

ADJUDICATORY HEARING IN THE MATTER

OF REP. JAMES A. TRAFICANT, JR.

Tuesday, July 16, 2002

House of Representatives,

Committee on Standards

of Official Conduct,

Adjudicatory Subcommittee,

Washington, D.C.

The committee met, pursuant to call, at 10:25 a.m., in Room 2118, Rayburn House Office Building, Hon. Joel Hefley [chairman of the committee] presiding.

Present: Representatives Hefley, Biggert, Hulshof, LaTourette, Berman, Pastor, Tubbs Jones and Green.

Staff present: Robert Walker, Staff Director/Chief Counsel; Paul Lewis, Counsel; Ken Kellner, Counsel; Bernadette Sargeant, Counsel; Virginia Johnson, Counsel to the Chairman; Bari Schwartz, Counsel to Ranking Member; and Joanne White, Administrative Assistant.

The Chairman. If I can have your attention, please, the hearing was scheduled to begin at 10 o'clock this morning. It was announced yesterday in open hearing that it would be at 10 o'clock this morning. I have in my hand just handed me a letter from Mr. Traficant that said, "I was not informed yesterday of the 10 a.m. start time of the adjudicatory hearing. I alerted the subcommittee yesterday that I would not have my witnesses available until 1 p.m." .

It was our plan that Mr. Traficant was in the middle of his testimony. Following his testimony would be an opportunity for cross-examination, both by counsel and by the panel. We thought this time would be used for that. Mr. Traficant is not here, so we cannot do that. We will have a discussion with Mr. Traficant when he comes in about being here on time. I think all of you knew that the time was at 10 o'clock. So, as a consequence, we will not commence this hearing until 11 o'clock. So if you will be back at 11 o'clock ready to go to work, we will be here, too.

Mr. Berman. Mr. Chairman, just for the record, I think the record should reflect that all eight members of the subcommittee were here in the adjoining office at the time scheduled.

The Chairman. I think that is a good point. All eight members were in the adjoining office, and committee counsel is here prepared to work. We lose an hour in our deliberations here, but we will pick it up at another time. So we will be back in session at 11 o'clock.

[Whereupon, at 10:30 a.m., the committee proceeded in Executive Session.]

The Chairman. The committee will come to order.

Mr. Traficant, I have here in my hand an unsigned letter purportedly from you saying that you did not realize that it was supposed to be starting, the hearing starting, at 10 a.m. this morning. What we had anticipated was you going ahead with your testimony as far as you wanted to go, and putting in evidence whatever else you wanted to put into evidence, begin the questioning of you as a witness, and then get to your other witnesses this afternoon.

Evidently there was some confusion in that. All eight members were here, the committee counsel were here, but you weren't. So we put this off until 11 o'clock.

Mr. Traficant. Thank you.

The Chairman. In the future, when we set the time of the hearing, unless there is some reason in advance, we need you to be here.

Mr. Traficant. Mr. Chairman, I did not hear a 10 o'clock starting time and was informed we would begin at 1 o'clock with my witnesses. I had misinterpreted that. I apologize to the committee. Had I known that, I would have been here. I was on other media broadcasts trying to demean you and everybody else. I have a number of things.

The Chairman. Wait just a minute. I trust you did a good job of that.

Mr. Traficant. I was just joking about that.

The Chairman. I know you were.

Mr. Traficant. I would like to say this in starting out. I know you are in a rough position, because you and I have been friends, and I know that will not interfere with your decision, and I don't want anything I say in the condition I am in to be offensive to you nor to any Member here.

The Chairman. I think, I keep calling you "Mr. Traficant." I have never called you "Mr. Traficant" before in my life.

Mr. Traficant. You have called me a lot of other names that you are afraid to mention here today. I resemble those, and I take great offense to some of those "slur-ious," derogatory, sometimes four-letter words of which you referred to me.

The Chairman. Four letter words like "nice."

Mr. Traficant. I have some amendments I would like to put on, and I would like to --

The Chairman. Just a minute, Mr. Traficant. As you know, this is not a pleasant situation for you. It is not a pleasant situation for any member of this committee. But I will say in working with these folks, and

most of which you have had a good relationship over the years, I have not found a more serious-minded, dedicated bunch of people since I have been in Congress in terms of wanting to give you every opportunity and in terms of wanting to make a correct decision based upon the evidence they receive. I think you probably couldn't have a better bunch of people in this position at this point. I think you probably agree with that.

Mr. Traficant. With that, I ask unanimous consent that you remove your counsel, have them go to the restroom for the remainder of the hearing and ask no further questions, and let me conclude.

I have some affidavits I would like to place on the record and I have an --

The Chairman. I have one piece of business, Mr. Traficant.

Mr. Traficant. Go ahead, Chairman.

The Chairman. You provided us yesterday with a written version of the motion to dismiss that you had made earlier.

Mr. Traficant. I would like to make comment about that before you rule.

The Chairman. Okay. I ruled on it verbally, but I have the written form now, and if you would like to make a comment on it, I will let you do that before I rule.

Mr. Traficant. Yes. I figure I know the way you would rule, but my memorandum of points and authorities in support of my respondent's motion yesterday to dismiss the statements of alleged violations will contain the following:

Number one, respondent has filed with the committee on the 15th a motion to dismiss the statement of violations. On July 15th, pursuant to the rules of the committee, I filed a motion to dismiss along with a memorandum of points and authorities in support of my motion to dismiss the statement of alleged violations. I don't know if you have a copy of this. If you don't, you certainly will get it.

On the 15th, I filed supporting documents along with the points and authorities in support of my motion to dismiss.

In essence, I have nothing personal against the committee. Your counsel up there, Mr. Walker, is certainly quite competent in understanding the rules. As a Member of Congress I know the rules could be changed by a vote of the Congress. But the committee has violated the rights of the respondent through an illegal act, and the committee continues to have actions in violation of committee rules.

The committee has harassed witness Richard Detore, important to my case, and then denied in both of my criminal proceedings now. They

violated his rights through illegal acts and violations, in fact, of our own committee rules of which we all voted on.

The committee has refused to place committee staff member Bernadette Sargeant under oath, and the respondent has provided the committee with evidence in conflict with the statements she made before the committee yesterday.

In accordance with the intent of the spirit of rule 7 of the committee rules, I seek immediate relief by dismissal of the statement of alleged violations.

