.

14 Q. And what residence do you know that to be?

15 A. I don't. I don't know who lives there.

16 Q. Was there an account number and an individual's name  
17 that they inquired about?

18 A. Yes. James Traficant.

19 Q. I'm going to show you a number of documents, but  
20 first show them to the -- do you have them?

21 MR. MORFORD: Yes, we do.

22 MR. KALL: Yes.

23 MR. TRAFICANT: And show them to the Judge.

24 THE COURT: Thank you.

25 MR. TRAFICANT: There are a total of nine,

Carna - Direct

1 and there is two of each, Your Honor.

2 THE COURT: Okay. Let's put their numbers  
3 on.

4 MR. TRAFICANT: There's numbers. They are  
5 all numbered. There are two of TC-1, two of TC-2, et  
6 cetera, et cetera.

7 THE COURT: The reporter is writing this down  
8 for you, so why don't you just go through --

9 MR. TRAFICANT: TC-1 through TC-9 at this  
10 point.

11 THE COURT: Thank you.

12 BY MR. TRAFICANT:

13 Q. When did you deliver these to me, Mary Ann?

14 A. Let me see the date.

15 Q. When did you hand them to me physically --

16 A. Oh, just now.

17 Q. Just now?

18 A. Yes.

19 Q. Did you just get to town?

20 A. Yes, I did. I came in as soon as I could.

21 Q. Are these the documents you handed me?

22 A. Yes, they are.

23 MR. TRAFICANT: Your Honor, can I pursue  
24 these?

25 THE COURT: Yes.

Carna - Direct

1 Q. Now, this is known as TC-1. Can you describe what  
2 this is?

3 A. Oh, yes. That's our yard order from the office.  
4 When we ship out an order, we print a yard order, and it  
5 goes with the truck upon delivery.

6 Q. And where was it sent to?

7 A. The bill was sent to 11 Overhill Road, Youngstown,  
8 Ohio, James Traficant.

9 Q. And what was it in relation to?

10 A. Materials used for whatever they wanted to use it  
11 for, the cement or whatever. And the fiber mesh is a  
12 reinforcement for the concrete.

13 Q. So how many yards of concrete were ordered at that  
14 point?

15 A. 13 yards of six sack, with 13 bags of fiber for  
16 reinforcement.

17 Q. And what was the date of it?

18 A. I didn't bring my glasses -- 3-28 of 2000.

19 Q. Do you know what company ordered this material?

20 A. I believe it was Sugar Contracting that ordered it.  
21 The reason why I know that is because I needed to ask who I  
22 bill. They told me I am to bill James Traficant. I asked  
23 for the mailing address. I do all the bookwork.

24 Q. Did you get paid?

25 A. Oh, yes, definitely, in full.

## Carna - Direct

- 1 Q. And how were you paid?
- 2 A. By check.
- 3 Q. By check, from whom?
- 4 A. The name on the check was Traficant.
- 5 Q. This is now TC-2. Do you see TC-2 on the right up
- 6 there?
- 7 A. Yes.
- 8 Q. And what is the date of the invoice?
- 9 A. 3-27. That's the yard order -- oh, that's the
- 10 invoice. That's the billing, yes.
- 11 Q. And where was the invoice sent?
- 12 A. It was billed to Jim Traficant, 11 Overhill Road,
- 13 Youngstown, Ohio.
- 14 Q. And how many yards were ordered?
- 15 A. There were 12 yards of six sack, 12 bags of fiber,
- 16 which is the reinforcement, and expansion joint to put, you
- 17 know, for the cuts of the concrete.
- 18 Q. And was that the amount?
- 19 A. Oh, yes, definitely.
- 20 Q. And how was this account paid?
- 21 A. By check through Mr. Traficant. Payments were made
- 22 on a monthly basis.
- 23 Q. They were monthly payments?
- 24 A. Yes.
- 25 Q. Payment basis?

Carna - Direct

- 1 A. There was one month, I believe there were two checks  
2 in one-month's time.
- 3 Q. Would you identify the exhibit number?
- 4 A. That's TC-3.
- 5 Q. And what is it?
- 6 A. That's the invoice.
- 7 Q. And where was it -- who was it billed to?
- 8 A. To James Traficant, 11 Overhill Road, Youngstown,  
9 Ohio.
- 10 Q. And what was ordered?
- 11 A. That was the 13 yards of six sack with the  
12 reinforcement fiber.
- 13 Q. And is that the amount?
- 14 A. Yes, that's the amount you were billed for.
- 15 Q. And did you accumulate an amount of costs for  
16 concrete?
- 17 A. There were two invoices totaling \$1800 and some  
18 dollars.
- 19 Q. And how was this paid?
- 20 A. That was paid by check on monthly payments.
- 21 Q. By whom?
- 22 A. Traficant.
- 23 Q. Would you identify this document number at the top  
24 right-hand corner?
- 25 A. That's TC-4, yard order.

Carna - Direct

- 1 Q. And who was it billed to?
- 2 A. James Traficant, 11 Overhill Road, Youngstown, Ohio.
- 3 Q. And what was the date on it?
- 4 A. That's the 27th of March, 2000.
- 5 Q. And what was ordered?
- 6 A. Six sack, 12 yards of it, with 12 bags of
- 7 reinforcement, plus expansion joint.
- 8 Q. And what was the amount?
- 9 A. Well, that's the yard order that will be turned into
- 10 the invoice. You have it over there.
- 11 Q. And what is the --
- 12 A. That's TC-5. That's the customer history of James
- 13 Traficant. That is when he ordered it and payments posted
- 14 to his account every time that he paid.
- 15 Q. How many invoices were sent?
- 16 A. Two invoices were sent.
- 17 Q. How many payments were made?
- 18 A. Nine payments were made, if I counted right.
- 19 Q. What was the amount of those payments? Are they
- 20 listed?
- 21 A. Yes, they are. They're listed on the deposit slips
- 22 because I have to credit certain times there, but on the
- 23 deposit you'll see there were some \$200 payments applied,
- 24 some \$300 payments applied. When he mailed it, it was
- 25 applied.

Carna - Direct

- 1 Q. When who mailed it?
- 2 A. Mr. Traficant.
- 3 Q. Do you know who Mr. Traficant is?
- 4 A. I'm looking at him. This is the first time I met
- 5 you, sir.
- 6 Q. And what was the total invoices?
- 7 A. \$1844.40.
- 8 Q. And how was it paid?
- 9 A. By checks monthly by Mr. Traficant.
- 10 Q. And would you identify this by an exhibit number?
- 11 A. TC-6.
- 12 Q. And what does this signify?
- 13 A. That's our T. C. Redi-Mix deposit slip of people that
- 14 mail in payments or pay. It goes on a deposit slip, and we
- 15 take it to the bank. As you can see, there's a lot of
- 16 customers on that deposit slip.
- 17 Q. And what does this signify?
- 18 A. I see Traficant for \$300.
- 19 Q. And how was that paid?
- 20 A. That was paid by check.
- 21 Q. And it was deposited on that date?
- 22 A. Yes, it was. As a matter of fact, that's my
- 23 handwriting.
- 24 Q. Is this the first time you've testified at a trial
- 25 like this?

Carna - Direct

- 1 A. Yes, sir.
- 2 Q. Are you nervous?
- 3 A. Not at all.
- 4 Q. Do you have immunity?
- 5 A. No.
- 6 Q. Would you identify this by an exhibit number?
- 7 A. TC-7.
- 8 Q. And what is this?
- 9 A. That's our T. C. Redi-Mix deposit slip on June 5th of  
10 2000, a payment was made and deposited on our deposit slip.
- 11 Q. And how much of a deposit --
- 12 A. \$200 I can see.
- 13 Q. There was a payment of \$200?
- 14 A. Yes. I believe that's the month there were two of  
15 them, in June.
- 16 Q. I had a good month?
- 17 A. You must have.
- 18 Q. And can you identify this by exhibit number?
- 19 A. TC-8.
- 20 Q. And what does it account for?
- 21 A. That's our Redi-Mix deposit record on 6-26 -- a  
22 check -- well, all checks were deposited that came in.
- 23 Q. Into what bank?
- 24 A. Sky Bank.
- 25 Q. What does that signify?

Carna - Direct

1 A. \$300 by check, paid by Traficant.

2 Q. Would you identify the exhibit number?

3 A. TC-9.

4 Q. And what does that signify?

5 A. July 11th of 2000, our deposit slip to Sky Bank.

6 Q. And what does it signify?

7 A. James Traficant, \$200 payment on his account.

8 Q. Now, do you have any other items with you that you  
9 were not able to photocopy?

10 A. Yes, I do. I have deposit slips. They're yellow in  
11 color. They're my originals, and the copy machine wouldn't  
12 accept copying them.

13 Q. Can I have them now?

14 A. Yes, you may.

15 MR. TRAFICANT: Can I show them to Your Honor  
16 and then identify them since they would not be copied?

17 THE COURT: Show it to them first. Thanks.

18 MR. TRAFICANT: I mark this entire exhibit as  
19 TC-10 even though therapy separate. Is that okay?

20 MR. MORFORD: That's fine.

21 MR. TRAFICANT: Your Honor, I'd like for you  
22 to see them since they couldn't be copied. I would have  
23 had them individually copied, and they're all under TC-10  
24 and I would identify them all as TC-10. I didn't have time  
25 to do so.

Carna - Direct

1 THE COURT: Thank you.

2 MR. TRAFICANT: Thank you, Your Honor.

3 Q. Mary Ann, had you been able to photocopy this, would  
4 you have done so?

5 A. Oh, definitely.

6 Q. So these are all TC-10, and I may make the first one  
7 TC-10, and may we designate them.

8 Would you state what that is?

9 A. That says TC-10, December 15th, I believe, of 2000.  
10 It's kinds of light. T. C. Redi-Mix deposit slip.

11 Q. And is there a payment on there?

12 A. Yes, there is. James Traficant, \$200.

13 Q. The next one I will identify as TC-11, although they  
14 were in a packet. How was that paid, TC-10?

15 A. Oh, by check. It's on my deposit slip.

16 Q. From whom?

17 A. From James Traficant.

18 Q. Would you identify this number?

19 A. TC-11.

20 Q. And what is it?

21 A. It's our deposit slip, January of '01. I think  
22 that's January 11th. It's kind of light.

23 Q. And is there a payment listed?

24 A. Yes. I see for \$200.

25 Q. And how was that payment made?

Carna - Direct

- 1 A. By check by James Traficant.
- 2 Q. Next would be known as TC-12. And would you identify  
3 this by number?
- 4 A. TC-12, February 15th, 2001.
- 5 Q. And what is it at the top?
- 6 A. That's our deposit record from T. C. Redi-Mix to Sky  
7 Bank.
- 8 Q. And was there a payment made there?
- 9 A. Yes, there was, for \$200.
- 10 Q. Would you look at it again?
- 11 A. I'm sorry, \$244.40.
- 12 Q. And how was that paid?
- 13 A. By check.
- 14 Q. This would be TC-13. Would you identify this?
- 15 A. TC-13, T. C. Redi-Mix deposit slip.
- 16 Q. And what is the date?
- 17 A. 11-10 of 2000.
- 18 Q. And how much was paid?
- 19 A. I can't see. \$200.
- 20 Q. And how was this paid?
- 21 A. By check. Every check we received came through the  
22 mail.
- 23 Q. Were all of these checks relative to the same order  
24 placed by Sugar Construction?
- 25 A. Yes. If you add up the payments on the deposits, you

## Carna - Direct

1 will see that it equals the amount of the invoices that you  
2 were billed for.

3 Q. Were you paid in full?

4 A. In full to the penny.

5 Q. Was there any outstanding balance?

6 A. None whatsoever.

7 Q. Was it understood that the account would be paid over  
8 a period of time?

9 A. We just mail out the statement and we received a  
10 check monthly.

11 Q. Was there any invoices that failed to be paid?

12 A. None.

13 Q. Did you have to call for any late payments?

14 A. No, absolutely not. What you were billed for you  
15 paid for. What you took, you paid for.

16 Q. Now, when the FBI came in, did you show them this  
17 information?

18 A. I gave them the customer history report, and when  
19 they came in, at the time you were still in process of  
20 making payments with a balance. They took the deposit  
21 slips that I had that you made payments. I offered copies.  
22 They took my originals.

23 Q. They took your originals?

24 A. Yes.

25 Q. Did you ever get your originals back?

Carna - Direct

- 1 A. No, not yet, huh-uh.
- 2 Q. Did you ever ask for your originals?
- 3 A. I wouldn't even know who to call to ask for them.
- 4 Thank God I made copies of them.
- 5 Q. Why do you say thank God you made copies?
- 6 A. Because there's other customers also on those deposit
- 7 slips, and if there was any problems, I would have to look
- 8 back to see if anybody else paid, too.
- 9 Q. You were not served with a subpoena?
- 10 A. I was not.
- 11 Q. Why did you give them the originals?
- 12 A. I was upstairs, and when they came in, they came
- 13 upstairs, and they asked, and I said, "Sure, he's making
- 14 payments." He took, you know, concrete, and I can give you
- 15 the information."
- 16 Q. And they would not accept the copies? Did you offer
- 17 copies?
- 18 A. I told them I'd like to keep, you know, my originals.
- 19 I mean that's how I operate, but they said, no, that they
- 20 wanted the originals, so I went ahead and made copies for
- 21 my own purpose.
- 22 Q. Would you like to ask for your originals to be
- 23 returned right now?
- 24 A. It doesn't matter. I have the copies now.
- 25 Q. Is there anything else you can tell me about the FBI

## Carna - Cross

1 visit to you?

2 A. That was it.

3 Q. Did they ask you to contact them if you received any  
4 further payments?

5 A. No.

6 MR. TRAFICANT: No further questions at this  
7 time.

8 THE COURT: Thank you. You may inquire.

9 MR. MORFORD: Thank you, Your Honor.

10 May I see those?

11 MR. TRAFICANT: Yes.

12 CROSS-EXAMINATION OF MARY ANN CARNA

13 BY MR. MORFORD:

14 Q. Good afternoon.

15 A. Good afternoon.

16 Q. We've never met before, have we?

17 A. I don't -- I don't remember your face.

18 Q. Now, as I understand your testimony, you said that  
19 the FBI had asked you for the original receipts.

20 A. I offered them copies from my copy machine, and they  
21 took those.

22 Q. Okay. And you said -- did that create a problem for  
23 you, not having the originals, did you say, or is it okay  
24 because you have copies?

25 A. It's okay because I have copies, but the way I do my

Carna - Cross

1 books and everything, I keep everything so. I don't like  
2 giving my, you know, deposit slips out to anybody.

3 Q. Congressman Traficant asked you if you gave him some  
4 documents this morning, correct?

5 A. Yes, I did.

6 Q. Did he tell you that many of those same documents, in  
7 fact, all the documents you'd given to the FBI, had been  
8 given to him over 12 months ago by us?

9 A. Oh, I wouldn't have any recollection of that. No, I  
10 didn't know.

11 Q. So when he gave you Exhibits -- or when you gave him  
12 Exhibits TC-1, 2, 3, 4, 5, at least any of the documents  
13 that you've given the FBI, he didn't tell you he's had  
14 those for 12 months, did he?

15 A. No, he did not.

16 Q. Now, you didn't actually receive your last payment  
17 from Congressman Traficant, it looks like, until February  
18 15th of 2001; is that correct?

19 A. If that's what that says. I don't know when he made  
20 his last payment. However, as long as he pays, that's all  
21 that matters.

22 Q. Right. I'm just trying for the record here --

23 A. That says 2-15 of '01.

24 Q. And the actual work, you testified -- not the work,  
25 but the delivery of the concrete was March 28th of 2000?

Carna - Cross

1 A. That is correct. We have a lot of customers that do  
2 make payments on a monthly basis. That's fine with us.

3 Q. Right. Now, this was about \$1800 in concrete and  
4 materials, correct?

5 A. Yes.

6 Q. And during the 11 months that it took Congressman  
7 Traficant to pay it, did he ever offer you a horse in lieu  
8 of money?

9 A. Are you kidding? No.

10 Q. Did he ever offer you an old bed or a humidior?

11 A. Nothing.

12 Q. In place of money?

13 A. Nothing. It was strictly a customer relationship.

14 Q. He didn't try to give you any old stuff instead of  
15 cash?

16 A. Nothing. Payments came through the mail, monthly  
17 statements were mailed, and that was that.

18 Q. Now, as I understand your testimony, your company,  
19 T. C. Redi-Mix, did not supply the labor used to pour and  
20 finish the concrete job. You just --

21 A. We just delivered.

22 Q. -- delivered the concrete?

23 A. Correct. That's all our company does. We don't  
24 finish it.

25 Q. And some other company or crew or workers, whatever,

## Carna - Redirect

1 were there to take care of it?

2 A. Called in the order, correct.

3 Q. And so if Dave Sugar testified that he supplied the  
4 labor but that it was up to Congressman Traficant to  
5 arrange and supply the concrete, your testimony would be  
6 entirely consistent with that, correct?

7 A. I billed James Traficant for the materials.

8 Q. So there's nothing inconsistent with what you've told  
9 the jury today with --

10 A. No. I billed it.

11 Q. -- that statement?

12 A. Mr. Traficant for the materials.

13 MR. MORFORD: Thank you.

14 REDIRECT EXAMINATION OF MARY ANN CARNA

15 BY MR. TRAFICANT:

16 Q. Mary Ann, have you ever worked at my farm?

17 A. I don't even know where you live. No, I did not.

18 Q. Now, you were asked a number of questions. Would you  
19 have any knowledge that I ever looked at anything they gave  
20 me?

21 A. No. How -- no.

22 Q. Did I make steady payments on a regular basis from  
23 the original invoice to the conclusion of the contract?

24 A. Yes, you did.

25 Q. And did I make it by check?

## Carna - Redirect

- 1 A. Yes, I did.
- 2 Q. Did I ever hug you?
- 3 A. This is the first time I've ever met you.
- 4 Q. What, if anything, did we do? Did we touch?
- 5 A. We shook hands.
- 6 Q. Oh. I should have hugged you.
- 7 I strike that for the record.
- 8 Now, there was some allusion by the prosecutor of
- 9 some payments made in cash. Were there any payments made
- 10 in cash?
- 11 A. Those checks came through the mail. I open all the
- 12 mail up and I do the deposit slips.
- 13 Q. Now, you just delivered concrete. You don't finish
- 14 it, do you?
- 15 A. Absolutely not. We just supply the sand, the stone,
- 16 the cement, and the water, and it's mixed in our truck.
- 17 Q. And the contractors go ahead and --
- 18 A. Absolutely.
- 19 Q. Now, do you determine the amount of concrete that's
- 20 needed?
- 21 A. If they ask and give us measurements, we help them
- 22 out. If they just call and say I need such-and-such yards,
- 23 we send such-and-such yards.
- 24 Q. Well, who instructed you to bill Jim Traficant?
- 25 A. The contractor, because I didn't know who to bill. I

## Carna - Redirect

1 was confused, and I always ask for a billing address.

2 Q. And you billed?

3 A. James Traficant. That's what I was told to do.

4 Q. And who told you to do that?

5 A. The contractor, when he ordered it.

6 Q. Is there anything unusual about that?

7 A. No. It happens all the time.

8 Q. Were you ever asked to appear before the grand jury?

9 A. No.

10 Q. Were any other accounts ever asked for by the FBI  
11 when they visited you that day?

12 A. No.

13 Q. Now, you've worked there ten years?

14 A. Ten-plus years.

15 Q. How many times has the FBI visited T. C. Redi-Mix?

16 A. I recall them one time being there.

17 Q. And what time was that?

18 A. I don't know if it was late morning or early  
19 afternoon.

20 Q. On what case?

21 A. On James Traficant.

22 MR. TRAFICANT: No further questions.

23 THE COURT: Thank you.

24 MR. MORFORD: Nothing further, Your Honor.

25 THE COURT: Thank you. You can step down.

1 THE WITNESS: Thank you very much.

2 MR. TRAFICANT: Thank you, Mary Ann.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MR. TRAFICANT: I now call Fred Hudach.  
6 These are unrelated matters to which he testified earlier.

7 THE COURT: So you're doing a recall of a  
8 witness?

9 MR. TRAFICANT: On other matters that he was  
10 subpoenaed to testify on. He was voir dired on one issue  
11 only. This has nothing to do with any hearsay. These are  
12 on issues of the trial concerning Cafaro and my case.

13 MR. MORFORD: Your Honor, you had asked that  
14 all matters be taken up outside the jury's presence with  
15 respect to that witness. These matters weren't raised. I  
16 ask they be raised outside the presence of the jury.

17 THE COURT: We'll do it at the next break.

18 MR. TRAFICANT: I have no other witness.

19 THE COURT: For today?

20 MR. TRAFICANT: Mr. Hudach is my last witness  
21 to testify right now --

22 THE COURT: Very good. We'll give you a  
23 brief recess for a brief period of time while we figure out  
24 whether or not Mr. Hudach can testify for a second time.

25 THE CLERK: All rise for the jury.

1 (Jury out at 2:03 p.m.)

2 THE COURT: Jeff, you don't need to do that. This is  
3 not a long break.

4 I believe there was only a voir dire of Hudach.

5 MR. TRAFICANT: He did not testify.

6 THE COURT: And he never testified because  
7 his testimony was excluded during that voir dire.

8 MR. TRAFICANT: It dealt specifically with  
9 the Kerchum matter only, but he was subpoenaed to testify  
10 on two matters: one relating to a Cafaro matter, and one  
11 relating to my trial, as an investigator. It has nothing  
12 to do with hearsay or any of the matters that have been  
13 brought by the prosecution.

14 THE COURT: Okay. I'll let Mr. Morford  
15 respond. We may need some more information.

16 MR. MORFORD: Before we go there, I just  
17 would like, if we can get it on the record, Congressman  
18 Traficant said there is not another witness in his room  
19 today?

20 MR. TRAFICANT: I have another --

21 THE COURT: First of all, let's see whether  
22 we have a witness right now. I'll deal with the --

23 MR. TRAFICANT: I have a character witness  
24 there, as well.

25 THE COURT: Okay. Hold on for just a minute.

1 Let's do one thing at a time.

2 MR. MORFORD: I was just wanting to clarify  
3 that. I'm sorry, Your Honor.

4 MR. TRAFICANT: I didn't realize that these  
5 witnesses would go so fast and the government would be so  
6 astounded and take such a short time on cross.

7 MR. TRAFICANT: Congressman, your comments  
8 are not appropriate even though the jury is not here, so  
9 please be seated so I can listen to what this gentleman has  
10 to say in response to the situation you're presenting.

11 MR. TRAFICANT: Certainly. I wouldn't want  
12 to prevent him from doing so.

13 MR. MORFORD: Your Honor, because of the  
14 nature of Mr. Hudach's background and information,  
15 allegations he's made in the past as a paid investigator  
16 for Congressman Traficant, the Court said it was going to  
17 conduct a voir dire as to Mr. Hudach's testimony.  
18 Congressman Traficant just said he knew about these other  
19 matters and did not go into them. He could have testified  
20 the other day about those things.

21 As to the second part that Congressman Traficant just  
22 indicated Mr. Hudach would testify to, about an  
23 investigation he was conducting for Congressman Traficant  
24 regarding this case, those are matters that directly  
25 related to the voir dire of him the other day and should

1 have been brought out at that time.

2 As to matters regarding Mr. Cafaro, we have no idea  
3 if that includes hearsay matters, we have no idea if that  
4 includes 608(b) matters, but given the way some of these  
5 things have gone on, I would ask that the voir dire -- if  
6 Mr. Hudach is going to be allowed to take the stand again  
7 after Congressman Traficant knew about these matters and  
8 didn't raise them the first time, that if the Court is  
9 going to entertain letting him possibly call him yet again,  
10 that that be done in a voir dire to make sure that these  
11 are not inadmissible areas of evidence that would be put in  
12 front of this jury, particularly because of what the Court  
13 heard from Mr. Hudach the other day, which inevitably will  
14 probably come out at some point during his examination if  
15 it's not done by voir dire.

16 MR. TRAFICANT: It will not come out, and let  
17 me say this --

18 THE COURT: But what you're both -- -- what  
19 you're both discussing is a mystery to me --

20 MR. TRAFICANT: Let me respond. There are  
21 assumptions being made by the prosecutor I take offense and  
22 object to.

23 THE COURT: Let me ask you, apparently there  
24 are two items here. One is about Cafaro and the other one  
25 is about an investigation related to this case.

1 MR. TRAFICANT: To my trial, my personal  
2 trial here that I face.

3 THE COURT: Okay. Talk to me first about the  
4 Cafaro situation.

5 MR. TRAFICANT: It deals with an analysis and  
6 summary of the boat survey relative to testimony that's  
7 been granted, and I think we should voir dire him. He is a  
8 private investigator, was engaged by me, as was  
9 Mr. Robertson, to look at two elements.

10 The only reason we stopped that day is you  
11 cut it off on the Kerchum incident, and he spoke only  
12 relative to Kerchum.

13 THE COURT: But tell me a little more about  
14 the Cafaro part, about the boat.

15 MR. TRAFICANT: The boat and the survey and  
16 the analysis of that, and, in fact, speaking to the issues  
17 of the boat and the survey and the annualization of that  
18 survey.

19 THE COURT: Okay.

20 MR. TRAFICANT: As a part of my defense.

21 THE COURT: Okay. Now, how is this  
22 investigation related to this case issue? Because we did  
23 cover some of that in the voir dire.

24 MR. TRAFICANT: No. We have admitted  
25 evidence in it, but I have not had a chance to totally get

1 at that since I only had a chance at government witnesses,  
2 and they have testified, relative to the boat survey. And  
3 I've asked --

4 THE COURT: Move off the boat survey for a  
5 minute.

6 MR. TRAFICANT: The other one deals with  
7 physical fingerprint evidence. I asked him to do a summary  
8 report since he has done such in forensic cases for the  
9 years, and had done some reporting relative to it.

10 THE COURT: Tell me a little bit more about  
11 this. So this investigator has done a physical --

12 MR. TRAFICANT: He has reviewed the  
13 documents --

14 THE COURT: But what do you mean by physical  
15 fingerprint evidence? I don't understand --

16 MR. TRAFICANT: No. He's not a fingerprint  
17 expert. He is going to discuss the analysis of  
18 recommendations relative to physical evidence regarding  
19 fingerprints.

20 THE COURT: Congressman, that would be  
21 totally irrelevant.

22 MR. TRAFICANT: That would not.

23 THE COURT: We don't have any issue of  
24 fingerprints in this case.

25 MR. TRAFICANT: The government stipulated

1       they had no fingerprint evidence, and I want it put on the  
2       board, I want the record and want the FBI analysis  
3       statement included in this record, and I want Mr. Hudach to  
4       testify to it.

5                   THE COURT:  There is no fingerprint evidence  
6       in this case, Congressman.

7                   MR. TRAFICANT:  Well, this is the point:  I  
8       want the FBI report made a part of the record.  Now, I'll  
9       let him talk about the boat --

10                  THE COURT:  What FBI report?

11                  MR. TRAFICANT:  There was an FBI report given  
12       to me on discovery of fingerprint analysis.  You chose not  
13       to use it.  I can produce it.

14                  Do you want me to produce it?

15                  THE COURT:  Yes.  Pull it out right now.

16                  MR. TRAFICANT:  I'll have to go find it.

17                  MR. MORFORD:  The report says there were no  
18       prints that matched Congressman Traficant on any of --

19                  MR. TRAFICANT:  So you admit there was a  
20       report.

21                  MR. MORFORD:  No.  We had -- it wasn't a  
22       report.  It was a report to say that as to these documents,  
23       Congressman Traficant's fingerprints aren't on any of them,  
24       which we had took testimony and Agent Bushner testified  
25       about that.

1 MR. TRAFICANT: Here is the report. It is  
2 labeled JT-1007, parentheses A A.

3 THE COURT: And does it say your fingerprints  
4 were analyzed?

5 MR. TRAFICANT: It says my fingerprints were  
6 not only analyzed, it is an extensive document that was  
7 turned over to me on discovery, and I have a defense right  
8 to introduce it. Why did they give it to me?

9 THE COURT: Okay. For the record, this is  
10 JT-1007.

11 MR. TRAFICANT: Parentheses double capital A.

12 THE COURT: Parentheses double capital A.  
13 And this is quite a long series of pages. Let me see if I  
14 can tell what it is.

15 MR. TRAFICANT: I surely didn't get it. Now,  
16 I believe my defense will be maligned, harmed --

17 THE COURT: Hold on. Let's look at what we  
18 have.

19 MR. TRAFICANT: It was given to me in  
20 discovery. It's eligible for me to be used. If they  
21 didn't plan to use it, they shouldn't have introduced it  
22 and given it to me.

23 THE COURT: Congressman, stop commenting.  
24 Just a minute. It appears to be about 17 pages long, and  
25 it has stars throughout and some notes on some of these

1 documents. I don't know what the stars have to do with --

2 MR. TRAFICANT: That could be a work product.  
3 He has a salient product, and I'm only interested in the  
4 analysis of it.

5 THE COURT: Okay. You recognize what this  
6 document is. Can you respond to this document?

7 MR. MORFORD: Yes, Your Honor.

8 THE COURT: Which is the one he wants to use  
9 with this witness.

10 MR. MORFORD: This document is the  
11 out-of-court statement of an FBI lab agent in Washington  
12 who was given -- please, sir, would you go stand over  
13 there?

14 THE COURT: Congressman --

15 MR. TRAFICANT: I don't want to miss his  
16 words.

17 THE COURT: Congressman, come on. Just go  
18 over and have a seat like everybody does in a courtroom.  
19 Just sit down. You're not talking right now.

20 MR. MORFORD: As I was saying, Your Honor,  
21 this report was done because there were certain items that  
22 were submitted to the FBI lab to check for fingerprints,  
23 and if you will recall, Agent Bushner testified about that.  
24 There was the money and the envelopes and the three notes  
25 that were obtained from Allen Sinclair, and there was

1 the --

2 THE COURT: Yes, but no fingerprints of this  
3 defendant came up on any of that.

4 MR. MORFORD: Exactly. And then there was  
5 also a document, the handwritten list from the Buccis that  
6 was sent, and in order to send it they had to send the  
7 entire file. And the lab -- I got the entire file  
8 fingerprinted, every document in the file, and the report  
9 that came back was there were no fingerprints of anyone on  
10 any of the money. There were no fingerprints of anyone on  
11 any of the burned envelopes. There were no fingerprints of  
12 anyone on the letters, but there was no fingerprints of  
13 Congressman Traficant whatsoever.

14 That report was given to Congressman Traficant so  
15 that he would know that fact in case he wanted to argue, as  
16 he's chosen to do in this case, that his fingerprint is not  
17 on anything. So we gave it to him so he would know that,  
18 and we gave it to him far in advance of trial.

19 THE COURT: Right.

20 MR. MORFORD: Apparently he misunderstood  
21 what the report said because immediately upon receiving the  
22 report, he filed a motion asking the Court to exclude  
23 fingerprint evidence in this case, as you will recall.

24 THE COURT: Right.

25 MR. MORFORD: And we then --

1 MR. TRAFICANT: Which was withdrawn.

2 THE COURT: Yes. It was withdrawn, I think.

3 MR. MORFORD: And we went ahead despite the  
4 fact he seemed to think there was fingerprint evidence, and  
5 we had Agent Bushner candidly testify that his fingerprints  
6 were not on any of the documents. And so this is, number  
7 one, not relevant; number two, it's hearsay, and therefore,  
8 it's not admissible.

9 MR. TRAFICANT: Now, let me respond. Number  
10 one, this is a total misrepresentation. I never looked at  
11 their evidence because I know they have no evidence. I  
12 have never even opened the box. I found this because this  
13 was the subject that they had cash with fingerprints.

14 I immediately acted, figuring the government has  
15 tremendous technology --

16 THE COURT: There has not been any evidence  
17 that cash --

18 MR. TRAFICANT: Yes, there has.

19 THE COURT: Congressman, there has not been.

20 MR. TRAFICANT: Please let me speak.

21 THE COURT: In this case there is not such  
22 evidence.

23 MR. TRAFICANT: Bushner spoke and said there  
24 were no fingerprints.

25 THE COURT: Right.

1                   MR. TRAFICANT: Now, you're trying to tell me  
2                   the government didn't send those documents off to try and  
3                   corroborate some physical evidence against this  
4                   congressman, that they only sent it off as a happenstance  
5                   to see if maybe there could be some fun by some laboratory  
6                   worker?

7                   I have a right to bring it in. They gave it  
8                   to me on discovery. They sought to seek my fingerprints.  
9                   It is salient to my defense, and you will be denying me the  
10                  right to defend myself by not entering this into the trial.