In accordance with the requirements of rule 7 of the committee rules, respondent respectfully requests the committee immediately undertake an investigation of the breaches of confidentiality.

You don't have a vote, Chairman, or is that a quorum call?

The Chairman. I am not sure what that is. We will find out. You go ahead and continue briefly.

Mr. Traficant. In accordance with the requirements of clause 3, subparagraph (a), paragraph 3 of Rule XI of the Rules of the House of Representatives, and in accordance with rule 29 of the committee rules, the respondent respectfully requests alleged criminal acts described herein be referred to Federal authorities for further investigation and for possible prosecution.

I don't like to say that to Ms. Sargeant, but the bottom line is Mr. Detore has assured me he never signed any waivers. Now, I don't want to hear any more about he signing waivers and for some justification to try and, as in Cleveland, eliminate this guy from being a witness. I was railroaded once, and I don't believe the Congress of the United States has that intent.

Now, having said that, I want you to go ahead and rule, and I will accept your ruling, and then I would like to put my additional matters into evidence, and then I want to hear what your two counsel would have to say.

The Chairman. Mr. Traficant, I think we dealt with the issue of Ms. Sargeant and Mr. Detore yesterday in your comments. I have reviewed the written motion. The asserted grounds that you have in the motion are the same as in your oral motion. As in your oral motion, the written motion contains many misrepresentations particularly regarding the actions of committee staff in connection with Richard Detore and his doctor regarding supposed subcommittee statements in the media.

Mr. Traficant. Why don't we put her under oath?

The Chairman. If the assertions in your motion were true, if we accepted them all as true, you set forth no legitimate basis for dismissal.

Therefore, as I stated yesterday, your motion is denied.

Now, Mr. Traficant, hold on just a second. Let's find out what those bells are to see where we are on time.

Mr. Traficant. The bells, the bells. Ring this.

The Chairman. All right, we can proceed.

Mr. Traficant, where we left off yesterday was you were presenting your testimony. You still have 3 hours, roughly.

Mr. Traficant. I am done. I want to place on the record Defense Exhibit AA, an affidavit from Linda Kovachik dated Thursday, May 9, 2002.

I want to place on the record Defendant's Exhibit BB, an affidavit of Brian Kidwell dated May 13, 2002, which consists of two pages.

I want to submit on the record an affidavit of Orlando Ferrante, which consists of two pages, Defendant's Exhibit CC.

I want to submit for the record an affidavit, Exhibit DD, of Susan Bucci, which consists of three pages -- four pages; and an affidavit, Defendant's Exhibit GG, of a Sandra Ferrante, dated Tuesday, April 30, 2002, of two pages; and Defendant Exhibit HH, an affidavit of John Innella, dated 13th of June, 2001.

I ask that they be, in addition to those yesterday, included in the evidence of the proceedings before us here.

The Chairman. Does counsel have any objection?

Mr. Lewis. No, Mr. Chairman.

The Chairman. They will be admitted.

(Traficant Exhibit Nos. AA, BB, CC, DD, GG and HH were received in evidence.)

The Chairman. Are you prepared for cross-examination now, Mr. Traficant?

Mr. Traficant. Does a bear sleep in the wilderness?

Mr. LaTourette. Mr. Chairman, may I ask a question about the evidence of the respondent?

Mr. Traficant, yesterday there was a good deal of discussion about tape recordings or transcripts thereof. Do you intend to offer those as evidence?

Mr. Traficant. I do at the end here. I have the transcripts, and I will move the transcripts into evidence and leave you the tapes. I have a box here approximately 2 by 2, and I go through those, and the ones I leave will be salient.

Mr. LaTourette. I would say in light of the Chair's previous ruling, I think that there is a responsibility on the respondent to authenticate those before they are admitted into evidence. I think that he should be

advised he needs to do that, because I understood there were objections to those, but for his making some observations about them. So I don't want you to run out of time and not have at least addressed that issue, and maybe you are right and maybe you are wrong, but I just want --

Mr. Traficant. I appreciate that and will do that. I was under the impression to be here at 1 o'clock and do not have them with me right now.

The Chairman. You may do that later if you would like to.

Mr. Traficant. I would ask unanimous consent if my 3 hours run off, that I have an additional 5 minutes for the submission of evidence relative to tapes.

The Chairman. I don't think that will be a problem. As we get down toward that time, we can talk about it again.

Mr. Traficant. Thank you.

The Chairman. Mr. Lewis.

Mr. Lewis. Thank you.

The Chairman. Cross-examination.

Mr. Lewis. Thank you, Mr. Chairman.

Mr. Lewis. Congressman Traficant, you stated yesterday you knew Anthony Bucci.

The Chairman. Mr. Traficant, I would remind you you are still sworn and still under oath.

Mr. Traficant. Yes, I know Anthony Bucci.

Mr. Lewis. You stated you did, in fact, help Mr. Bucci and his brothers and their companies with official acts?

Mr. Traficant. I helped them, and I helped everybody in my district.

Mr. Lewis. And you did write the prison warden asking him to transfer Anthony Bucci?

Mr. Traficant. You know, let me see the document. I sent so many letters out, and my signature may not be on that. Many of the actions taken by my office are taken by staff, who sign my name. Now, I don't know if other Members do it. So show me the document, because I wasn't even able to compare handwritten documents in Cleveland. Show me the document.

Mr. Lewis. Well, you didn't object to the document in Cleveland; isn't that true?

Mr. Traficant. Well, there is a lot of things I may not have objected to, but I am objecting to it now. Let me see it. If I signed it, I signed it.

Mr. Lewis. I am going to hand you what has been marked as Hearing Exhibit 14 for identification.

Mr. Traficant. That appears to be my signature and my handwriting.

Mr. Lewis. Do you recall writing the halfway house in Youngstown regarding Mr. Bucci?

Mr. Traficant. I don't recall, but I probably did. I did that for many people.

Mr. Lewis. I am going to hand you what has been marked as Hearing Exhibit 15 for identification and ask you to look at page 2.

Mr. Traficant. That appears to be my signature, but quite frankly, I am not sure. I could have dictated it, but it looks to be mine. I am not sure.

Mr. Lewis. I ask you to look down here. Does that say JAT/JB?

Mr. Traficant. Yeah. Yes, it does.

Mr. Lewis. Do you recognize the initials JB?

Mr. Traficant. Yes. That is Jackie Bobby.