11                  THE COURT: Let's talk about Mr. Hudach now  
12                  and what in the world he would have --

13                  MR. TRAFICANT: Why don't we voir dire him.

14                  THE COURT: What in the world would he have  
15                  to do with this FBI --

16                  MR. TRAFICANT: I asked him.

17                  THE COURT: -- hearsay fingerprint?

18                  MR. TRAFICANT: What do you mean

19                  "fingerprint"?

20                  THE COURT: Report.

21                  MR. TRAFICANT: Is this a hearsay report or forensic  
22                  report? Do you want to see it again?

23                  THE COURT: It's both.

24                  MR. TRAFICANT: I want you to look at it  
25                  again.

1 THE COURT: I don't need to look at it again.

2 MR. TRAFICANT: I didn't request it.

3 THE COURT: No, but you didn't produce

4 this --

5 MR. TRAFICANT: This is exculpatory for the  
6 defendant, and I want to use it.

7 THE COURT: That's why you got a copy of it.

8 MR. TRAFICANT: And I want to use it, and I  
9 have a right to use it.

10 THE COURT: You can't use it through this  
11 witness.

12 MR. TRAFICANT: This witness is a private  
13 investigator that has analyzed forensic documents over the  
14 years and was asked to do that. And you could voir dire  
15 him, but for you to deny me the right to bring this into  
16 this trial, and to save this from the jury, would taint the  
17 process of leaving their paper trail only without  
18 corroborative evidence.

19 They didn't send this because they wanted to know if  
20 Ronald McDonald had lunch at Burger King. Come on now. I  
21 may be the son of a truck driver, but you know very well  
22 that this is exculpatory. It is eligible to be brought  
23 into this courtroom, and I want it brought in.

24 Now, in fact, I do not plan to belabor this. I only  
25 asked him to evaluate the summary report. And you allowed

1 a summary report by a guy who did nothing but add figures,  
2 and I'm asking that a summary report of this document be  
3 placed on the record in front of this jury, which is my  
4 right.

5 And I am sick and tired of having my people  
6 under oath two and three times subject to cross-examination  
7 without immunity, subject to perjury, without even a jury  
8 hearing them. And that's been 11 times.

9 THE COURT: Congressman, are you through?

10 MR. TRAFICANT: No, I'm not.

11 I want Mr. Hudach to testify about this report that I  
12 subpoenaed him to do so. His background clearly is in  
13 private investigative work. He is capable of doing so.  
14 And I am only asking that one part of this document be  
15 reviewed. It is labeled and would be admitted in total,  
16 but it will take us not long, because it is only a summary  
17 report, and I want it on the record by a person who has  
18 done such in other matters.

19 THE COURT: Thank you.

20 MR. MORFORD: First of all, Your Honor, this  
21 matter is already before the jury because Congressman  
22 Traficant did cross-examine Mr. Bushner about the very  
23 matters he just argued to the Court. So there hasn't been  
24 anything hidden from this jury.

25 Second of all, this witness just isn't competent to

1 do what he's asking this witness to do.

2 And number three, as far as this witness  
3 having to come back, the witness had to come back because  
4 Congressman Traficant didn't bring this up when he should  
5 have when he had him on voir dire earlier in the week.

6 THE COURT: Thank you.

7 MR. TRAFICANT: Your Honor, I would like to  
8 on the -- I want you to rule first, but I would like to say  
9 this: I believe this Court has gone too far in limiting  
10 this defense. Now, a sixth grader could read this summary.  
11 I've asked a private investigator that has handled a number  
12 of forensic documents in capital cases to simply place upon  
13 the record his investigation of the report and the summary  
14 of the report.

15 The other element is the boat. But for any  
16 reason, if you do not allow this, you will have hurt me and  
17 my defense significantly, because what you have here is,  
18 you have a bunch of paper that they tried to desperately  
19 corroborate and could not corroborate.

20 Now, let's take a second. Mr. Bushner said they  
21 didn't tape me. The boiler room noise was too loud --

22 THE COURT: Congressman, this may be  
23 something you want to argue in closing argument.

24 MR. TRAFICANT: No. This is something I want  
25 on evidence.

1 THE COURT: Well, this is something --

2 MR. TRAFICANT: I want the jury to see this.

3 THE COURT: Yes, I understand what you have  
4 in your hand that you want the jury to see, but the remarks  
5 you're making are not necessary for me to rule.

6 MR. TRAFICANT: Okay, fine. But let me say  
7 this: I believe I am in my right, having received  
8 exculpatory documents from the government, that I was  
9 absolutely shocked to find they had no fingerprints,  
10 because I've never looked at their evidence because I know  
11 they have none.

12 But having said that, I then took it upon myself to  
13 analyze the fingerprint process. This odd lot is only one  
14 page of a lengthy document --

15 THE COURT: Which page is it you're holding  
16 in your hand?

17 MR. TRAFICANT: This is the final page that  
18 gives the summary conclusive remarks. Now, I can get you  
19 the whole document. They listed every single thing, and I  
20 ask for a five-minute break to produce said document right  
21 now before you rule on this.

22 THE COURT: What document are you talking  
23 about?

24 MR. TRAFICANT: All I have is the last page.  
25 I want to show you that they gave every single item they

1 wanted analyzed in this report. All I'm attempting to  
2 bring in --

3 THE COURT: Which page is that?

4 MR. TRAFICANT: That is the last page. It's  
5 the conclusion of their summary.

6 THE COURT: Look at this page, would you?

7 MR. TRAFICANT: I want to produce the full,  
8 entire document.

9 THE COURT: I thought you had the full.  
10 Entire document.

11 MR. TRAFICANT: No, that is the boat. I was  
12 only dealing with this one page. I will go get it and  
13 bring it to this Court, and I ask leave for five minutes to  
14 do such.

15 THE COURT: Apparently, the document that I  
16 was handed that I identified as having many pages, the  
17 record should reflect, is not the same thing that the  
18 Congressman is walking around with.

19 MR. TRAFICANT: No.

20 THE COURT: I'll tell you what we'll do --

21 MR. TRAFICANT: The survey was admitted into  
22 evidence, Your Honor.

23 THE COURT: Well, I understand. That's the  
24 survey.

25 MR. TRAFICANT: But it deals with testimony

1 of Lange and Cafaro.

2 THE COURT: No. I understand the survey is a  
3 separate thing, but I think what we'd better do is take a  
4 break and get the exhibits that you're trying to use for  
5 this witness organized.

6 MR. TRAFICANT: Thank you.

7 THE COURT: I don't know if you need five  
8 minutes. How far away is this document?

9 MR. TRAFICANT: I don't need five minutes.  
10 I'll go get the document.

11 THE COURT: That would be a good idea.

12 MR. TRAFICANT: I would appreciate it if  
13 there be no conversation when I am henceforth removed from  
14 said presence.

15 (The defendant left the courtroom and subsequently  
16 returned.)

17 THE COURT: Anybody who wants to can stand up  
18 and stretch. This will take just a few minutes.

19 MR. TRAFICANT: Your Honor, can I release  
20 these originals or must they be kept, TC-10, to the company  
21 or must they be returned after the trial?

22 THE COURT: Congressman, the whole issue of  
23 exhibits depends on what's admitted into evidence, and  
24 those haven't even been offered yet, and we'll discuss that  
25 later.

1           Let's deal now with this issue of your witnesses.

2           MR. TRAFICANT: Your Honor, I have to look  
3 through -- I do not believe that I brought that entire  
4 document. I'm looking for it.

5           THE COURT: Let me ask you about this entire  
6 document.

7           MR. TRAFICANT: Well, let me say this though.

8           THE COURT: Wait. Wait a minute. Is it the  
9 FBI report? Is that the entire document you're looking  
10 for?

11          MR. TRAFICANT: This result of examination  
12 though lists everything that was in the report, and I'd  
13 like to read it for the record.

14          THE COURT: Well, don't read it yet. That's  
15 the first page of something.

16          MR. TRAFICANT: No. This is the last page.

17          THE COURT: The last page, I'm sorry. You  
18 said that.

19          MR. TRAFICANT: But it shows everything they  
20 examined.

21          THE COURT: Okay. But it's from the FBI  
22 report from the lab about fingerprints? Is that --

23          MR. TRAFICANT: Yes.

24          THE COURT: -- the same thing?

25          MR. TRAFICANT: Yes.

1 THE COURT: Congressman, it's hearsay. It's  
2 hearsay.

3 MR. TRAFICANT: Your Honor --

4 THE COURT: You can't use it.

5 MR. TRAFICANT: If my fingerprint was on  
6 this, this wouldn't be hearsay. This would be evidence.

7 THE COURT: Your fingerprint isn't on  
8 anything.

9 MR. TRAFICANT: Well, that's why I want to  
10 put it on the record. Are you denying me that right?

11 THE COURT: There is no issue that there was  
12 testimony on --

13 MR. TRAFICANT: I now ask it be proffered  
14 into the record and I read it in the record.

15 THE COURT: You can do that later on after  
16 4:30.

17 MR. TRAFICANT: I ask we do it now.

18 THE COURT: Well, you can't do it now.

19 MR. TRAFICANT: Let me go on to the boat survey.

20 THE COURT: It's already in evidence. You may not  
21 call this witness. The boat survey, it is AL-101. It is  
22 in evidence in the case.

23 MR. TRAFICANT: You are denying me the right  
24 to impeach the testimony of J.J. Cafaro, who paid Al  
25 Lange's attorney, and this boat survey speaks for itself?

1 THE COURT: Yes, and it's in evidence,  
2 Congressman.

3 MR. TRAFICANT: And it's in evidence, but it  
4 has never been explained from the defense side. Only the  
5 Cafaro and Lange testimony --

6 THE COURT: You can --

7 MR. TRAFICANT: -- has been allowed in.

8 THE COURT: You can discuss it in closing  
9 argument, Congressman.

10 MR. TRAFICANT: No, I don't want to discuss  
11 it in closing argument. I want the right to bring it in  
12 like they did during the trial. Why do you give them that  
13 chance to do it without giving me the chance? Especially  
14 when it's Cafaro who paid for Lange's testimony?

15 I've never seen anything like this in my life.

16 THE COURT: Congressman --

17 MR. TRAFICANT: Don't call me names.

18 THE COURT: Neither of those reasons are  
19 reasons why you can call this particular witness.

20 MR. TRAFICANT: Well, then I want to proffer  
21 it right now.

22 THE COURT: No. You can proffer it after the  
23 jury has finished their work for the day.

24 MR. TRAFICANT: You are denying me a fair  
25 trial.

1                   THE COURT: You say that all the time, but  
2                   nonetheless we keep going forward step by step,  
3                   Congressman, and that's what we're going to do now.

4                   Call your next witness.

5                   MR. TRAFICANT: All I have is a character  
6                   witness on hand.

7                   THE COURT: Who is that?

8                   MR. TRAFICANT: It's Reverend Bob --

9                   THE COURT: What's his last name? Can you  
10                  spell it?

11                  MR. TRAFICANT: I think it's S A F F O L D,  
12                  but I'm not ready to call -- I don't know when character  
13                  witnesses are necessary, because I have other character  
14                  witnesses, as well. I'm under the impression I'm allowed  
15                  to offer to this Court evidence that's exculpatory to a  
16                  jury, and you are now denying me that right.

17                  THE COURT: I haven't denied you anything. I  
18                  asked you how to spell his name. Could you tell me how to  
19                  spell his name? If you don't know, we can ask him.

20                  MR. TRAFICANT: I can't exactly spell his  
21                  name, no.

22                  THE COURT: Bring in the witness.

23                  MR. MORFORD: Your Honor, before we do that,  
24                  can we -- I would like to ask the Court if it can review  
25                  the character evidence rule before we get the witness here

1 and start getting into all kinds of --

2 MR. TRAFICANT: Shall we now go to voir  
3 diring character witnesses?

4 THE COURT: No.

5 MR. TRAFICANT: Let me ask a question.

6 THE COURT: First of all, I'd like to have  
7 the witness come in, take the stand, and we'll see what the  
8 witness can testify to.

9 MR. TRAFICANT: Why don't you let Mr. Hudach  
10 in and voir dire him on these issues?

11 THE COURT: Because it is clear the things  
12 you want to inquire of of that particular witness can't be  
13 inquired of. If you want to go over character evidence,  
14 you can state your -- what you think will be your  
15 objections now if you want to say them before he --

16 MR. TRAFICANT: Hear me.

17 THE COURT: -- before he talks.

18 MR. TRAFICANT: I'm not done with my case.

19 THE COURT: I haven't said you were, but  
20 you --

21 MR. TRAFICANT: But you just eliminated half  
22 of my afternoon here. I'm presenting witnesses, and you're  
23 denying their testimony. Quite frankly, I'm tired of it.  
24 You could at least let me proffer for the record the  
25 matters you just struck on.

1                   THE COURT: You can do that after the jury  
2 has left for the day.

3                   MR. TRAFICANT: Well, I only have one  
4 character witness, and I'd like to bring that character  
5 witness on when I close.

6                   THE COURT: Let me see if I can find a short  
7 way to talk about this that might help you.

8                   This is just generally on character witnesses,  
9 because I'm not sure exactly what you're going to do. But  
10 generally, character evidence is irrelevant, and that's why  
11 it's not admitted. And it's offered about somebody's  
12 propensity to act in conformity or in the same way as  
13 whatever the person's character trait is you are trying to  
14 elicit.

15                   Now, there are certain times when it becomes an  
16 issue, and as far as I can tell in this case, we aren't  
17 quite there, but I'll leave that to the government to  
18 discuss. We may never get there --

19                   MR. TRAFICANT: You're going to leave it to  
20 the government to discuss my case?

21                   THE COURT: No. They can respond to whether  
22 or not that's the part of the rule they're concerned with.

23                   But if your character were an essential element of  
24 some kind of a claim or defense here, then that might be  
25 one of the things we'd have to get into.

1                   MR. TRAFICANT: Why don't you voir dire  
2 character witnesses now?

3                   THE COURT: Well, actually I don't think it  
4 is necessary.

5                   MR. TRAFICANT: I move for mistrial, that you  
6 violated my First Amendment rights, my Sixth Amendment  
7 rights, when the Sixth Circuit had not yet approved the  
8 jury selection pool --

9                   THE COURT: We've already --

10                  MR. TRAFICANT: -- before I was indicted,  
11 number one.

12                  THE COURT: Congressman, it's been --

13                  MR. TRAFICANT: My Sixth Amendment right  
14 when you said --

15                  THE COURT: That issue, like many other  
16 issues --

17                  MR. TRAFICANT: I have a motion on the floor.

18                  THE COURT: Excuse me. You raise issues over  
19 and over again that have already been --

20                  MR. TRAFICANT: These are new issues.

21                  THE COURT: The ones you're talking about now  
22 are not.

23                  MR. TRAFICANT: I'm going to raise new  
24 issues.

25                  THE COURT: Well, you're going to have to get

1 your witness in here if you want to put a witness on.

2 MR. TRAFICANT: I don't want a character  
3 witness in here now.

4 THE COURT: Fine.

5 MR. TRAFICANT: I'm not done with my case.

6 THE COURT: Fine. Then call your next  
7 witness.

8 MR. TRAFICANT: I have no more witnesses  
9 today.

10 THE COURT: Congressman, you've been told  
11 this over and over.

12 MR. TRAFICANT: I've had witnesses here, and  
13 you've denied them the opportunity to testify. They're  
14 afraid of these witnesses and taking no time with them. I  
15 provided six witnesses here today. Now, look, I have made  
16 a good-faith effort with many people ducking me, being  
17 pressured by the government, quite frankly.

18 THE COURT: We have two hours of jury time  
19 ahead of us.

20 MR. TRAFICANT: Send them home. I'm not  
21 done.

22 THE COURT: I'm not sending this jury home  
23 again.

24 MR. TRAFICANT: I'm not closing. I'm not  
25 ready to close.

1 THE COURT: If you have witnesses, call your  
2 witnesses.

3 MR. TRAFICANT: I call Fred Hudach.

4 THE COURT: Fred Hudach can't testify in this  
5 case. Call your next witness.

6 MR. TRAFICANT: I call Frederick Hudach.

7 THE COURT: Do you have any other witnesses  
8 you're going to call?

9 MR. TRAFICANT: I call private investigator,  
10 forensic specialist Frederick Hudach.

11 THE COURT: Frederick Hudach cannot testify  
12 on the matters which you apparently want him to testify in  
13 this case.

14 MR. TRAFICANT: Since we have some time then,  
15 I would like to read in the summary report now.

16 THE COURT: We have --

17 MR. TRAFICANT: And I should be at least  
18 allowed that.

19 THE COURT: You will have a chance to read  
20 that into the record, but right now -- who are the other  
21 witnesses you have here today?