Mr. Lewis. Was Jackie Bobby your secretary?

Mr. Traficant. She was one of the people that typed it up. It was a letter coming from me. I could have signed it. It looks like it is mine. Quite frankly, I am not sure. Sometimes I can't even read my own handwriting. But I don't object to the letter, and I will stipulate to it, if it would help you.

DCMN ROSEN

. Mr. Lewis. Thank you. Do you recall writing to Wilbert Baccus at the U.S. Department of Transportation on behalf of the Buccis?

Mr. Traficant. Probably did. I don't know who signed it. Let me see it.

Mr. Lewis. I will show you what has been previously marked as Hearing Exhibit 126 for identification.

Mr. Traficant. Now, does this come out of his time?

The Chairman. Yes, it does.

Mr. Traficant. Does this come out of my time?

The Chairman. It does not come out of your time. This doesn't come out of anybody's time for presenting the case.

Mr. Traficant. Yes. That appears to be my writing but that -- those green lines on there were placed on there by somebody else.

Mr. Lewis. For the record, I put the green lines on that document.

Mr. Traficant. Well, I would ask that you would do that no more. I mean, I have had enough of that in Cleveland. I have had green lines here.

Mr. Lewis. All right. Do you recall writing the Secretary of Transportation on behalf --

Mr. Traficant. I probably did. I wrote to everybody. I called everybody. What do you have?

Mr. Lewis. And you wrote --

Mr. Traficant. Is it about Bucci?

Mr. Lewis. Yes.

Mr. Traficant. I told my staff to help Bucci, yes.

Mr. Lewis. And do you recall writing --

Mr. Traficant. I want to see the document.

Mr. Lewis. Do you recall writing the Department of Labor on behalf --

Mr. Traficant. I don't recall. You will have to refresh my memory. What year was that? Was that, you know, 1986? I mean they have taken the statute back about 10 years. I want to know the date of the letter and show it to me. I apologize, committee, I am not in a good mood.

Mr. Lewis. Do you recall calling --

Mr. Traficant. I would like to see the letter, sir. I don't recall anything. That is a fact. This has been years. Show me what you are asking me, or I will not answer it.

Mr. Lewis. I am moving on, Mr. Traficant. Do you recall calling the Ohio Department of Transportation on --

Mr. Traficant. Show me that I did. I don't recall. I could have. I

called everybody for anything. For the record, I will stipulate I was a very active Congressman. Maybe I was unusual. Maybe I was stupid. Maybe I should have just sat back and did nothing.

The Chairman. Mr. Traficant, if you don't recall just simply say "I don't recall."

Mr. Traficant. I want to see the documents. I may recall. I want to know what the salient points of them deal with before you get them.

The Chairman. Well, we have them in the record.

Mr. Traficant. I want to see what you have.

The Chairman. You do have copies of what we have.

Mr. Traficant. Not here.

The Chairman. These are documents that presented into evidence as of yesterday.

Mr. Traficant. I don't have them with me. If they are going to ask me about them, I have a right to see them.

Mr. Lewis. Absolutely. I am going to direct your attention to Hearing Exhibit 18, and ask if you recall writing Judge Spahn of the Ohio Court of Appeals regarding Anthony Sugar, Jr.?

Mr. Traficant. Let me see it. That is not my signature. I probably directed it. But it is not my signature. I may have said try and help this guy.

Mr. Lewis. Is that your Congressional letterhead?

Mr. Traficant. That is not my signature.

Mr. Lewis. Is it your Congress letter --

Mr. Traficant. I don't know if I actually authorized this. Someone called my office and said I wrote a letter for this young Sugar. That is not my signature. And I don't remember.

Mr. Lewis. Is it your letterhead? Yes or no?

Mr. Traficant. Well, it isn't Max Factor here. Come on now. That is not my signature. And anyone on the committee can tell that it is not my signature.

Mr. Lewis. Can you say yes or no --

Mr. Traficant. Now, I don't know that I -- that I directed this letter or not, or if this was a call that was generated to my staff, and my staff acted and did this. And we did a lot of this without necessarily conferring with me.

Mr. Lewis. In the corner it says JAT --

Mr. Traficant. That is not my signature. I don't give a damn what it says. I would like to explain something before we go any further.

Mr. Lewis. I object.

Mr. Traficant. I think that I have a right to respond.

The Chairman. Mr. Traficant, just answer the questions. Answer yes or no.

Mr. Traficant. My staff may get a call wanting me to look into a problem that they have. And rather than bother me, they take up these issues. Now, if they run into a roadblock, they call me and I intervene when they can go no further.

Now, I don't know how other Members handle it, but my staff is capable of handling many of these things, otherwise I would be dealing with a hundred issues a day like every Member.

Now, I didn't sign that. So I can't recall if I directed it or not. I may have, I may not.

The Chairman. Mr. Traficant, do you as most Members do, take responsibility for what comes out of your office?

Mr. Traficant. I take full responsibility. But whether or not there is any intent to do something to gain a favor here is what the issue is.

The Chairman. Just answer the questions yes or no.

Mr. Traficant. Well, sometimes that is difficult. I can be loquacious. And I am trying to eat up their time, Mr. Chairman.

The Chairman. I recognize that. We don't want this coming out of your time.

Mr. Traficant. Why don't you just come out. Ask me your questions. You know put the heavy stuff on the line, will you? Come with your program. I wasn't about to do anything in Cleveland, believe me. Come on.

Mr. Lewis. You stated that you were able to obtain appropriations for USAG.

Mr. Traficant. Yes. I worked very hard to get the appropriation for the USAG. I got them the \$4 million, although Cafaro knows all of these big shots and brags about it, in the final analysis, he had to come down to an effective Congressman who was trying to get jobs for his district. And I will say it for the record, self-serving. I have been effective for my district. I am proud of it. And I worked my buns off and got that money.

And it was unusual, because it wasn't authorized.

Mr. Lewis. And you wrote press releases --

The Chairman. Do we take that as a yes, Mr. Traficant?

Mr. Traficant. I think so, Chairman.

Mr. Lewis. You wrote presses releases for USAG?

Mr. Traficant. My committee, we always sent out a press release. Let me see the document and see if we did it or someone else did it.

Mr. Lewis. You just stated that you did press releases.

Mr. Traficant. Let me see it. If it is mine, you said do you do press releases. Naturally, when we get money that affects my district, or has an impact on my constituents, we try and let the voters know, because, you see, I, every 2 years, am evaluated quite unlikely like you, and the people have to elect me. So we try and let them know what I do.

The Chairman. Mr. Traficant, you made an opening statement yesterday. You have had an hour of testimony. We don't need to repeat all of that. I understand what you are getting at.

Mr. Traficant. I am trying to waste time here, Mr. Chairman.

The Chairman. I know you are. But if you can just answer the counsel's questions.

Mr. Traficant. I want to know the motive of the question. I am being serious now, I am not being funny and light. I want to know what the motive of this question is.

The Chairman. He will get to the motive.

Mr. Traficant. I hope he would.

The Chairman. This is his time to question you.

Mr. Traficant. That is why I am doing this.

Mr. Lewis. Congressman Traficant, you admitted that you hired Allen Sinclair.

Mr. Traficant. Yes, I did hire Allen Sinclair.

Mr. Lewis. You made him your counsel, not the government, correct?

Mr. Traficant. I made him my what?

Mr. Lewis. You made him your administrative counsel?

Mr. Traficant. Yes. That was his title.

Mr. Lewis. Okay. I am handing you what has previously been marked Exhibit 52 for identification, and ask in this is your handwriting?

Mr. Traficant. Yeah. That is my handwriting.

Mr. Lewis. Did you give that note to Allen Sinclair?

Mr. Traficant. No, I think I left it on his desk.

Mr. Lewis. Okay.

Mr. Traficant. I am not sure. Probably left it on his desk. It looks like a little sticker pad. Dealt with the IRS, didn't it?

Mr. Lewis. Yes, it did. I am handing you hearing Exhibit Number 53 for identification, and ask if you can recognize this as your handwriting?

Mr. Traficant. Yes, that is my handwriting. I did not hand this to him. I believe I left it on his desk.

Mr. Lewis. Did you write this?

Mr. Traficant. Yes. I said it was my handwriting. I think if it was my handwriting, I think I wrote it.

Mr. Lewis. I ask you to look at Hearing Exhibit Number 54.

Mr. Traficant. That is my handwriting.

Mr. Lewis. And did you give the original of that document to Allen Sinclair?

Mr. Traficant. I don't know if I gave him the original or a copy, quite frankly. Do you have the original?

Mr. Lewis. Do you recall if the original --

Mr. Traficant. I don't recall. But that is a true and accurate reflection of what I would have given him.

Mr. Lewis. Okay. I would ask you to look at Hearing Exhibit 55 and ask if this is your handwriting?

Mr. Traficant. Yes, this is my handwriting. Do you have the originals?

Mr. Lewis. I just asked if you could identify this copy. Did you say this to Allen Sinclair -- did you write this? Allen, it is against House rules to lend me money, but you did.

Mr. Traficant. Yeah. That is true. I probably wrote that. I am not sure it is against House rules to lend me money. But I thought it might be.

Mr. Lewis. But you wrote to him that it was against House rules?

Mr. Traficant. That I did write. Yeah.

Mr. Lewis. Now, you said yesterday that you rented office space for your district office from Allen Sinclair's wife?

Mr. Traficant. I thought it was. I thought he cleared it with the Ethics Committee. I didn't even know it was his wife. It was KAS Enterprises. I believe when I signed that lease there was no confirmation signed underneath KAS, and I thought I was leasing as from Henry DiBlasio that they put it in some form of trust, it met the Standards of Official Conduct, and they checked with them.

So I don't know if KAS, Kimberly Ann Sinclair's signature was on there when I signed it.

Mr. Lewis. Who did you think that you were leasing the building from?

Mr. Traficant. KAS Enterprises.

Mr. Lewis. And what did you understand KAS to stand for.

Mr. Traficant. The owner of the building.

Mr. Lewis. Did you know that it stood for Kimberly Ann Sinclair?

Mr. Traficant. No, I didn't at the time, no.

Mr. Lewis. Who did you sign that document in front of?

Mr. Traficant. I don't remember. Probably witnessed by someone. But I don't remember.

Mr. Lewis. Okay. And you stated that you also rented that district office space from Henry DiBlasio.

Mr. Traficant. Yes, I did.

Mr. Lewis. Okay.

Mr. Traficant. He had it in a trust. I was under the impression when we come down here to orientation that Henry went to the respective committees and asked how do I do this? I own the building. I was under the impression that Sinclair did the same thing. I didn't think there was any issue, signed the leases, and quite frankly, I don't believe there was any signature of an owner on that other than the listing of KAS Enterprises.

In fact, that is the best of my memory that there was not.

Mr. Lewis. So you knew DeBlasio owned the building but you thought --

Mr. Traficant. No, I didn't know DeBlasio owned the building. I know he owned the building, went to the Ethics Committee and talked to them about how to orchestrate or make it a legal thing. I really stayed out of it. I just rented office space, quite frankly.

Mr. Lewis. When you were elected in 1985, DeBlasio did own the building, right?

Mr. Traficant. DeBlasio, when I took office, had come down through the orientation week with me and went over that. He ended up -- I ended up renting from a trust. I don't know a damn thing about the trust or KAS, quite frankly.

Mr. Lewis. But he owned the building in 1985?

Mr. Traficant. Before I rented it, I know that he was the owner, yes.

Mr. Lewis. But your office stayed in that building from 1985 to 2000, correct?

Mr. Traficant. Yes, I did. It was an administrative office, where my personal offices were. And I stayed there.

Mr. Lewis. And DiBlasio's law firm stayed in the same building?

Mr. Traficant. Yes. His law firm was there. And he was allowed to practice law. And he cleared that with the committee, at least that was what was represented to me.

Mr. Lewis. Now --

Mr. Traficant. I asked that that be clarified. And the Ethics Committee certainly must have these records.

Mr. Lewis. You stated yesterday that there was a family farm outside Youngstown.

Mr. Traficant. Pardon me?

Mr. Lewis. You stated yesterday that there is a family farm outside

of Youngstown?

Mr. Traficant. Yes, I did.

Mr. Lewis. And did you live on that farm?

Mr. Traficant. I have never lived on that farm. But I have worked every inch of it myself.

Mr. Lewis. Did you ever stay overnight at that farm.

Mr. Traficant. Yeah, on occasions I stayed overnight on that farm.

Mr. Lewis. Did you own horses on that farm?