22 MR. TRAFICANT: All I have in there is a  
23 character witness, and I do not want my character witnesses  
24 on until I am ready to close.

25 THE COURT: Well, you may be close to that.

1 MR. TRAFICANT: That's my decision, not  
2 yours.

3 THE COURT: It may be your decision, but on  
4 the other hand, we have to have witnesses to go before this  
5 jury and you know it.

6 MR. TRAFICANT: I've had witnesses and you've  
7 denied them.

8 THE COURT: If you have a witness here and if  
9 you want that witness to testify in this trial, bring that  
10 witness in and we'll see whether or not the witness can  
11 testify. If you're only bringing him on to testify as to  
12 character, there may be a problem with it.

13 Is that why you're standing?

14 MR. TRAFICANT: You mean you would voir dire  
15 this character witness?

16 THE COURT: No. I don't need to voir dire  
17 him.

18 MR. SMITH: Your Honor, we don't object to a  
19 character witness as long as it's done in conformity with  
20 Rule 405(a), that he can solicit a reputation or opinion  
21 about a specific trait of relevant character, and that he  
22 not go into specific instances of conduct.

23 Other than that, we have no objection to a character  
24 witness being called.

25 But he jumped up and started yelling.

1 MR. TRAFICANT: I have other character  
2 witnesses I want here.

3 MR. SMITH: And if he's not going to call a  
4 witness though, Your Honor, then I do have a motion to  
5 make.

6 MR. TRAFICANT: You're going to entertain a  
7 motion from them and you won't allow me?

8 THE COURT: No. We're waiting to find out  
9 whether now that you've heard that they don't object to  
10 your calling a character witness as long as you're calling  
11 a character witness about some specific trait, do you want  
12 to call your witness? This is your chance to call them.

13 MR. TRAFICANT: I have other character  
14 witnesses, and they're not here, Your Honor.

15 THE COURT: Yeah. Well, this one is here.

16 MR. TRAFICANT: I don't want to --

17 THE COURT: He may be right outside the door.

18 MR. TRAFICANT: I don't want to be  
19 entertaining any other motions today. I'll close when I'm  
20 ready to close, and I'm sure as hell not going to close on  
21 a motion from a U.S. Attorney's Office.

22 THE COURT: Well, how about if instead of  
23 worrying about that, you look -- we've got the door ready  
24 to open on your character witness, and apparently the  
25 government is not going to have any problems if you go in

Saffold - Direct

1 conformity with the rules.

2 MR. TRAFICANT: Bring the jury in. I'm not  
3 bringing any more witnesses out without a jury. That's it.

4 THE COURT: We can bring him in and we'll  
5 bring the jury in at the same time.

6 MR. MORFORD: I do ask that he be ordered not  
7 to call Fred Hudach in front of the jury.

8 THE COURT: Well, he's not going to call Fred  
9 Hudach. It's abundantly clear.

10 MR. TRAFICANT: I would urge you to ask the  
11 prosecution to get over their paranoia.

12 THE COURT: You can bring the witness in and  
13 you can bring the jury in.

14 (Jury in at 2:33 p.m.)

15 THE COURT: If you will come around this way,  
16 please. Around behind this way and all the way up the  
17 steps. Thank you, sir.

18 Would you raise your right hand, please?

19 (The Witness is Sworn)

20 DIRECT EXAMINATION OF ROBERT EARL SAFFOLD

21 BY MR. TRAFICANT:

22 Q. Good afternoon, Reverend Bob.

23 A. Good afternoon, Congressman.

24 Q. Would you please give your full name and spell your  
25 last name for the jury?

Saffold - Direct

1 A. My name is Robert Earl Saffold, S A F F O L D. I  
2 prefer to be called Brother Bob, not just because I'm a  
3 preacher, but I try to be a real brother to all men and  
4 women.

5 Q. And why were you subpoenaed to testify here?

6 A. Because I called your office and talked to someone  
7 there, I believe it was Mr. Marchese, who is a former  
8 fellow firefighter of mine some 25 or 30 years ago in  
9 Warren, Ohio, and I know he's a member of your staff. I  
10 hadn't talked to Dominic in probably ten years.

11 And I've been reading the paper and following  
12 some of the activities within this Court, and I felt moved  
13 to give you a call so I could come and testify on your  
14 behalf as a character witness in terms of my knowledge of  
15 you as a person and the political activities you've been  
16 involved in for the last, I guess, 18 to 20 years that I'm  
17 aware of.

18 Q. Well, let's start out a little bit about you and give  
19 us some of your background. You now currently have a  
20 ministry?

21 A. Yes, I do.

22 Q. And what is that ministry?

23 A. It is Nazareth missions. It is an alcohol/drug abuse  
24 ministry and a prison ministry.

25 At one time I was the project manager and resident

Saffold - Direct

1 manager of an alcohol and drug abuse treatment center,  
2 24-hour residential treatment center here in Trumbull  
3 County -- I'm sorry, here in Cuyahoga County, here in  
4 Cleveland.

5 Also at the prison ministry, I've been involved since  
6 1977, and I've visited various prisons from Attica to Fort  
7 Leavenworth over the last 20, 25 years.

8 Q. Well, you're not here thinking of me going to jail so  
9 you can counsel me, are you?

10 A. I would hope not. I would hope I can continue to  
11 counsel you outside of jail like we had prayer this  
12 morning. You don't have to go to jail to do that.

13 Q. Do you have any other background dealing with youth  
14 and other activities?

15 A. Well, as you know, I'm a former amateur boxing  
16 trainer. As a matter of fact, I trained two young men who  
17 won national amateur championships, and both of them went  
18 to the world championships, including Ernie Shavers, who  
19 fought for the heavy weight championship twice in Trumbull  
20 County, and his cousin, Randy Stevens, from Trumbull  
21 County. They both fought world championship fights.

22 That was during my amateur boxing career as a  
23 trainer.

24 Q. You were also a trainer then?

25 A. That's what I did.

Saffold - Direct

1           Since then I've been inactive in boxing over the  
2           years. As a matter of fact, I'm the only African American  
3           to ever sit on the National Boxing Hall of Fame Board of  
4           Directors up in New York.

5           I serve as a consultant to the Ohio Athletic  
6           Commission, which is the boxing commission for the state of  
7           Ohio.

8           Q.     You weren't involved as a trainer with the famous  
9           Ali-Shavers fight, were you?

10          A.     No, I wasn't involved at that time, but if I would  
11          have been Shavers' trainer, he would have knocked Ali out.  
12          As some of you might recall, Ali said he had him out on his  
13          feet, but Ernie was not as aggressive as he should have  
14          been when I taught him.

15          Q.     He was a ropa-doper?

16          A.     No -- well, he was apprehensive about the ropa-dopes.  
17          I didn't know you know about boxing. I thought you was a  
18          football player.

19          Q.     We're here to talk a little bit about me. What are  
20          some of the traits that you are to state about me that you  
21          know about me?

22          A.     Congressman, the first time I heard about you, I  
23          think it was the mid '70s, and at that time you was running  
24          a drug treatment program. And some of my former proteges,  
25          amateur boxers, had been involved in your program, and you

Saffold - Direct

1 were in Mahoning County and I was in Trumbull County.

2 And they used to come back talking about this  
3 guy, J.T., who related to the brothers, quote, unquote.  
4 And that was my first hearing about you.

5 And the first time I really met you was in 1984, when  
6 you was running for Congress against Lyle Williams.

7 Q. And who were you supporting in that race?

8 A. At the time I was supporting Lyle Williams.

9 Q. Were you being paid?

10 A. I was a paid consultant for Lyle Williams, even  
11 though I was a good Democrat and Lyle was a Republican, but  
12 I had known Lyle when he was a barber, before he became a  
13 County Commissioner over in Trumbull County politics, but I  
14 supported Lyle because I really knew him and I didn't know  
15 you. I knew about you. And what I had known about you was  
16 good, but I knew Lyle personally.

17 And as a matter of fact, you spoke -- I spoke for  
18 Lyle at a black church in Warren, Ohio, because Lyle  
19 couldn't make the appearance, and you held your own against  
20 me in my own town. And after the election you and I  
21 talked. I mean after that meeting, you and I talked, and I  
22 became very respectful of you, the way you handled  
23 yourself.

24 And that's one of the reasons I'm here today. You've  
25 been always a champion of all people, irrespective of race,

Saffold - Direct

1 ethnicity, color or what have you. And I've admired that  
2 trait in you. And coming from a basically labor background  
3 before I got in business, as you know, I was active with  
4 the UAW union out of Lordstown when they first opened up  
5 out there, and I know how the various union officials, and  
6 so forth, always endorse you, because you were the champion  
7 of the people.

8 And I admire you. I've been reading with  
9 some mixed emotion some of the newspaper articles that have  
10 been printed the last few days, and where you have been  
11 depicted as something other than what you are.

12 I know you to be an intelligent, assertive, very  
13 aggressive person who's been a champion, and a lot of folks  
14 looking at you in this situation and still has the great  
15 admiration for you.

16 I have not seen anything or read anything that would  
17 prove you guilty of some of the things you've been charged  
18 with because I haven't seen any evidence, I haven't seen  
19 anything shown or demonstrated.

20 So I think I speak for a lot of folks, and I haven't  
21 lived in the Youngstown/Warren area for 20 years. I have  
22 been in Cleveland. I can be at my mother's home from  
23 Shaker Heights and be there in an hour. I'm down there  
24 every week.

25 Q. Did I call you as a character witness?

Saffold - Direct

1 A. No, you didn't.

2 Q. You offered yourself?

3 A. Yes, I did. I am president of the Ohio Minority  
4 Contractors Association. That is a minority business  
5 advocacy group located in Columbus, Ohio.

6 I manage everything out of my home, between my  
7 computer and fax and telephone, if you ever see my phone  
8 bills out of Shaker Heights. But I'm usually in Columbus  
9 on Thursdays, where I do my Columbus business. I'm a  
10 registered lobbyist, has been since 1975, representing  
11 minority female businesses from around the state of Ohio.

12 Ohio has the best minority business law in the United  
13 States of America. Sandra Day O'Connor in a minority  
14 opinion in 1969 said if all the governments, be they local,  
15 state or federal governments, if they model their programs  
16 after the state of Ohio, they will withstand any kind of  
17 constitutional challenge.

18 As you know, there has been challenge, but  
19 the Supreme Court in Ohio in their own wisdom, they don't  
20 overturn the Federal Court's, District Court's decision,  
21 but the District Court ruled against minority business in  
22 the construction end, but in Ohio, we are unique because we  
23 have a construction and a goods and services program.

24 So the state, the District Court, Federal  
25 Court in Columbus, ruled against our construction portion,

Saffold - Direct

1 but they did not deal with the goods and services, so as a  
2 result we still have the goods and services program in the  
3 state of Ohio where 15 cents of every dollar has to be  
4 directed to minority business.

5 I know you, I read in the paper this past week, where  
6 Congressman Traficant has the best record of any  
7 congressional district in Ohio in terms of providing  
8 opportunity for small businesses. Not minority businesses,  
9 but small businesses. And my own Congress person,  
10 Stephanie Tubbs Jones, her own record pales in relation to  
11 yours. And this is around the state. I think you're to be  
12 commended for that.

13 You've always been a champion of all people,  
14 and not just people of Italian extraction, so to speak.  
15 But you've been a champion for black people and white  
16 people and women and children, and I know your advocacy,  
17 and I appreciate that.

18 Q. Are you familiar with any of the actions I've taken  
19 as sheriff?

20 A. I can recall back, I guess it must have been early to  
21 mid-'80s when you was a sheriff in Mahoning County --

22 MR. MORFORD: Your Honor --

23 A. Where there was a lot of people had been evicted out  
24 of their homes.

25 MR. MORFORD: Your Honor?

Saffold - Direct

1 THE COURT: We can't -- one of the things we  
2 can't get into, because this is about character evidence,  
3 this testimony is about character evidence, and this case  
4 doesn't have anything to do with when this gentleman was a  
5 sheriff. So we can't get into that.

6 MR. TRAFICANT: Does my actions --

7 THE WITNESS: Judge, when he was put in jail  
8 by the --

9 THE COURT: We can't get into that. I'm  
10 telling you we can't get into it here. It wouldn't follow  
11 the rules that we all observe while we're here to get into  
12 something like that. It's what we call irrelevant. But it  
13 also makes it difficult for the men and women who have to  
14 listen to things that -- to the evidence in this case and  
15 make their decision based on the evidence if we have to  
16 constantly go back and say that we can't handle certain  
17 things or can't put it in front of them.

18 Now, when he was sheriff won't be relevant here.

19 MR. TRAFICANT: Your Honor --

20 MR. MORFORD: Your Honor --

21 THE COURT: Excuse me.

22 MR. MORFORD: If I could just state my  
23 objection, and that is we do not object to his opinion  
24 evidence as to character traits that are relevant to the  
25 case, but we would have an ongoing objection to any

Saffold - Direct

1 specific instances of conduct because the rules don't allow  
2 it.

3 THE COURT: The rules don't permit it, so we  
4 can't talk about specific examples about -- what you've  
5 been talking about up to now is fine.

6 BY MR. TRAFICANT:

7 Q. Were you impressed with my character traits in the  
8 early '80s?

9 A. Absolutely. In the '90s, too. In 1992, after living  
10 in Syracuse, New York for six years, I came back, moved to  
11 Syracuse from Cleveland, got married, got divorced and came  
12 back home.

13 On my way back through to Cleveland I stopped off in  
14 Trumbull County for approximately a year trying to  
15 determine which way I was going to go. You can always go  
16 home, but you don't run away, and I don't run out of  
17 Trumbull County, so I came back to Warren.

18 While I was there, it was during the election period  
19 around this time, and the Republicans had put in the paper  
20 they wanted any Republican or independent candidates to  
21 come out to see about maybe getting an endorsement for  
22 running for office.

23 I had run for Trumbull County Commissioner in 1970,  
24 and I ran as a Democrat. I ran third out of five  
25 candidates with two to be nominated.

Saffold - Direct

1 I missed getting the Democrat nomination on my side  
2 by 113 votes. At the time Trumbull was -- Warren was the  
3 county seat. And Warren's population was about 17 percent  
4 minority, and the county was only about 5 percent. So I  
5 didn't run as an African American candidate. I ran as a  
6 person who was capable of performing because I had been the  
7 human relations director in Trumbull County, which was kind  
8 of the go-between for the black folks and white folks in  
9 Trumbull County.

10 Trumbull County was the first county in  
11 America to have a human relations commission, and to the  
12 credit of Bob Hagan, who you remember -- some of you  
13 Cleveland folks might remember Robert Hagan, Sr. -- and  
14 Gary Thompson was another person, another person by the  
15 name of Bill Klee, in their wisdom they decided we needed  
16 someone to act as maybe a liaison between the black  
17 community and the white community because we just had a  
18 major riot with kids, the kids at Warren -- the children,  
19 the kids called it an insurrection, but the establishment,  
20 the media called it a riot at Warren Harding Junior High  
21 School in 1968.

22 I didn't have my car. The fire department drove out  
23 that day, but I drove my fire truck up to the high school  
24 and most of the kids knew me, and they allowed me to bring  
25 the things to a head.

Saffold - Direct

1           So after seven years at the fire department, the city  
2 fathers said we need somebody to keep these kids in check.  
3 So they asked me if I would resign from the fire  
4 department, where I was the first and only black  
5 firefighter, to become the first department head in  
6 Trumbull County government --

7           MR. MORFORD: Your Honor, could I object,  
8 please?

9           A.     -- on the human relations commission.

10           THE COURT: This is helpful evidence about  
11 you, sir, but we need to have evidence about this man.

12           THE WITNESS: I'm bringing it back to --

13           THE COURT: I figured you were bringing in  
14 the background.

15           MR. MORFORD: Your Honor, I would just ask we  
16 keep it to opinion as a character witness.

17           THE WITNESS: Right. I would hope -- I'm not  
18 running for anything, and I would hope when I'm talking  
19 about what I said, establishing my character in terms of my  
20 background so that you know I'm serious what I'm talking  
21 about, and talking about me, I hope I can relate to  
22 Congressman Traficant in terms of my relationship to him  
23 and how I know him.

24           As he mentioned, one of the questions was in terms of  
25 my supporting, at the time I was a Democrat, Congressman

Saffold - Direct

1 Lyle Williams for that office against you, and he was the  
2 incumbent. But you beat him that year. But in your  
3 victory you were very modest, and I think, I believe you  
4 are still a friend of former Congressman Lyle Williams, who  
5 is a personal friend of mine now.