Mr. Traficant. I owned some. Other people owned horses, and some of my family owned horses on that farm. It was an active farm. I made my own feed and my own hay, myself, personally around my Congressional schedule. I was a farmer and loved it.

Mr. Lewis. Did you tell the Buccis to do any work at that farm?

Mr. Traficant. No, I didn't tell them to do any work. They wanted to do work. They came to me begging to do work. When I helped get him out of that, when his family come to me and I got him moved, he came up to me and said, I will pave your whole damn place. You are the only politician that ever helped me.

I said, I don't want anything. But I have a section where my barn sits low. And I says water rolls into the one barn. And I want you to grade it. You asked me a question.

Mr. Lewis. That's a no?

Mr. Traficant. I asked him to grade that.

Mr. Lewis. Congressman, do you know who Sandy Ferrante is.

Mr. Traficant. I certainly do. She will be here to testify.

Mr. Lewis. Who is she.

Mr. Traficant. She was one of the top women show horse trainers in the world. Showed the 12 world championships of parade horse under Silver Saddle and showed two of my horses, one horse to five world championships.

Mr. Lewis. Did she live on the family farm?

Mr. Traficant. She lived on that farm.

Mr. Lewis. Was she an employee of the family farm?

Mr. Traficant. For many years. She was not an employee. She lived there. She paid some rent. Quite frankly, she had a rough time at times.

Didn't pay rent. Her husband and her had horses. They paid board. I averaged about \$600 a month cash over the years in rent and payments on those activities.

Mr. Lewis. Who did she pay the rent to?

Mr. Traficant. She paid it to me. I managed it. I never owned that farm. I owned it in the beginning. And then my father owned that farm

when all of this activity came down.

Mr. Lewis. When did you own the farm, Congressman?

Mr. Traficant. I don't remember. Probably when we bought it back in the 1970s, my father, my mother and my wife and I, I think all four we put our money together downpayment and bought a farm.

Mr. Lewis. Okay. Do you recall asking Allen Sinclair to write up --

Mr. Traficant. That is a lie. My wife wanted that given to her daughter. And my daughter was in a marriage, and I don't want to really talk about my family affairs. And she was going to give it to her and her husband. And their marriage was a little rocky. She waited until the marriage was over and then did sign it over. Now, I know what Sinclair testified to. It is a damn lie. There was no attempt to try and shield that farm. My wife owned that farm. I did not.

I only signed it because there was a dower's right in the event that she would die.

Mr. Lewis. You did sign it?

The Chairman. Mr. Traficant, we don't need quite so much explanation. If you can answer the questions just straight forwardly and clearly, we may see where Mr. Lewis is coming with them.

Mr. Traficant. Mr. Chairman, this is what happened in Cleveland. I have had people lying, and I want to explain it. Period. Okay?

The Chairman. You will have time for a closing statement as well.

Mr. Traficant. I don't want to waste my time doing it. I want to respond while he is asking these questions.

The Chairman. I suppose as he gets here, we are going to find out where he is going with this.

Mr. Traficant. I did not own that farm. I was involved in no fraudulent activity to try and shield that farm. I know the government is trying to take it. They can shove that deed up their subpoena.

Mr. Lewis. I would ask you to look at --

Mr. Traficant. Show it to me.

Mr. Lewis. 61, Government's Exhibit 611.

Mr. Traficant. Yes, I see it.

Mr. Lewis. Is that your signature?

Mr. Traficant. Yes, it is.

Mr. Lewis. Is that your wife's signature.

Mr. Traficant. Yes, it is.

Mr. Lewis. Is this a deed -- is this a deed for your family farm saying that you and your wife were conveying it to your daughter?

Mr. Traficant. I signed away a dower's right. You would have to go

to Mahoning County Recorder and see who that property was deeded to, sir.  
That property was not deeded to me. Show me the document.

Mr. Lewis. But you signed the document?

Mr. Traficant. Show me the document. Yeah, I signed it as a dower right. Period, as a husband of the woman who owned the farm and who was transferring it and giving to it her daughter.

Mr. Lewis. Getting back to Sandy Ferrante, do you recall her testimony at the trial in Cleveland?

Mr. Traficant. I don't remember if I recall all of her testimony. Because a lot of it wasn't allowed.

Mr. Lewis. Do you recall that she said the Buccis did, in fact, work for you on that farm?

Mr. Traficant. Yeah, they did come out and did some work. I told you that there was some water going in there. Then I wanted to borrow their jackhammers, they said that they would have insurance problems. I didn't want them to do it, because I said they will knock the bank barn in if they are not careful. And they did knock the bank barn in.

Mr. Lewis. Did you tell David Manevich to build an addition in 1993?

Mr. Traficant. No, I did not. I don't care what Manevich said. First of all, Manevich said he was paid \$15 an hour. Gatti said Manevich was paid \$10 an hour. The job they did, two witnesses, Marchese and Innella, said the whole job would have taken 2 weeks and wouldn't cost more than \$8,000.

Mr. Lewis. Marchese said that the job would do what.

Mr. Traficant. He said it would take 2 weeks, no more. From 8,000 to \$12,500.

Mr. Lewis. Didn't he testify at trial that the last time he worked construction was 1976?

Mr. Traficant. Yes. And he was equating it on today's -- in looking back at what the cost would be for the materials.

Mr. Lewis. So his expertise was based on 20 years --

Mr. Traficant. Do you want to see pictures of the farm without eaves, without windows?

Mr. Lewis. I have seen them, Congressman.

Mr. Traficant. Decrepit. They are showing you the good side of it. Didn't they?

Mr. Lewis. You said Dominic Marchese also testified that Manevich didn't do a very good job on the farm, right?

Mr. Traficant. There is a hole where animals get up into the roof. He didn't even seal off the one part of it. They did a butcher job.

Mr. Lewis. And Dominic Marchese is employed by you?

Mr. Traficant. Yes, he is an employee of mine. He is a farmer.

Mr. Lewis. He is also a very, very, very good friend of yours?

Mr. Traficant. What is the difference?

Mr. Lewis. He is -- I am just saying that your testimony is based on a friend and an employee. You did not actually have --

Mr. Traficant. Dominic Marchese did not lie. He is not a convicted felon. What are you implying?

Mr. Lewis. I am just --

Mr. Traficant. He is an employee of mine. He is a friend of mine.

Mr. Lewis. You had two witnesses who said Manevich did not do \$26,000 worth of work --

Mr. Traficant. I know they didn't.