6 As a matter of fact, he had told me one of  
7 the reasons that he was not going to run for Congress this  
8 year in that area, his home area, was because out of  
9 respect for you. And he's still a good Republican. I  
10 don't know what you are. But whatever you are, you're good  
11 people, and I can appreciate that.

12 Mr. Traficant, I can recall back in 1984, I believe  
13 it was, when Jessie Jackson was running for president --

14 MR. MORFORD: Your Honor, I'm going to object  
15 to the specific instances. He can only testify to his  
16 opinion of his character.

17 THE COURT: We can't talk about specific  
18 instances.

19 The rule does not permit it on direct examination,  
20 and we'll have to interrupt you.

21 THE WITNESS: Okay. I appreciate that.

22 BY MR. TRAFICANT:

23 Q. Let's talk about the time you came to me with a  
24 request relative to an issue of concern you had.

25 A. Okay.

Saffold - Direct

1 THE COURT: That would be a specific  
2 instance, just exactly what we can't get into here.

3 Q. Well, it dealt with --

4 A. Could I say this? In terms of --

5 THE COURT: No, no, you can't say anything  
6 right now. Just a minute until I listen to what the  
7 Congressman is saying.

8 Q. Did you ever seek my help?

9 MR. MORFORD: Your Honor, I'm going to  
10 object.

11 THE COURT: That's a specific instance. We  
12 can't talk about that.

13 MR. MORFORD: I would like to object to any  
14 questions that don't go directly to this man's opinion of a  
15 relevant character trait of Congressman Traficant, period.

16 THE COURT: Okay.

17 Q. Reverend, Brother Bob, if you could in your own  
18 words, after hearing the Judge and the prosecutor, could  
19 you put in your words what your character analysis of me  
20 is?

21 A. I believe you are honest, I believe you're fair, I  
22 believe you're objective. You're certainly subjective by  
23 the positions and stances you've taken. I've followed most  
24 of your political career since you've been involved, and  
25 you took some very, very unpopular stances against a lot of

Saffold - Direct

1 issues, but for the most part, I believed in. If I was  
2 going to decide to run for office tomorrow, I'm not sure if  
3 I'd run as a Republican, probably not a Democrat, but I'm  
4 not sure if I'd run for Republican or Independent.

5 And I understand that you have said you're  
6 going to run as an Independent because you are an  
7 independent person. And I don't believe you could be  
8 bought, I don't believe you could be threatened, I don't  
9 believe you could be intimidated. I know you'd be a fair  
10 and just person, and I know about the millions and millions  
11 and probably billions of dollars you've brought to the  
12 Mahoning Valley, and I can't --

13 MR. MORFORD: Objection. Again, we're  
14 getting back into specifics.

15 THE COURT: We're getting into specific  
16 instances. It's a long list there.

17 A. But I know the good that you've done to a lot of  
18 folks individually in the community as a whole. And I  
19 can't think, I can't recall ever reading or hearing of one  
20 incident where you've hurt anybody. I have not heard that.  
21 And just like I said, even though I live in Cleveland, I'm  
22 in Warren, Trumbull County at least once a week. I go down  
23 and visit and spend the night with my 87 year old mother  
24 and I spend the night, and I get the Youngstown Vinicator  
25 and the Warren Tribune.

Saffold - Direct

1 MR. MORFORD: Objection to specific acts,  
2 Your Honor.

3 THE WITNESS: I don't know of any.

4 THE COURT: That's good.

5 A. And, again, I'm an admirer of yours.

6 Q. Don't stop now. Keep going.

7 A. Right on. I can say that. I can. I'm 60 years old  
8 and I can say that. I used to be a boxer. You're a  
9 football player, but you're a fighter. I think that's been  
10 demonstrated in this courtroom.

11 I will have to say this: I have to say I've kind of  
12 watched from afar some of the decorum here, and I have to  
13 be respectful and appreciative of the Judge --

14 MR. MORFORD: Your Honor, I would object to  
15 this.

16 A. -- and the way she has handled herself and the  
17 information I get from the community, how she has kind of  
18 gone overboard to allow you to do some things.

19 THE COURT: Well --

20 A. And I think she is to be commended for that.

21 THE COURT: Thank you very much, but this is  
22 about his character.

23 Q. You could be wrong about her, too, couldn't you?

24 A. Well, I could be. I'm not perfect. I'm just  
25 appreciative. My name ain't Jesus. It is B-O-B, Brother

Saffold - Direct

1 Bob. So I could have my --

2 Q. Do we share common interests?

3 A. Yes. If I could say what it is, I think it is our  
4 concern about people, all people, be they tall or short,  
5 fat or thin, dark or light. And I really believe that, you  
6 know, from what I know about you, and I've known some of  
7 your staff that has worked for you in the past, they share  
8 that same feeling. And to me, you know, I think you've  
9 been maligned unreasonably.

10 I've got some political background myself. I  
11 know you're a servant, you're a true servant of the people.  
12 Like the prosecutors and the Judge and the jury here now,  
13 they're servants. They are to be commended for what  
14 they've gone through these last few weeks.

15 I don't envy you. I think I've done everything but  
16 served on a jury, but I really don't envy these seven,  
17 eight, nine weeks they've been here.

18 But I think you credited yourself. I don't like your  
19 approach, some of the language you use, you know. I had to  
20 chastise you back in the room. I don't appreciate it. But  
21 you made your points, and I understand it. And if there's  
22 anything I can do to help you in your ability to help some  
23 other folks, I would do that.

24 And there's nothing in my background that  
25 would lend itself to say I don't mean what I say. And I

Saffold - Direct

1 think again this trial --

2 THE COURT: Don't talk about this trial.

3 THE WITNESS: This trial -- okay.

4 THE COURT: Don't talk about this trial.

5 These jurors have a lot of responsibility here.

6 THE WITNESS: They sure do, and I don't envy  
7 them.

8 THE COURT: Let's leave it at that. Thank  
9 you.

10 Q. Do you like the trait that I'm a fashion leader?

11 A. Well, you're not a Beau Brummell. You're certainly  
12 not that. But I don't think the clothes make the man. You  
13 don't see me here with a collar. That doesn't make the  
14 person, the fashion. It's about what you do. It's not  
15 what you say; it's about what you do.

16 Q. But our lives have intertwined through narcotics  
17 treatment --

18 MR. MORFORD: Your Honor, I object. We're  
19 getting back into specific acts. This is a limited  
20 character witnesses, and he has stated his opinion.

21 THE COURT: Thank you.

22 A. I know, and I read somewhere that you was a farmer.

23 THE COURT: There's no question in front of  
24 you yet.

25 THE WITNESS: Okay. That's all right.

Saffold - Direct

1 THE COURT: Okay.

2 Q. Do you believe that I would, with intent, murder  
3 someone?

4 MR. MORFORD: Objection.

5 THE COURT: This is really the kind of  
6 question you shouldn't try to answer here in the courtroom,  
7 and it's certainly not relevant in this case.

8 Q. Are you concerned about me? Are you concerned about  
9 me, Brother Bob?

10 A. I'm very concerned about you, Congressman. There's  
11 not many of us left who really, really truly feel for  
12 people. It's almost a lost trait. And I'm 66 years young.

13 THE COURT: That's a very good age, sir.

14 (Laughter.)

15 THE WITNESS: It is. It really is.

16 MR. TRAFICANT: Is that a stipulation by the  
17 Court?

18 THE COURT: I'll stipulate to that. Yes.

19 THE WITNESS: Very good.

20 MR. TRAFICANT: I must stipulate that we  
21 measured you to be about 39, Your Honor.

22 THE COURT: Anyway, this has been a nice,  
23 long testimony.

24 THE WITNESS: Yes.

25 BY MR. TRAFICANT:

Saffold - Direct

1 Q. Anything specifically about my character in addition  
2 to what you've said, Brother Bob, that could help me defeat  
3 these bureaucrats?

4 A. Well, I just want to see you get justice. I want  
5 to -- I don't want to see you defeating anybody. If the  
6 jury, in their wisdom, and the Judge find you not guilty,  
7 it won't be a defeat for Mr. Morford and his group or the  
8 Court, or the state, or the government. It will be a  
9 victory for the people, because I truly believe you  
10 represent people.

11 And you don't see a lot of that, folks  
12 standing up and really, really representing the  
13 down-trodden and the dispossessed, the minorities, and the  
14 poor. But you've demonstrated, in the 18 to 20 years I've  
15 known you, you've demonstrated that type of appeal, not  
16 only through your words but through your actions.

17 You've taken some unpopular positions, and  
18 all of them I have not agreed with, but no one has to worry  
19 about Jim Traficant, what side he's on or where he's at,  
20 even in the political arena.

21 We come from a primarily, a so-called  
22 Democrat community down in Mahoning Valley.

23 MR. MORFORD: Your Honor, I'm going to  
24 object. We're so far away from what the rules allow.

25 MR. TRAFICANT: I object to this

Saffold - Direct

1 jack-in-the-box jumping objector here.

2 THE COURT: We can't get into specific  
3 things, and you've given us a lot of testimony.

4 THE WITNESS: I'm giving you a range, I  
5 believe. I don't believe I said anything specific in terms  
6 of what he actually did. I'm talking about what's  
7 representative of the ideas that Mr. Traficant has  
8 promulgated, to my knowledge.

9 THE COURT: Right. But as you know, you're  
10 getting awful close in stepping over some lines about what  
11 this jury has to do, and it's their responsibility and  
12 they're up to it. So we're talking about the traits,  
13 that's fine, but not anything else.

14 Q. Did you predict that Ernest Shavers would some day be  
15 a world champion?

16 A. I didn't predict it, but Archie Moore did, who was a  
17 former world champion himself, who is a business associate  
18 of mine.

19 Q. Whom did you predict would be a world champion as a  
20 sparring partner of Mohammed Ali or Ernie Shavers?

21 A. Probably Larry Holmes, who was the sparring partner,  
22 who became a world champion, but he was a sparring partner  
23 to Ali and Ernie Shavers.

24 Q. You've known people all over the world, haven't you,  
25 Brother Bob?

Saffold - Direct

1 A. Well, I'm probably -- I think I mentioned earlier,  
2 I'm the only African American to ever sit on the  
3 International Boxing Hall of Fame Board of Directors up in  
4 New York.

5 THE COURT: Okay, Congressman. We can't go  
6 back over the same ground.

7 MR. TRAFICANT: I was trying to. I was  
8 trying to get everything good I could.

9 THE COURT: I know.

10 A. But if you want to say about the world, the Kofi  
11 Anon, he's head of the United Nations of the land, I met  
12 him about 11 years ago when he was the fourth man on the  
13 ladder in New York. One of his countrymen or a cousin of  
14 his was a former business associate of mine. He is a  
15 publisher in a newspaper in Syracuse, New York, and I had a  
16 chance to visit the United Nations, and that was some  
17 experience. If you haven't done that, that's an  
18 experience.

19 THE COURT: Okay. Well, we can't spend any  
20 more time talking about that right now.

21 Q. You can only restrict yourself to my character.

22 A. To my knowledge, to my knowledge, you're an honest,  
23 upstanding American. And I can't think of any person that  
24 I know personally that has demonstrated the characteristics  
25 and traits that Jim Traficant has as being a truly, truly

Saffold - Direct

1 an American hero. And I've known people from various  
2 stratas of life, from business to industry to labor to  
3 religion, but you are truly an American hero.

4 And I don't look up to anybody. I don't even  
5 like people to call me reverend, because my dad told me  
6 don't revere no man. When you revere a man, you bow to  
7 them.

8 I prefer minister because I try to minister to the  
9 needs of people. But you are a minister in your own right  
10 in government, and you have truly ministered to people to  
11 the extent I'm aware of.

12 Q. Have I paid you to come here?

13 A. You couldn't pay me to say what I'm saying. No one  
14 else could either.

15 Q. But you accepted that money from Lyle Williams?

16 A. Yes, I did, because that was my business. But I'm  
17 not here doing business. This is a public service for us,  
18 for the Court, for this land. I knows this case is going  
19 to be looked upon from around the country. People will be  
20 looking at you.

21 MR. MORFORD: Objection.

22 THE COURT: Whoa, whoa, whoa. This is just  
23 this case.

24 A. And I'm concerned that a message is going to go out  
25 around this country.

Saffold - Direct

1 THE COURT: I need you not to be talking  
2 about that right now, because it's not anything really that  
3 anybody could have an idea about.

4 THE WITNESS: I appreciate that, Judge.

5 THE COURT: We're still working on this case.

6 THE WITNESS: I understand.

7 THE COURT: Thank you.

8 THE WITNESS: And I appreciate that. I  
9 really do.

10 THE COURT: Thank you.

11 Q. Brother Bob, you know I've been charged with very  
12 serious crimes.

13 A. So I've read.

14 Q. And you still believe in me?

15 A. I still believe in you. And I believe with you,  
16 until I've been shown something.

17 MR. MORFORD: Your Honor, I object to  
18 anything further on this.

19 THE COURT: Okay. Congressman?

20 MR. TRAFICANT: Brother Bob, thank you for  
21 offering yourself to me, which I did not expect, and I  
22 thank you for coming down here and taking your time out of  
23 your life.

24 THE WITNESS: I thank the Court for allowing  
25 me.

Saffold - Direct

1 MR. TRAFICANT: I now conclude my  
2 examination.

3 THE COURT: Thank you.

4 MR. MORFORD: No questions, Your Honor.

5 THE COURT: You can step down, sir. Be  
6 careful going down the steps because they're strangely  
7 built.

8 THE WITNESS: Thank you.

9 THE COURT: Okay.

10 MR. TRAFICANT: Take care, Brother Bob.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 MR. TRAFICANT: Your Honor, I have called for  
14 another witness, and it's possible that witness could be  
15 there. I'd like to check.

16 THE COURT: Okay. I think we also could take  
17 an afternoon break right about now. So you can check on  
18 that. We'll take a 30-minute break and we'll be back.

19 THE CLERK: All rise for the jury.

20 (Jury out at 3:06 p.m.)

21 (Recess had.)

22 (Jury in at 3:59 p.m.)

23 MR. TRAFICANT: Your Honor, I call Edward  
24 Nishnic to the stand.

25 THE COURT: Thank you.

Nishnic - Direct

1 MR. TRAFICANT: Right through here, Ed.

2 THE WITNESS: Good afternoon, Your Honor.

3 THE COURT: Good afternoon.

4 (The Witness is Sworn)

5 THE COURT: Have a seat. Speak up, because  
6 it's a big room with a high ceiling, so everyone can hear  
7 you.

8 THE WITNESS: Thank you.

9 DIRECT EXAMINATION OF EDWARD W. NISHNIC

10 BY MR. TRAFICANT:

11 Q. Good afternoon, Ed.

12 A. Good afternoon, Congressman.

13 Q. Will you give your full name and spell your last name  
14 for the jury?

15 A. My full name is Edward, middle initial W, last name  
16 N I S H N I C.

17 Q. And where do you reside?

18 THE WITNESS: May I have some water?

19 THE COURT: Yes. Just go ahead and pour it.

20 Q. Take your time?

21 A. I live in North Royalton, Ohio.

22 Q. And what is your employment?

23 A. I am a technical recruiter in engineering.

24 Q. And what is your educational background?

25 A. I graduated from James Ford Rhodes High School, and

Nishnic - Direct

1 I've attended courses at Cuyahoga Community College, and  
2 that's pretty much the extent of it. Kind of like a Rhodes  
3 scholar, Rhodes High School.

4 Q. And how long have you lived in the Cleveland area?

5 A. 45 years.

6 Q. And how old are you?

7 A. 46.

8 Q. Where were you born?

9 A. I was born in Cleveland, Ohio, at Lutheran Hospital.

10 Q. Well, if you're 46 years old and you've only lived  
11 here 45 years and you were born in Cleveland, what  
12 happened? Did you miss a year somewhere?

13 A. I lived in Massachusetts for about one year.

14 Q. What is the purpose of your being here today?

15 A. To basically testify as a character witness of my  
16 experience with you and to your character as I know it to  
17 be from a personal point of view.

18 Q. Did I call you or did you call me?

19 A. I came to visit you today because I was downtown,  
20 just to tell you good luck, and said if there's anything  
21 that I could possibly do, that I would be happy to do so.

22 Q. Is that how you're here?

23 A. Yes. I was called, and the lady who called me said  
24 that they'd like me to come in, and they have a subpoena,  
25 and I said I would be down here within a half of an hour.

Nishnic - Direct

1 Q. How did you come to meet me?

2 A. Well, I believe I first met you back in 1992 or '93.  
3 My father-in-law was extradited to the state of Israel by  
4 the United States, and he was sentenced to death by hanging  
5 for being Ivan the Terrible.

6 And at the time that he was under a death  
7 sentence, we tried to get help from anyone that we could  
8 that would look into this case and try to help us get to  
9 the truth and establish the truth.

10 I went to Washington, D.C. and lobbied extensively,  
11 going door to door to door, to ^ all -- the Rayburn  
12 Building, Cannon Building, just about every single senator  
13 and congressman that I could go to, and really couldn't get  
14 anyone to speak with me about the case, including your own  
15 office at my first visit.

16 I came back at the end of the day and asked one of  
17 your staff people if you would just please allow me five  
18 minutes of your time, and I'd like to show you some  
19 information that I had, and to see if you could help us at  
20 least get to the truth of this case, as I believed fully  
21 that my father-in-law was not Ivan the Terrible.

22 And I had information with me that we got from the  
23 garbage dumpsters of the Justice Department, and it kind of  
24 led the way to me -- you helping me out, when you started  
25 looking at those documents.

Nishnic - Direct

1 Q. What, if anything, were you told?

2 A. Well --

3 MR. MORFORD: Your Honor, I'm going to object  
4 to anything further other than how they met, the  
5 relationship got started, and then specific questions, what  
6 do you believe my character trait is as to truthfulness or  
7 something that would be relevant to the issues in this  
8 case.

9 THE COURT: Right. This is a kind of inquiry  
10 which is permitted not as to any kind of specific instances  
11 of conduct, but rather to reputation and opinion. And  
12 you've talked about sort of the basis for how you have  
13 that, and now it would be appropriate for you to talk about  
14 reputation and opinion character evidence from there, but  
15 not get into specific instances of conduct.

16 The rules don't permit it, and it would be  
17 improper. The jury would then consider things they  
18 shouldn't consider.

19 MR. MORFORD: Your Honor, I would also ask  
20 that Congressman Traficant ask about specific character  
21 traits, so if they're not relevant, we can object as  
22 opposed to just an open-ended question.

23 THE COURT: All right.

24 Q. Did we meet?

25 A. Yes, we did meet.

Nishnic - Direct

1 Q. Why did you come to me last?

2 A. Because no other senator or congressman on Capitol  
3 Hill would speak with me.

4 Q. And why was that?

5 MR. MORFORD: Objection.

6 THE COURT: Sustained.

7 Q. Did you present a controversy?

8 MR. MORFORD: Objection.

9 THE COURT: Sustained.

10 Q. What character traits did you recognize in me after  
11 we had met?

12 MR. MORFORD: Your Honor, I object as opposed  
13 to him asking for his opinion or his knowledge of  
14 reputation as to specific relevant character traits.

15 Q. Have you established an opinion relative and in  
16 understanding of my character traits?

17 THE COURT: You can answer.

18 A. I believe I have, sir.

19 Q. And what are those character traits?

20 A. Well, I believe that you were most interested in  
21 upholding the rights of the Constitution. It seemed to me  
22 throughout a long period of time that you felt that if the  
23 rights of one American were violated, the rights of all  
24 Americans were violated.

25 You seemed courageous, that you were willing to take

Nishnic - Direct

1 on the issue at hand. You seemed most helpful to us, and I  
2 think somebody who is genuinely concerned about all  
3 Americans and the Constitution.

4 Q. What was so significant about the Constitution that  
5 impressed you?

6 MR. MORFORD: Your Honor, I object because it  
7 doesn't relate, it's not relevant to this case. It's not  
8 even a trait.

9 THE COURT: At the core of this case is the  
10 superseding indictment with ten counts in it in this case,  
11 so you can elicit from him evidence of character traits you  
12 believe are somehow relevant to the evidence that's been  
13 developed in this case and to those issues, but not just  
14 going back to specific things that happened in this case.

15 He's had an opportunity to lay the foundation  
16 for why he knows things, and that's sufficient on that.

17 Q. Did I seek favors?

18 A. No, sir. To the contrary. I found you to be a  
19 selfless person, most generous in your time, and I can  
20 remember that you even offered that if I had no place to  
21 stay, that I could stay on your boat, even though the  
22 toilet didn't work. You said that you could use the toilet  
23 in the restaurant above where your boat was. You offered  
24 that to me just out of the kindness of your heart.

25 Q. Did you stay on the boat?

Nishnic - Direct

1 A. Well, I actually wanted to have a place with a  
2 bathroom, so I didn't take advantage of that invitation,  
3 sir.

4 Q. Are bathrooms important to you, Ed?

5 A. Yes, sir, Congressman, it is.

6 Q. As our relationship improved, what other character  
7 traits became important to you as they related to me?

8 MR. MORFORD: Again, Your Honor, I would  
9 object and ask him to ask his opinion or reputation on  
10 specific traits relevant to this case.

11 THE COURT: Okay.

12 Q. What character traits do you recognize in Mr.  
13 Morford?

14 A. I'm sorry, I don't know who you're speaking of,  
15 Congressman.

16 THE COURT: Congressman, just put the  
17 question out about the specific character trait that you  
18 believe is relevant to this case.

19 Q. Do you believe the U.S. Prosecutors would have used  
20 the boat without a bathroom?

21 THE COURT: Congressman, go on to the next  
22 question.

23 Q. Did you establish any other character traits or  
24 recognize any other character traits over the years?

25 MR. MORFORD: Again, Your Honor, objection,

Nishnic - Direct

1 unless he's asking about ones relevant to this case. I  
2 would ask he just specify the relevant ones to this case.

3 THE COURT: It would go a lot more smoothly  
4 if you'd just select them, specify them, and ask this  
5 witness.

6 Q. Did I ask you for money to help in your case?

7 A. Absolutely not, sir.

8 Q. Did I offer money to help in your case?

9 A. Absolutely not, sir.

10 Q. Did I put conditions on help?

11 A. Well, I believe when we first spoke, you told me that  
12 you were going to look into the case, and that I should  
13 make no mistake, that if you felt that Mr. Demjanjuk was  
14 guilty, that you would be the first person to pull the  
15 switch on him. And under those conditions, you said that  
16 you would look into the case. You also had mentioned on  
17 conditions --

18 MR. MORFORD: Your Honor, I'm going to object  
19 to this on two grounds. Number one, it's hearsay. Number  
20 two, it's not relevant to the charges in this case.

21 THE COURT: Let's just let the Congressman  
22 ask the question, and you answer the question. You have a  
23 right to object, but this is getting pretty tedious.

24 Congressman, ask the question about a particular  
25 character trait, you were doing it there for a little bit,

Nishnic - Direct

1 and ask him to answer the question.

2 Q. Is your knowledge of my character traits related to  
3 the experience we had regarding your family?

4 THE COURT: You can answer.

5 A. I'm sorry, I didn't quite understand the question.

6 Q. Is your -- was your development of your opinions of  
7 my character traits related to the matters involving your  
8 family?

9 A. Well, my own personal relationship with you which  
10 related to matters relating to my family, yes.

11 Q. And that's what caused you to develop and establish  
12 what you considered to be my character traits; is that  
13 correct?

14 A. Yes, sir.

15 Q. Well, what did you recognize?

16 A. I recognized that you were a person that was willing  
17 to listen when no others would. I recognized that you  
18 were -- I don't want to say the word gruff, but from a  
19 personal point of view, when we first met it was almost  
20 like you were a prosecutor. You know, you grilled me  
21 pretty well about the subject I was involved in.

22 I also recognized that to you, individual rights were  
23 the most important thing in spite of how unpopular a cause  
24 or a case might be.

25 Q. Don't stop. Anything else you recognize?

Nishnic - Direct

1 MR. MORFORD: Again, Your Honor, I'm just  
2 going to ask him to ask relevant character traits. That's  
3 what the rules require.

4 Q. Are there any other relevant character traits that  
5 you recognize?

6 A. I just -- I believe if I hadn't already said it, I  
7 found you to be a courageous person, a person that is very  
8 compassionate, a person that cares about the little guy,  
9 and a person that would go out on a limb in spite of the  
10 sensitivity of certain issues.

11 I found you to be a tireless individual, a person who  
12 once believes --when they believe in the justice of their  
13 cause will pursue it relentlessly and without hesitation.

14 I don't know if I can go any further on that.

15 THE COURT: That's fine.

16 Q. No, go ahead.

17 (Laughter.)

18 Q. Don't slow down. You're doing great. Anything else?

19 THE COURT: It's a long list. You're the one  
20 who decides when you've covered it.

21 A. I found you to be very -- a straight shooter. And I  
22 don't mean in the terms of a gun, but I mean in the terms  
23 of you tell it like it is. You ask it like it is. There's  
24 a lot of no nonsense. Humorous, not quick to judge, more  
25 interested in investigating before you make a decision, but

Nishnic - Direct

1 willing enough to listen, compassionate.

2 And I think the strongest point that I've  
3 learned from you was how important the Constitution and the  
4 rights of individuals to be protected by the Constitution  
5 are.

6 Q. Are you and I great friends, Ed?

7 A. Well, we -- throughout the period of time that we  
8 were involved in the case, which was probably back in 1993,  
9 I felt a very good rapport or relationship with you. I  
10 trusted you, which is what -- I didn't really trust any of  
11 my other elected officials. Even though you weren't my own  
12 congressman, I trusted you.

13 Since the day that you escorted my father-in-law home  
14 from Israel -- the last thing I saw as you were taking off  
15 on an airplane with him from JFK Airport, and since then  
16 until today, I've had no conversations with you whatsoever,  
17 not that I wouldn't have wanted to have conversations with  
18 you. It's just that we've been so occupied in our own  
19 matter that I've just been unable to keep up with you.

20 But I consider you to be a very, very good person,  
21 and in my heart, a good friend.

22 Q. Do you find me easily to be intimidated?

23 A. No, sir. That's one of the things that stands out.  
24 I may have stated it already three times, that I found you  
25 to be fearless in spite of whatever odds. I've never seen

Nishnic - Direct

1       you back down from anything, and I've seen you become  
2       pretty aggressive when it came to things that you were  
3       doing in this case, my case, that I'm not allowed to speak  
4       about right now.

5               Am I not allowed to speak about that, Your Honor?

6                       THE COURT: That's right.

7                       THE WITNESS: Thank you.

8       Q.     Did you find me to be effective?

9       A.     Absolutely. 100 percent. I think it was your  
10       tenacity and your persistence that truly brought success,  
11       in my opinion, the most important pieces that we were  
12       looking for at that time, of evidence. And in the same  
13       respect, never asked for a thank you. We just -- that was  
14       it. Off they rode into the sunset, and as many times as I  
15       would have liked to, I'm sure you knew we were very  
16       thankful.

17       Q.     Did the Israeli Supreme Court teach us a lesson in  
18       good justice?

19                       MR. MORFORD: Objection.

20                       THE COURT: Sustained.

21       Q.     Have you learned through our experience and as a  
22       result have developed the character association with me in  
23       that regard?

24       A.     I'm sorry, Congressman. I didn't understand the  
25       question.

Nishnic - Direct

1 Q. As a side shot of our relationship, have you  
2 personally learned certain things as a result of my  
3 characteristics?

4 A. I believe I have --

5 MR. MORFORD: Objection, Your Honor.

6 THE COURT: We need to be talking about his  
7 character, although these are conversations that you can  
8 have with him, but it's the issue of his character that we  
9 need to deal with here.

10 Q. Did my character have an impact on your life?

11 MR. MORFORD: Objection, unless it's his  
12 opinion of his character, which he's already testified to.

13 THE COURT: Yep. If there's something in  
14 addition you haven't said about your opinion of his  
15 character, then this will be a question you could answer  
16 that with.

17 A. Absolutely. His character has had an impact on my  
18 life personally. Yes. And a great one, at that. He gave  
19 me -- his character directly gave me the belief that our  
20 system of justice here in the United States, in my opinion,  
21 is the greatest system of justice on earth, and that  
22 regardless of what the odds are, that the courts are  
23 capable of catching wrongs and righting them, regardless.  
24 And we have the full faith in the justice system.

25 Until I met Congressman Traficant, we thought

Nishnic - Direct

1 it was just -- we just didn't really understand why  
2 everything could be going, you know, so horribly all the  
3 time, but the information used was viewed by our courts,  
4 and they righted the wrong that took place, and he always  
5 also gave us faith in the Israeli system of justice and the  
6 Israeli Supreme Court. He said they're one of the fairest  
7 courts in the world.

8 My opinion is clearly that, you know, we live in a  
9 society, you know, we are protected by the Constitution.  
10 It might take a long, hard fight to get those rights out,  
11 but our system of justice is the greatest on earth, and  
12 very capable of righting wrongs that may have taken place.

13 Q. Did my character affect your appreciation of our Bill  
14 of Rights?

15 MR. MORFORD: Objection. Again, he's not  
16 testifying any more about his opinion as to character.

17 THE COURT: Right.

18 Q. Were there any other character traits that I have  
19 that affected you in a particular way?

20 A. Well, I thought you were kind of funny and humorous,  
21 and when you were -- when we were in the depths of despair,  
22 you managed to get a laugh out of us here and there. But I  
23 mean, primarily, Congressman, we felt that you were one out  
24 of 500 senators and congressmen that would have at least  
25 have had the Court and Jury to look into something that no

Nishnic - Direct

1 one else wanted to look into.

2 Q. Are you a citizen of the United States?

3 A. Yes, sir, I am.

4 Q. What's your brother-in-law's name?

5 A. My brother-in-law's name is John Demjanjuk, Jr.

6 Q. Was you ever convicted of any crime?

7 A. No, sir.

8 Q. Was your brother-in-law ever convicted of any crime?

9 A. Not that I know of, sir.

10 Q. Do you believe the Constitution and the Bill of  
11 Rights should stand by everybody's side?

12 MR. MORFORD: Objection.

13 THE COURT: I guess he does. You've made  
14 that pretty clear.

15 Q. What was the most important elements of my character  
16 that you felt impacted your life?

17 MR. MORFORD: Objection, Your Honor. He's  
18 already testified as to his opinion, and that doesn't go to  
19 anything that we haven't already heard.

20 THE COURT: Congressman, maybe there's  
21 another relevant question here that you could ask him, but  
22 he can't testify just over and over again.

23 Q. Do you believe I could be bought?

24 MR. MORFORD: Objection.

25 THE COURT: Sustained.

Nishnic - Direct

1 Q. Do you believe I can be intimidated?

2 MR. MORFORD: Objection.

3 THE COURT: He's already testified.

4 Q. Do you think I'd be afraid of a bunch of bureaucrats?

5 MR. MORFORD: Objection.

6 THE COURT: Sustained.

7 Q. Have you ever worked at my farm?

8 A. I only learned you had a farm from the Cleveland  
9 Plain Dealer. I did not know you had a farm.

10 Q. Do you have personal knowledge that it's my farm?

11 A. I think what I read in the Cleveland Plain Dealer  
12 said you owned a farm.

13 MR. MORFORD: Objection.

14 THE COURT: If you didn't even know he had a  
15 farm, then -- he's asking you --

16 Q. So you didn't work at my farm?

17 A. No, sir.

18 Q. Did I ever hug you?

19 A. I believe you have. I mean, in a strong handshake  
20 with the arm around you, that kind of thing, yes. Yes.  
21 Not like the other kind of hug.

22 (Laughter.)

23 Q. Am I a touchy-feely type of guy?

24 A. I guess it depends on the moment.

25 (Laughter.)

Nishnic - Direct

1 Q. You wouldn't be talking about the boat and the  
2 bathroom, would you?

3 A. No, sir, not at all. I mean, I find you to be a very  
4 serious person 90 percent of the time, and then I find you  
5 to be a very gregarious person the other times, that you  
6 have feelings. You're not a robot. You are a person with  
7 a heart, with a soul, with a mind, and most importantly,  
8 look out for the interests of others as opposed to your own  
9 political interests.

10 Q. Keep going.

11 THE COURT: That's not an order.

12 Q. Did your father come home, father-in-law come home?

13 A. Yes, sir, he did.

14 Q. Did I bring him home?

15 A. Yes, sir.

16 Q. Did he sit next to me all the way?

17 A. I believe so, sir, he did. I believe we all came in  
18 with bulletproof vests on, and our lives were threatened  
19 continually while we were there.