Mr. Lewis. -- at your farm. One of them is an employee of yours. And one of them knows nothing about construction work. Why didn't you get an independent contractor, an independent --

Mr. Traficant. The other one has done construction all of his life.

Mr. Lewis. Did you have anybody testify on an independent basis about the work that --

Mr. Traficant. I didn't have to prove that.

Mr. Lewis. So it is based on an employee and somebody who worked construction 20 years ago?

Mr. Traficant. No. It was the responsibility of the government to prove that. They did not, quite frankly. Let me say one other thing. Manevich said he got \$15 an hour. Gatti said Manevich got \$10 an hour. Now, I also want to state that the reason I talked to Manevich is I didn't want that thing enclosed. I built it all. Sandy Ferrante asked my father, who owned that place, to close it in. And he said go ahead and close it in.

I would have to clear it with my father. I didn't want it closed in, because to tell you the truth, I wanted to shoot groundhogs off the damn deck.

Mr. Lewis. So Manevich and Gatti were both not truthful?

Mr. Traficant. No. I think that Gatti was truthful. And I think that Manevich probably got the \$15 an hour and told whoever was helping him that he was getting 15.

Mr. Lewis. All of Gatti's testimony is truthful? You accept it?

Mr. Traficant. I don't remember Gatti's testimony. I don't think why Gatti would lie.

Mr. Lewis. And the third person who testified about doing work at

your farm for Bucheit was --

Mr. Traficant. For who?

Mr. Lewis. For Bucheit, Peter Bucheit.

Mr. Traficant. Go right ahead.

Mr. Lewis. Was an electrician named Thomas Passewitz?

Mr. Traficant. I don't even know him.

Mr. Lewis. Okay.

Mr. Traficant. If he come in here, I might see him, he might have done it. But let me say this.

Mr. Lewis. I will move on.

Mr. Traficant. No. Wait a minute.

Mr. Lewis. Bucella, Rovnak and --

Mr. Traficant. I did not authorize any construction on that deck, period.

The Chairman. I am going to ask the witness to be responsive to the question that the counsel is asking. We don't need so much embellishment.

Answer the questions that counsel is asking. And I think we will get to the truth here.

Mr. Lewis. You stated yesterday that three employees of your Congressional office, George Bucella, Richard Rovnak and Anthony Traficanti volunteered to work on your farm.

Mr. Traficant. Yes, they did. I never ordered anybody to work on my farm.

Mr. Lewis. You did not pay them?

Mr. Traficant. No, I didn't pay them. They were friends. And they put in the amount of time they needed during the week at all times. And they basically helped me mostly during the hay season. Bucella helped because we had a couple of trucks that were so dangerous. He was an expert driver. He went at times to get some sawdust or go get some oats. I mean, it was a dangerous truck and George is a good driver.

Mr. Lewis. You admitted yesterday that your staff did work on your boat?

Mr. Traficant. I think they went down one day. I think West Richards said it was like a sort of bonding type of thing. And anybody that didn't want to go, didn't have to go. I don't know if I put that thing together, quite frankly. I didn't even remember it.

Mr. Lewis. Well, West Richards said you did.

Mr. Traficant. Well, then I did. It was one afternoon when Congress was out.

Mr. Lewis. Five or six people during working hours. Did you pay

them?

Mr. Traficant. No, I didn't pay them.

Mr. Lewis. It was bonding, but they did scrape the boat and clean the paint?

Mr. Traficant. I don't know how much scraping and boating they did. I have a contract that I want to introduce as evidence that showed that I had a person who did the work on that boat. I paid him to do the work on that boat.

Mr. Lewis. So all of these Congressional workers volunteered to work on your farm and your boat?

Mr. Traficant. Quite frankly, Rovnak never really worked at that farm till after he was employed. He come out. He told me that he had no insurance, he was a good friend of mine, he needed help. And he hung around with me and I liked him, and he did things out there at the farm. Andy Traficanti used it as a health spa, then he got an asthmatic type of problem and he even wanted to come out and do other things. But he had this hay fever. I found out that Bucella had a DUI he was involved in in fixing. The Feds went to him and scared the hell out of him. He said he was out there 300 days. He lied.

And John Vogel, and Jim Price and the tape of Jim Price, who in fact George Bucella admitted to, a fellow trustee in Wethersfield Township told him that, and that couldn't be brought in as evidence there nor here.

Mr. Lewis. Has he been convicted of that, Congressman?

Mr. Traficant. Hell, no. They are not going to convict him. They wanted me, Counsel.

Mr. Lewis. He is not --

Mr. Traficant. They let you go to get me.

Mr. Lewis. He has not been convicted of anything, has he? So it is just your word?

Mr. Traficant. Quite frankly --

Mr. Lewis. And Bucella was someone --

Mr. Traficant. It happened about 8 years ago. The statute of limitations ran out on that.

Mr. Lewis. And you employed George Bucella for 15 years.

Mr. Traficant. Yeah. I considered him a good friend and still consider him a friend and understand what he did and why he did it, and have no hard feeling against any of these people, quite frankly. That is for the record.

But I would ask that the Jim Price tape now be put into evidence, where he was afraid to come to Cleveland, scared to death of the FBI and

doctors said that he was going to have a heart attack, a fellow Weathersfeld Township trustee who confided in me after a letter from John Vogel that he knew that George was involved some DUI transfer of money to help fix a case.

Mr. Lewis. I am going to show you one more document, Congressman.

Mr. Traficant. I am tired of it. I think I can see it from there.

Mr. Lewis. This is Hearing Exhibit 10 for identification.

(Hearing Exhibit No. 10 was marked for identification.)

Mr. Traficant. Very good.

Mr. Lewis. Is that your handwriting.

Mr. Traficant. It is my handwriting. But every time I go out to eat I draw or write things.

Mr. Lewis. This is your handwriting?

Mr. Traficant. Yes. Let me comment on that.

Mr. Lewis. Thank you.

Mr. Traficant. I want to comment on that.

Mr. Lewis. Absolutely.

Mr. Traficant. Mr. Bucci had said he had that in his pocket for 12 years to use against me. It was folded in four spots. It was perfectly square without one bend. You put something in your pocket, and have it for 14 years, and you show it to me, without a bend in it, and then you tell me it is truthful. That was not an order for Bucci to do work. He is a damn liar.