20 Q. Did the Israelis help us?

21 MR. MORFORD: Objection. Again, Your Honor,  
22 this isn't the Demjanjuk case.

23 THE COURT: You can answer.

24 A. The question was?

25 Q. Did the Israelis help us?

Nishnic - Direct

1 A. Yes. The Israeli government, I think, you know,  
2 provided as much security as they would, but I mean, it  
3 depends on which Israelis you're speaking of though. If  
4 you're talking about the Israeli Supreme Court, absolutely.  
5 If you're talking about the Israeli prosecution, not so  
6 much. If you're talking about the Israeli airport  
7 security, they were helpful.

8 I mean, you were the first person to  
9 be -- you led the pack. And I think that you spoke to  
10 them, and you spoke to the pilots on the El-Al jet that we  
11 took home, and, you know, I think they took every  
12 precaution that they could.

13 THE COURT: That's fine. Some of that speaks  
14 to his character, some of that is way outside the rule, but  
15 let's move on to another question, if you have any further  
16 questions.

17 Q. Am I of the character that if you had a serious  
18 problem, you'd call me?

19 A. Congressman, I'm sorry, I didn't hear the question.

20 Q. Am I of the character if you had a serious problem,  
21 you would call me?

22 A. 100 percent I would.

23 MR. TRAFICANT: No further questions.

24 THE COURT: Thank you.

25 MR. MORFORD: No questions, Your Honor.

1 THE COURT: Thank you. Thank you, sir.

2 THE WITNESS: Thank you, Your Honor.

3 THE COURT: You're welcome. The steps are  
4 curved. Be careful when you walk down.

5 THE WITNESS: Thank you very much.

6 (Witness excused.)

7 THE COURT: Ladies and Gentlemen, it's 4:30.  
8 We're going to release you for the day. We're going to  
9 begin again tomorrow morning at 9:00. Remember all your  
10 admonitions. Don't let anyone approach you, talk to you,  
11 read anything, watch anything, or listen to anything  
12 regarding this case, and don't investigate yourselves.

13 Thank you very much.

14 THE CLERK: All rise for the jury.

15 (Jury out at 4:32 a.m.)

16 THE COURT: You can be seated.

17 So that the jury can exit, what we'll do is take  
18 about a ten-minute recess. Then I want the lawyers and the  
19 Congressman back in just so we can take care of anything we  
20 need to take care of today.

21 And the rest of you can leave or stay as you wish,  
22 but we're going to take a ten-minute recess now so the jury  
23 can leave.

24 (Recess had.)

25 THE COURT: We have some new master lists of

1 exhibits for you that we can hand down. I want to know if  
2 there are any exhibits anyone is going to enter today.

3 MR. TRAFICANT: I have some.

4 THE COURT: Okay. Let's handle that.

5 MR. TRAFICANT: Number one, I want to offer  
6 the resignation letter of R. Allen Sinclair listed as S-24.  
7 That was submitted to me in writing and was shared with  
8 the --

9 MR. MORFORD: It's already in evidence.

10 MR. TRAFICANT: If it's in evidence --

11 THE COURT: It's already been admitted,  
12 Congressman.

13 MR. TRAFICANT: It is admitted?

14 THE COURT: Yes.

15 MR. TRAFICANT: Okay. Number two, the  
16 October 31, 1990 contract that was witnessed by Richard  
17 Rovnak and attested to his signature on the stand.

18 MR. SMITH: Your Honor, we objected to that  
19 before and still do.

20 The only thing that's ever been authenticated on that  
21 document is Mr. Rovnak's signature as a witness. He said  
22 that was his signature and nothing more.

23 Just a second, Your Honor.

24 MR. TRAFICANT: He identified it. He said,  
25 "Is this the guy that didn't do the work? He said, "Is

1 this the guy that didn't do the work?"

2 THE COURT: He was in the middle of speaking  
3 and asked for a moment. Thank you.

4 MR. TRAFICANT: I'm sorry. Go ahead.

5 MR. SMITH: We believe the Court has earlier  
6 ruled this one out on the ground, it's never been properly  
7 authenticated.

8 MR. TRAFICANT: The number is ROV-20.

9 THE COURT: Hold on, we'll check.

10 MR. TRAFICANT: The point -- I'm saying he  
11 said it wasn't identified. It was identified and further  
12 stated this is the guy who didn't do the work, supposedly.

13 THE COURT: Just wait. If I've already ruled  
14 on that, I'll tell you what the ruling was. Just hold on.

15 MR. TRAFICANT: While you're looking, Your  
16 Honor, was S-24 admitted under a different number?

17 THE COURT: We'll check that, too, but  
18 actually I'm not doing the looking, my clerk is looking,  
19 and so he'll have to look for that one, too.

20 MR. TRAFICANT: Thank you.

21 THE CLERK: S-24 was admitted as S-24.

22 THE COURT: S-24 was admitted as S-24.

23 MR. TRAFICANT: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 MR. TRAFICANT: ROV-20.

1                   THE COURT: It hasn't been admitted, so now  
2 we'll pull up the transcript of the 21st and see what the  
3 colloquy was, and then we'll know.

4                   Do you have any others?

5                   MR. TRAFICANT: Yes. I would like to at this  
6 point bring in TC-1 through TC-, I believe the last one was  
7 13. TC-1 through 13 inclusive, and those were documents of  
8 the payments for the concrete at T. C. Redi-Mix.

9                   MR. SMITH: We have no objection to the  
10 admission of any of those. However, the Congressman needs  
11 to give us copies of TC-10 through 13.

12                  THE COURT: Okay.

13                  MR. TRAFICANT: I will be glad to do that.

14                  THE COURT: Will you bring them in in the  
15 morning?

16                  MR. TRAFICANT: Can I trust you with them to  
17 take them and copy them or do you want me to bring you the  
18 copies?

19                  MR. MORFORD: Bring us the copies.

20                  MR. TRAFICANT: They have been tough for me  
21 to copy or I would have had copies for them, Your Honor. I  
22 don't know if I can. They have the technology to maybe be  
23 able to copy them.

24                  MR. MORFORD: Kinko's.

25                  THE COURT: If you just get TC-10 to 13,

1 copies to them tomorrow morning, that will be fine.

2 MR. TRAFICANT: I'll do my best.

3 I also ask that JT-1007 --

4 THE COURT: But wait a minute, because I just  
5 want to admit these.

6 TC-1 through 13 will be admitted.

7 MR. TRAFICANT: TC-1 through 13 is admitted?

8 THE COURT: Right. Without objection.

9 MR. TRAFICANT: Next is JT-1007, parentheses  
10 double capital A.

11 MR. SMITH: We will have to look at it.

12 MR. TRAFICANT: It was given to me on  
13 discovery by the government. I want to proffer it into the  
14 record, as well.

15 MR. SMITH: Your Honor, that's that page out  
16 of the FBI lab report which we objected to before. You  
17 already have the basis for our objection. We renew the  
18 objection.

19 MR. TRAFICANT: This speaks to evidence, and  
20 I reject their argument based on --

21 THE COURT: Wait a minute. Wait, wait, wait.  
22 Hold on a minute. We're still looking up another exhibit.  
23 He's still looking it up, and we need to do it one at a  
24 time.

25 MR. SMITH: I believe you will find it on

1 page 1062 to 1065 in volume 6.

2 MR. TRAFICANT: Do you have a copy of that  
3 that I could see to assure that's the words that I  
4 remember?

5 MR. SMITH: She's got it.

6 THE COURT: This is the really boring part of  
7 any trial, so all of you just sit back and relax or stand  
8 up and stretch. Whatever you want to do. But it's all  
9 important in the long run.

10 MR. TRAFICANT: While the Court reads, my  
11 memory states his humorous response was, "Is this the one  
12 that the guy never worked or performed?" If that's in the  
13 record, it shows his identification of the document.

14 THE COURT: What I'm trying to look at right  
15 now is ROV-20, so if you would just let me look instead of  
16 trying to listen to you and look at the same time, it would  
17 be really helpful.

18 You could sit down.

19 MR. TRAFICANT: That might help you though.  
20 I'm trying to help the Court.

21 THE COURT: I found the part that's in here.  
22 I just have to be --

23 MR. TRAFICANT: I believe it is --

24 THE COURT: I have to see what we did for it.

25 MR. TRAFICANT: I just said he made a

1 comment, "Is this the fella that was supposed to do all  
2 that work that didn't do it?" And in an attempt to help  
3 the prosecution, it should be admissible since he  
4 identified it as such. And those words should be in there,  
5 unless my failing memory characterized by loss of --

6 THE COURT: If you want to keep talking to  
7 me, I'll keep listening to you. If you'd like me to try  
8 and look at this and resolve it, I'll do that, but I don't  
9 do both at once.

10 MR. TRAFICANT: I won't talk anymore.

11 THE COURT: Thank you, just for a few moments  
12 so I can get through this.

13 MR. TRAFICANT: I promise.

14 (Pause.)

15 THE COURT: Well, I don't see anything  
16 surrounding the areas of inquiry here where this was even  
17 offered, so tell me the pages again if you've got some page  
18 for that.

19 MR. TRAFICANT: I want to see the transcript  
20 if they have one.

21 THE COURT: Well, I have the transcript and  
22 I'll be glad to show it to everyone as soon as I can find  
23 out what we're talking about.

24 Tell me again.

25 MR. SMITH: Your Honor on pages, our

1       understanding is on pages 1062 to 1065, the only thing that  
2       happened was that Rovnak recognized his signature on the  
3       document. He did not authenticate the document as a  
4       business record of either himself or any entity under Rule  
5       803(6) of the Federal Rules of Evidence. There has not  
6       been a proper foundation laid for the document as such, and  
7       therefore, it does not come in for the truth of the matter  
8       asserted.

9               That's our objection.

10               MR. TRAFICANT: Now, my objection is did  
11       Mr. Rovnak state as a favor for the prosecution, "Oh, you  
12       mean this is the deal with the guy who never showed to  
13       work?"

14               THE COURT: Well, I don't know whether he  
15       stated that or not. I just thought what I was looking for  
16       here was a prior objection and my ruling on it, but  
17       apparently that's something else, and they are correct  
18       that --

19               MR. TRAFICANT: He did identify the document,  
20       and he further identified it by saying, "Oh, you mean this  
21       is the guy who failed to work," in attempt to help the  
22       prosecutors.

23               THE COURT: I'll hand you --

24               MR. TRAFICANT: Which now should make it  
25       admissible, if he said that, and that, in fact, connotes

1 identification, and can't be refuted, if it's in there. If  
2 it's not, I want to read the transcript.

3 THE COURT: Well, you don't have to read the  
4 transcript, but I have to read the transcript.

5 There is nothing in this part of the Rovnak cross  
6 that shows any identification of this document. I will  
7 review it tonight and let you know tomorrow morning, but  
8 I'm not going to sit here and read the entire Rovnak  
9 examination now.

10 MR. TRAFICANT: Okay. Then I want to proffer  
11 for the record that Mr. Rovnak made an identification by  
12 making a statement, "Is this the fella that didn't show for  
13 work?"

14 THE COURT: Okay.

15 MR. TRAFICANT: The next one is --

16 THE COURT: You need to leave me a copy of  
17 the document that you're concerned about so that I can  
18 examine it tonight.

19 MR. TRAFICANT: I will present this to  
20 Jeffrey.

21 THE COURT: Thank you.

22 MR. TRAFICANT: Is it Jeffrey?

23 The next is JT-1007-AA. It was given to me on  
24 discovery by the government, and it is a government pursuit  
25 which lists all the items they had, in fact, asked for

1 identification, which include -- and I want to read it for  
2 the record --

3 THE COURT: Excuse me. Just a minute. This  
4 is an FBI document that was first presented somehow during  
5 the testimony of the agent earlier on in the government's  
6 case? Is that right?

7 MR. TRAFICANT: Yes, it was.

8 MR. MORFORD: It's never been presented.

9 MR. TRAFICANT: No, it wasn't presented --

10 THE COURT: So this is something which you  
11 were given as part of discovery in the case?

12 MR. TRAFICANT: I questioned him about  
13 fingerprints. Now, he responded there were no  
14 fingerprints.

15 THE COURT: Where does this come from? I  
16 need to know.

17 MR. MORFORD: Discovery.

18 MR. TRAFICANT: It came through the  
19 government through discovery.

20 MR. SMITH: Right.

21 MR. MORFORD: Discovery.

22 THE COURT: Okay.

23 MR. TRAFICANT: Yes. In that regard I want  
24 to read it into the record, the results of examination of  
25 October 10, 2000. "FBI Laboratory report, results of

1 examination. Specimens Q-1 through Q-415 and Q-436 through  
2 Q-503, envelopes, envelope fragments, plastic bags, U.S.  
3 currency, money bands, business cards, driver's license,  
4 letters, invoices, and other miscellaneous documents, were  
5 examined, and 108 latent fingerprints and 16 latent palm  
6 prints of value were developed on two attached sheets of  
7 paper in accompanying note Q-1, Q-1.1 and Q-2; plastic bag  
8 Q-15; cash envelope, Q-298; sheet of paper, Q-371; business  
9 card, Q-375.1; two sheets of paper, Q-377 and Q-387; copy  
10 of letter, Q-389.2; sheet of paper, Q-398; invoice, Q-408;  
11 copy of invoice, Q-410; seven forms, Q-439, Q-444, Q-445.2,  
12 Q-445.3, Q-449.4, Q-450.2, and Q-450.4.

13 "Copy of license, Q-451; two-page letter, Q-54; copy  
14 of letter, Q-55; sheet of paper, Q-457; facsimile cover  
15 sheet and letter, Q-458.1 and Q-458.2; three sheets of  
16 paper, Q-459.3, Q-460, and Q-462; two letters, Q-465 and  
17 Q-467; five invoices, Q-468.2, Q-468.4, Q-468.5, Q-469,  
18 Q-470.3; two letters, Q-472.1 and Q-472.2; five documents,  
19 Q-493, Q-494, Q-496, Q-497.2, and Q-498; and two sheets of  
20 paper, Q-500 and Q-501.

21 "69 latent fingerprints are not fingerprints of James  
22 A. Traficant, Jr., FBI number 133497-AA-1. Henry DiBlasio  
23 or Charles" --

24 THE COURT: Henry A. DiBlasio.

25 MR. TRAFICANT: "Henry A. DiBlasio or Charles

1 O'Nesti. The remaining 39 latent fingerprints were  
2 compared insofar as possible with the available  
3 fingerprints of these individuals, but no identifications  
4 were effected. No palm prints are available here for these  
5 individuals. Major case prints are needed for conclusive  
6 comparisons."

7 Your Honor, this deals with literally close to a  
8 thousand documents that the government sought to pursue for  
9 the purpose of attaining physical credible evidence to deny  
10 the admissibility of this, and yet to deny me the  
11 opportunity to have the summation of it with this jury, I  
12 believe tainted my case. But to keep this out would  
13 further, further injure the defense since the government  
14 clearly attempted to take every possible step to establish  
15 some sort of physical credible evidence to support their  
16 nonevidentiary case.

17 MR. SMITH: Your Honor, our response will  
18 remain the same as it was before. Number one, the document  
19 is hearsay. Number two, the only relevant evidence in the  
20 case is that which has been admitted. And as to that  
21 evidence which has been admitted in this case, there has  
22 already been testimony elicited from, I believe, both the  
23 government and the Congressman, that Congressman  
24 Traficant's fingerprints are on none of it.

25 Therefore, this report under the relevance

1 rule does not make any fact which is pertinent or relevant  
2 to the inquiry more or less likely than it would be without  
3 the document.

4 So on both grounds, and on redundancy as well,  
5 because we've already had the evidence that there were no  
6 fingerprints of Congressman Traficant in this case, the  
7 document should be excluded.

8 The Court -- we would ask the Court if it needs to  
9 review Mr. Bushner's direct and cross-examination where the  
10 lack of fingerprint evidence was fully developed, as to the  
11 evidence that was admitted in this case as opposed to  
12 extraneous other documents that may have been examined but  
13 never admitted.

14 MR. TRAFICANT: In response to the  
15 government, Mr. Bushner fully on direct admitted there was  
16 no evidence. Under cross, he was further extensively  
17 tested.

18 THE COURT: Right.

19 MR. TRAFICANT: But now you are requiring the  
20 jury, after eight or nine weeks of trial, to remember the  
21 testimony that involved hundreds of people here, or close  
22 to a hundred people, these two statements.

23 These corroborate the fact that the government gave  
24 me through discovery what is now exculpatory material, and  
25 under the hearsay exceptions, this does not apply. This is

1 not hearsay. This is a forensic scientific test conducted  
2 pursuant to a request of a U.S. Attorney's Office, and if,  
3 in fact, it had a fingerprint, it would be in front of this  
4 jury.