When I go out to eat, I write. I make notes all of the time. And I want somebody to go out and see if that was done, which was never brought into evidence.

Mr. Lewis. Now, you hired Henry DeBlasio.

Mr. Traficant. Yes, I did.

Mr. Lewis. And he was your Congressional administrative assistant for 13 years?

Mr. Traficant. I think it was 15 years, wasn't it?

Mr. Lewis. 15.

Mr. Traficant. I don't know.

Mr. Lewis. I believe it was 1985 to 1998.

Mr. Traficant. Was it?

Mr. Lewis. What is your recollection.

Mr. Traficant. I don't know.

Mr. Lewis. Okay. And he was a lawyer for -- you said yesterday in the purported letter -- that he was a lawyer for 47 years?

Mr. Traficant. That is what he said when he wrote me that letter

about the government extorting him.

Mr. Lewis. And he has pled guilty to a Federal felony conviction?

Mr. Traficant. Yes, he has. As everybody has.

Mr. Lewis. Charles O'Nesti was your district director.

Mr. Traficant. Yes.

Mr. Lewis. You hired him?

Mr. Traficant. Yes, he was. And also a liaison down here in Washington and lived in the Washington area.

Mr. Lewis. How long did he work for you?

Mr. Traficant. Whatever it says. I really don't know.

Mr. Lewis. You hired him in 1985?

Mr. Traficant. Yes.

Mr. Lewis. He resigned in 1998.

Mr. Traficant. Approximately . That could be true.

Mr. Lewis. And he also pled guilty in Federal Court to a Federal felony as well.

Mr. Traficant. Nothing to do with me. Yes, he did.

Mr. Lewis. But he did plead guilty to a Federal felony while he was employed with you?

Mr. Traficant. Yes, he did.

Mr. Lewis. And you hired Allen Sinclair?

Mr. Traficant. I think I already answered that.

Mr. Lewis. And you testified yesterday about Michael Terlecky. You said you called him as a defense witness?

Mr. Traficant. Yeah. That is true.

Mr. Lewis. He also has a felony conviction?

Mr. Traficant. Yes, he did.

Mr. Lewis. And he was convicted for taking money from the Mafia while he was a sheriff's deputy, wasn't he?

Mr. Traficant. Yes. I would like to explain that.

Mr. Lewis. No.

Mr. Traficant. Because I have asked for a Presidential pardon. I think the committee should hear it.

Mr. Lewis. Go ahead.

Mr. Traficant. Thank you.

Mr. Lewis. But he was convicted.

Mr. Traficant. Thank you. The man that they were after admitted on the stand, after the attorney had him take a plea bargain, told him that he didn't have a chance that he didn't give him the \$5,000. He did a year in Morgantown. I am trying to get him a Presidential pardon. And the mobster

that he was accused of, we found out now that he was represented by former U.S. Attorney Stewart Mandell, who was on the payroll of the mob and at the time was in the fireworks business with Lennie Stroddel, the mobster. And they set the poor kid up.

And now the IRS is after him for 140,000 because he testified on behalf of Jim Traficant. They are pressuring Brian Kidwell, and I am asking this committee to have the government keep their hands off the people that came up for me. They did not have immunity, they are being intimidated. The IRS is after them. And I will have none of that. And you should have none of that.

Mr. Lewis. And Dennis Johnson is an employee of yours?

Mr. Traficant. Yes, he is.

Mr. Lewis. He testified for you?

Mr. Traficant. Only partially.

Mr. Lewis. He also has a record for impersonating a law enforcement officer?

Mr. Traficant. I think that is what they called it. But, he worked for ODOT, and that situation should be clarified. There was a very hazardous situation. He thought people could be killed. He jumped in there as a supervisor of ODOT, showed his badge like people thought that he was an official to try to save some lives. You can bring Mr. Johnson in here. I asked that he be brought in here. He knows about the Cafaro case, he knows about the O'Nesti matter. You didn't allow it.

Mr. Lewis. Grace Kavulic was your former secretary?

Mr. Traficant. Yes, she was.

Mr. Lewis. For 18 years?

Mr. Traficant. Yes, she was.

Mr. Lewis. She was also your secretary in the sheriff's office?

Mr. Traficant. Yes, she was.

Mr. Lewis. Okay. And you say she is not truthful?

Mr. Traficant. I think she is very truthful, but she was very upset with the hiring of Claire Malusal and very mad at me. I am not going to get into it.

Mr. Lewis. And Jackie Bobby is your former office manager?

Mr. Traficant. A good friend of mine. I played football with her husband when we were in grade school.

Mr. Lewis. She worked in the sheriff's --

Mr. Traficant. Highest respect for her. They are both hateful of me when I hired a third party.

Mr. Lewis. And she worked for you in the sheriff's office before?

Mr. Traficant. Yes. And they have vowed to hurt me.

Mr. Lewis. She is not truthful either?

Mr. Traficant. I'm not saying they are not truthful. But what they said in Cleveland wasn't truthful. They tried to hurt he.

Mr. Lewis. And George Bucella is not truthful.

Mr. Traficant. George Bucella lied in Cleveland.

Mr. Lewis. And Richard Rovnak wasn't truthful?

Mr. Traficant. Rovnak only did work before he was hired. And he hung on me like a leech. I got him a job and then he wanted to stay on part time, and I couldn't keep him on part time.

Mr. Lewis. You stated yesterday that the judge didn't allow to you put on nine witnesses.

Mr. Traficant. No. The witnesses were voir dired outside of the presence of the jury and were not allowed to offer that testimony to the jury.

Mr. Lewis. Isn't it true, in fact, that out of all of the witnesses that you called, the judge only totally disallowed three.

Mr. Traficant. No, that is not true. She allowed some partial testimony from Terlecky. She allowed some partial testimony from Johnson. I would have to look at it, sir.

Mr. Lewis. Out of all of the witnesses you called, she only totally -

Mr. Traficant. I don't remember. Show me.

Mr. Lewis. Okay. James Kerchum was not allowed to testify, right?

Mr. Traficant. No. He was voir-dired and not allowed to testify. They let him start to testify then cut him off. They let Colucci start then cut him off. They only let Manganaro testify about coming out with that barn falling down, but wouldn't let him talk and Sugar and what Sugar told him and confided in him, that the FBI pressured him to lie against me. That is in evidence, his transcript.

Mr. Lewis. But when you said yesterday that nine witnesses were not allowed to testify, what you meant is nine of them were not allowed to testify completely as you desired?