5 Now, if you do not let this in, I believe that you  
6 will have violated my Constitutional rights, period.

7 THE COURT: I understand. I know you have  
8 very strong beliefs about all of these things.

9 This is an FBI lab, Federal Bureau of  
10 Investigation report of an examination. The report was  
11 originally furnished for official use only. The content of  
12 it was testified to extensively in earlier testimony, but  
13 as a matter of fact, I don't see what harm would come at  
14 all from letting you admit this evidence as part of your  
15 case if you want to admit it as part of your case.

16 It is a little redundant, it's a stretch  
17 maybe on the hearsay rules, but it seems to me this is a  
18 government document, and while there may have been some one  
19 step you could have taken somewhere in order to get it  
20 introduced a while back, nonetheless it is simply the  
21 summary page that was referred to in the Bushner testimony.

22 MR. TRAFICANT: But it includes --

23 THE COURT: The summary page here can be  
24 admitted.

25 MR. TRAFICANT: Thank you, Your Honor. Now I

1 have another issue with the Court.

2 THE COURT: Okay.

3 MR. TRAFICANT: In fact, I want to read into  
4 the record for proffer relative to the Mineral Ridge matter  
5 that was not allowed to be brought into this matter  
6 concerning George Buccella.

7 THE COURT: What is it that you have there  
8 that you're going to read?

9 MR. TRAFICANT: It is a document that has  
10 been presented to me in confidence.

11 THE COURT: Okay. Well, first show it to the  
12 other side. Then if you're going to use it in any way or  
13 even read from it, you're going to have to assign it some  
14 kind of number. But they get a chance to look at this and  
15 consider it.

16 MR. TRAFICANT: This is where Mr. Vogel --

17 THE COURT: Don't talk for a minute while  
18 they look at it. I'll see if I can resolve this other  
19 issue in volume 6.

20 MR. TRAFICANT: I'm not asking it to be  
21 admitted, just read and proffered into the record.

22 THE COURT: I understand.

23 MR. TRAFICANT: Your Honor, I do not mean to  
24 interrupt, but I have notes relating to Mr. Rovnak's  
25 testimony.

1 THE COURT: Okay. Well, we have the actually  
2 testimony.

3 MR. TRAFICANT: I would like to --

4 THE COURT: I'm having my clerk read it.

5 MR. TRAFICANT: For the record, I'd like to  
6 place the notes that I have on the record.

7 THE COURT: Just hold on a minute. We can't  
8 do two things at once.

9 MR. TRAFICANT: The notes say --

10 THE COURT: Don't read the notes into the  
11 record. We have a transcript, Congressman. It's the  
12 official transcript of the case.

13 MR. TRAFICANT: It is February 21 --

14 THE COURT: Okay. Let's go back to this  
15 ROV-20. It was identified, it shows up in the transcript  
16 on 1064, lines 18 and 19, if someone wants to look at it.

17 MR. TRAFICANT: Lines what?

18 THE COURT: 18 and 19.

19 MR. TRAFICANT: "Is this that guy who never  
20 showed up to paint your boat?"

21 THE COURT: Right. Then it says, "No. I'm  
22 asking you what is the document?" And he says, "That's  
23 what I'm asking."

24 "Oh, it looks like a contract to paint the boat."

25 That's a sufficient identification for this.

1 MR. TRAFICANT: Thank you, Your Honor.

2 THE COURT: You're welcome.

3 MR. TRAFICANT: It will be admitted.

4 THE COURT: Yep.

5 MR. TRAFICANT: Thank you. That concludes my  
6 business for the day.

7 THE COURT: Okay. Well, we have a few more  
8 things.

9 Do you have anything else on the exhibit situation?

10 MR. SMITH: The government does not.

11 THE COURT: Okay. I haven't -- we're going  
12 to give you the master list that we have developed today.  
13 I just want to be sure, Congressman, that you understand  
14 that at some point in this case all of the exhibits that  
15 you wish to enter that have been actually admitted in the  
16 case need to be here and organized, the same with the  
17 government, and both sides have to spend some time working  
18 with one another to make sure that the exhibits that go to  
19 this jury actually include only the exhibits that have been  
20 admitted. And that's why we make master lists to assist  
21 you in that.

22 But I'm a little concerned because so  
23 frequently you don't have with you things that you need  
24 here that you know and identify and either keep yourself or  
25 put in the custody of somebody who can manage it for you,

1 each individual item of evidence, because it's the -- the  
2 time is going to come, and you have to have them here if  
3 you want them to go back to the jury.

4 MR. TRAFICANT: I have them here now.

5 THE COURT: Good. And have them organized in  
6 such a way that the other side can look at them. In fact,  
7 you have to do that sort of reciprocally. We'll cut some  
8 time out of the proceedings before we actually give the  
9 case to the jury where you'll have to work together to go  
10 over all of the documents that have been in evidence, and  
11 that's what the master list is supposed to help you with.

12 MR. TRAFICANT: Your Honor, I've given the  
13 prosecution all of the TC documents save for four, and I  
14 have an extra copy for the Court if the Court would request  
15 it now.

16 THE COURT: Yes.

17 MR. TRAFICANT: On these four, I will attempt  
18 to have them for tomorrow.

19 THE COURT: Good.

20 MR. TRAFICANT: And I would like to know if  
21 there is a deadline set on this reciprocity of -- that's TC  
22 (handing), TC-9, TC-8 -- if there's a deadline set on this  
23 reciprocity of the exchange of evidence -- TC-7, TC-6,  
24 TC-5, TC-4, TC-3, TC-2, and TC-1. Do you have them, Jeff?

25 THE CLERK: Yes. Thank you.

1                   MR. TRAFICANT: I will try and have for you  
2 tomorrow copies of these others, as well.

3                   THE COURT: As to your question that you  
4 posed, all along for a long time there's been reciprocal  
5 discovery in this case. And you have to give them, you  
6 have to give the other side things. I think you understand  
7 that.

8                   MR. TRAFICANT: I did that. But I'm saying,  
9 is there a deadline when we get together to mutually  
10 identify all that's been admitted?

11                  THE COURT: The exhibits in the case? Yes.  
12 We need to schedule. If you know what they are now, you  
13 can do it today. If you've got them all right here, it  
14 would be a great time to do it.

15                  MR. TRAFICANT: I don't have all of them  
16 here. I have a number of them here.

17                  I would like for a time to be set up for that. I am  
18 nearing closing my case. I have perhaps five witnesses,  
19 and I would expect to close early next week, and I will  
20 make a decision early next week. I should have us a full  
21 day tomorrow.

22                  THE COURT: Okay. You'll have your witnesses  
23 here?

24                  MR. TRAFICANT: I will have my witnesses.

25                  THE COURT: Who are your witnesses,

1       Congressman?

2                   MR. TRAFICANT: We have them under subpoena,  
3       and I'll know tomorrow. And if I don't, then I'll make the  
4       decision tomorrow as to how to proceed.

5                   But I expect to have them here.

6                   THE COURT: Okay. So it's the same as it's  
7       been all along. You understand if you have nobody here at  
8       any point to testify, then we're going to put the same  
9       question to you that I put to you before, are there any  
10      further witnesses in the case.

11                  MR. TRAFICANT: I understand that, Your  
12      Honor.

13                  THE COURT: You'll need to let us know so we  
14      know what to do.

15                  MR. TRAFICANT: And I have in good faith done  
16      that, and didn't expect to have two witnesses that were  
17      here today.

18                  THE COURT: Five tomorrow?

19                  MR. TRAFICANT: Yes. I'm hoping to have at  
20      least five tomorrow, yes.

21                  THE COURT: Okay. And they'll be here at  
22      9:00?

23                  MR. TRAFICANT: Well, I hope they would be.

24                  THE COURT: Well, have you told them they  
25      have to be here at 9:00?

1                   MR. TRAFICANT: There are subpoenas out for  
2 them.

3                   THE COURT: Okay.

4                   MR. MORFORD: Your Honor, the problem is you  
5 just asked him a specific question, and he didn't answer  
6 it. The problem with that is some of these may be  
7 witnesses that were called before; some of these may be  
8 witnesses that aren't admissible.

9                   THE COURT: Are any of them witnesses that  
10 were called before?

11                   MR. TRAFICANT: No, they're not witnesses  
12 that were called before.

13                   THE COURT: Okay.

14                   MR. TRAFICANT: And they deal with the case.

15                   THE COURT: All right. We'll start at 9:00  
16 in the morning with your witnesses.

17                   Now, as to the next question, we'll ask you  
18 then tomorrow over the noon hour to begin the process of  
19 looking at one another's exhibits that you're going to  
20 admit so that those are all put together. So I need you  
21 tomorrow morning, Congressman, when you come here to bring  
22 with you the physical copies of whatever your evidence is  
23 that you don't have here today, or bring it all so it's all  
24 here.

25                   MR. TRAFICANT: I shall do so.

1 THE COURT: Okay.

2 MR. MORFORD: Is tomorrow a half day or full  
3 day?

4 THE COURT: Tomorrow is a half day. Okay?

5 MR. TRAFICANT: I shall do so.

6 THE COURT: All right.

7 MR. TRAFICANT: I would like to inquire of  
8 the Court if --

9 THE COURT: I think I should get off the  
10 bench.

11 MR. TRAFICANT: -- if any of the charts that  
12 I had made on the board are eligible for admission.

13 THE COURT: No. But you have a lot of items,  
14 and we don't want a problem at the end when everybody is  
15 ready to go to work and you don't have the things to send  
16 back with the jurors, so --

17 MR. TRAFICANT: Don't worry about that.

18 THE COURT: All right. But you understand if  
19 you have no witnesses here tomorrow morning or none of your  
20 witnesses are available to testify at any time before we  
21 get to the noon hour, then we get into this issue that you  
22 feel very concerned about, which is although we all know  
23 that you have a constitutional right not to testify, if  
24 you're going to testify, you will then have to do that  
25 sometime within the period of time where we have the jury

1 here ready to hear evidence.

2 MR. TRAFICANT: Your Honor --

3 THE COURT: You understand that?

4 MR. TRAFICANT: Your Honor, I understand  
5 that.

6 THE COURT: Okay.

7 MR. TRAFICANT: Now here, I want to read and  
8 proffer into the record a matter dealing with Mr. George  
9 Buccella.

10 MR. MORFORD: Your Honor, I object to this  
11 being read into the record. He can put the document into  
12 the record. It's late. The document speaks for itself.  
13 If he wants to proffer the document, he need not read it  
14 into the record.

15 THE COURT: No. But you do have to give it a  
16 number. You can give it a designation, and then we will  
17 allow you to proffer it into the record.

18 MR. TRAFICANT: Let's call it MBS-2000. Now,  
19 you say it appears in the record. Does the jury get a  
20 chance to look at the record?

21 THE COURT: No. The jury considers evidence.  
22 If you're proffering it for the record, then you're making  
23 it something which might be considered by the Court of  
24 Appeals, might be considered later, but it doesn't by  
25 proffering it for the record go to the jury. It has to be

1 admitted into evidence if it's going to go to the jury.

2 MR. TRAFICANT: Well, this was the issue that  
3 John Vogel would have addressed, and I think I'm going to  
4 put that on here.

5 THE COURT: Have you seen it?

6 MR. MORFORD: Yes.

7 THE COURT: Okay. Is there anything you'd  
8 like to put on the record?

9 MR. MORFORD: No, Your Honor.

10 THE COURT: Thank you very much.

11 MR. TRAFICANT: Mrs. R. A. Buccella.

12 Jeffrey? Give this to you? Court reporter.

13 MR. TRAFICANT: That concludes my business.

14 THE COURT: Okay. I have one other piece of  
15 business.

16 If there's a period of time in the mornings before we  
17 actually all come out where we allow you folks to come in  
18 and get yourselves organized, and so forth, and it's a time  
19 when we have any trial, there's sometimes colloquy among  
20 people. It's been brought to my attention that it's really  
21 gone overboard in terms of some of the conduct that's going  
22 on in the courtroom that goes beyond simple bantering.

23 This courtroom is a room we ought to all respect.  
24 And so I'm just asking that you carry on inside of this  
25 courtroom even when I'm not sitting right here on the bench

1 in a way that respects the justice system and the fact that  
2 we're in a trial together.

3 So if you can conduct yourselves well, then we can  
4 continue to allow you to come into the courtroom ahead of  
5 the jury in enough time to do something, but there were  
6 comments made this morning that really disturbed people who  
7 are accustomed to just coming into courtrooms and viewing  
8 them, and I don't want that conduct to occur again in this  
9 courtroom.

10 MR. TRAFICANT: Are you directing them at me?

11 THE COURT: I'm directing it to comments that  
12 were made this morning after the courtroom was opened up by  
13 you.

14 MR. TRAFICANT: Okay.

15 THE COURT: So I want you to just control  
16 yourself in this courtroom. It's a place that deserves  
17 your respect. And how you conduct yourselves outside is a  
18 different matter. But I don't feel like I have to come in  
19 here every day and sit here at 8:00 in the morning in order  
20 to be a governess to everybody here.

21 I think it's not too much to expect that  
22 people will show one another just sort of common decency.  
23 This is a place where we can have a lot of issues hashed  
24 out under the system of law, and I just want people to be,  
25 whatever their styles are, basically respectful of one

1 another.

2 We owe it not just to ourselves but to all the people  
3 whose courtroom this is. There have been cases tried in  
4 this courtroom since 1910. It's a place you should  
5 respect.

6 MR. TRAFICANT: Your Honor, I respect you and  
7 your courtroom, but I'd like to say this: I don't  
8 appreciate FBI agents sitting in the first row staring at  
9 me, and I will not tolerate that. And I would advise you  
10 to ask the prosecutors to keep their FBI agents, unless  
11 they want to put them on the stand, from trying and  
12 attempting to make contact, eye contact with me, that  
13 might, in fact, affect my train of thought.

14 I'm just a son of a truck driver, and I sometimes  
15 wander off into fantasies of who knows, Playboy or  
16 anything, and there have been instances where there have  
17 been FBI agents who have stared at me with continuous  
18 stares.

19 THE COURT: Well, Congressman --

20 MR. TRAFICANT: And I won't have that.

21 THE COURT: You do a lot of inquiry about  
22 being touchy-feely. Don't be so touchy about that.

23 The main thing that happens in this courtroom happens  
24 between you and the other lawyers, the Judge, the jury, and  
25 the people whose court system this is. And you can handle

1       some stares.

2                       MR. TRAFICANT: Your Honor?

3                       THE COURT: We're adjourned.

4                       (Trial adjourned at 5:23 p.m.)

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8                                       C E R T I F I C A T E

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11                       I certify that the foregoing is a correct transcript  
12                       from the record of proceedings in the above-entitled  
13                       matter.

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                                  Heidi Blueskye Geizer, RMR, CRR                       Date

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1	DIRECT EXAMINATION OF DAVID LUDT	
2	BY MR. TRAFICANT.....	5912:7
3	CROSS-EXAMINATION OF DAVID LUDT	
4	BY MR. MORFORD.....	5923:2
5	REDIRECT EXAMINATION OF DAVID LUDT	
6	BY MR. TRAFICANT.....	5931:23
7	RE-CROSS EXAMINATION OF DAVID LUDT	
8	BY MR. MORFORD.....	5938:19
9	FURTHER REDIRECT EXAMINATION OF DAVID LUDT	
10	BY MR. TRAFICANT.....	5939:6
11	DIRECT EXAMINATION OF JOHN VOGEL	
12	BY MR. TRAFICANT.....	5940:15
13	DIRECT EXAMINATION OF BETTY MANENTE	
14	BY MR. TRAFICANT.....	5949:21
15	CROSS-EXAMINATION OF BETTY MANENTE	
16	BY MR. KALL.....	5983:10
17	REDIRECT EXAMINATION OF BETTY MANENTE	
18	BY MR. TRAFICANT.....	5995:1
19	DIRECT EXAMINATION OF MARY ANN CARNA	
20	BY MR. TRAFICANT.....	6015:20
21	CROSS-EXAMINATION OF MARY ANN CARNA	
22	BY MR. MORFORD.....	6030:12
23	REDIRECT EXAMINATION OF MARY ANN CARNA	
24	BY MR. TRAFICANT.....	6033:14
25		

1 DIRECT EXAMINATION OF ROBERT EARL SAFFOLD  
2 BY MR. TRAFICANT..... 6065:20  
3 DIRECT EXAMINATION OF EDWARD W. NISHNIC  
4 BY MR. TRAFICANT..... 6090:9

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