Mr. Traficant. No. Completely to the facts and factors that they knew concerning my case. I resent the insinuation and accusation of your tone.

Mr. Lewis. Isn't it true that only three of your witnesses were not allowed to testify?

Mr. Traficant. Tell me who they were.

Mr. Lewis. Kerchum, Hudach and Saadey?

Mr. Traficant. That is not true. Linda Kovachik was not allowed to testify about O'Nesti.

Mr. Lewis. She testified partially?

Mr. Traficant. Yes. Some of them were -- but the main things they were not allowed to testify to.

Mr. Lewis. Don't you agree that testimony has to be subject to the rules of evidence?

Mr. Traficant. Yes. And clearly -- no, hear me, if you want to debate the law. The same hearsay exceptions that allowed Grace Kavulic and Jackie Bobby applied to Linda Kovachik, but she wasn't allowed to testify.

Mr. Lewis. Read the transcript. You will see the basis for the judge's rulings.

Mr. Traficant. Yeah. There is a lot of basis for the judge's rulings. I am not here to discuss that. That is a matter for appeal. Deal with me with your facts.

Mr. Lewis. Hearsay is inadmissible. And there are 23 exceptions and your witnesses did fight into one of those exceptions, isn't that true?

Mr. Traficant. Listen. When a brother-in-law tells his brother-in-law in a state of distress that he is going to lose \$15 million and go to jail for 10 years -- and his brother-in-law is subject to being sentenced.

Mr. Lewis. And the jury --

Mr. Traficant. And the jury wasn't able to hear that, if that isn't an exception to the hearsay rule, I don't have to be an attorney to understand that, sir. I think you read that in that transcript. Why don't you get on with something that is important here.

Mr. Lewis. Well, finally the last witness that you said yesterday the judge didn't allow to call, Russell Saadey, isn't it true that he wasn't allowed to testify because of your actions, not the judge's?

Mr. Traficant. Quite frankly --

Mr. Lewis. Yes or no? Didn't you destroy evidence, and because you destroyed evidence, the judge said you could not take -- allow him to testify?

Mr. Traficant. Can I explain that to the committee?

The Chairman. Answer the question.

Mr. Traficant. I can't answer it without explaining it. And I won't. I taped Russell Saadey, Jr. There was a gag order on a matter of a rape of a constituent of mine that was conducted in Judge O'Malley's court in the Northern District. Russell Saadey was present and I taped him. Had I had released that tape, I would have endangered Russell Saadey. It would

have been exculpatory for me, but it would have hurt him.

Mr. Lewis. You didn't tell that to the judge.

Mr. Traficant. I destroyed the tape. I said I destroy the tape.

Mr. Lewis. But you didn't tell the judge that it would have endangered Russell Saadey's life, did you?

Mr. Traficant. No. That it would endangered him subject to being sentenced for having a gag order and to having shared it. And my efforts were on behalf of Russell Saadey. I could have shoved that tape right up their podium.

Mr. Lewis. But you didn't, you destroyed it.

Mr. Traficant. I destroyed the tape, yes.

Mr. Lewis. But you told this committee yesterday that the judge didn't allow that witness to testify?

Mr. Traficant. Did not allow the witness to testify before the jury.

Mr. Lewis. And isn't it true, she didn't allow him to testify because the witness can't testify when prior evidence is not available, and you were the reason for that?

Mr. Traficant. He could have testified to anything except Speranza. She had his attorney sitting there next to him. And he took the fifth on any question outside of the issues of the Traficant matter. She didn't allow any testimony where Speranza, Agent Speranza threatened me because of my investigation of the FBI, because of my knowing about the rape and the compromise of a woman under mental instability to keep custody of her child, to take advantage of her sexually, which is a felony one, and yes she didn't allow that.

Mr. Lewis. And 6,400 pages of testimony in front of the judge, you never mentioned that to her?

Mr. Lewis. I have no further questions, Mr. Chairman.

Mr. Traficant. That wasn't a question. That was a comment.

The Chairman. Indeed it was a comment. We will be --

Mr. Traficant. I ask that it be stricken from the record, and for all times be flushed down one of the many toilets here in Rayburn.

Mr. Lewis. Did you tell those things to the judge?

Mr. Traficant. I don't know what I told the judge. You would have to show me the transcript.

Mr. Lewis. Thank you.

The Chairman. We will now go under the 5 minute rule for members of the panel to ask questions.

Mr. Berman.

Mr. Berman. No questions.

The Chairman. Mrs. Biggert.

Mrs. Biggert. Thank you, Mr. Chairman.

Mr. Traficant, you talked a bit -- just clarification -- about who owned the farm. And I understand it was your father.

Mr. Traficant. My father. When he died he gave it to my wife. Because he knew the government was chasing me and the government was relentless against me.

Mrs. Biggert. Who runs the farm?

Mr. Traficant. I actually managed and farmed the farm, and did pay the taxes. And did pay the expenses, for my use of that farm. So I was technically, if you could, without an agreement, a rental user of the farm for my activities.

Mrs. Biggert. Was anything on the farm included on your tax returns or your financial disclosure?

Mr. Traficant. The IRS came down on me and ruled that it was a hobby and I couldn't write off my losses. So there was never anything in the IRS reports, because it was always a loss. I did not have racing horses. Did not raise a lot of money. I think over the years the average amount of money I got for a horse is maybe about 250, \$300, if you are counting the horses I gave away, because I didn't want to send them to slaughter.

Mrs. Biggert. Who owns the Overhill Road office now?

Mr. Traficant. Quite frankly, Allen Sinclair owns that. I found that out after I saw the KAS Home Saving and Loans paper where it said on page 2, it is not in evidence, if it is not, it will show you that he or his wife, with or without the consent of either other, could take the rent that came to it.

So evidently he was the owner. That is, I think, probably the implication that brought his wife into this and would taken his license away from his first suspension, which was the genesis of the problems that I faced with Sinclair.

Mrs. Biggert. Do you know who paid the taxes on it or the insurance?

Mr. Traficant. No, I don't. I would assume that after seeing what looked like, and I found out that two sets of papers opened up first in his name, then opened up with him and his wife's name, then Secretary of State registration in his wife's name, then making it look like everybody paid rent to KAS like it was his wife, I would assume that he probably paid the taxes, or maybe paid it out of that account.

He had five accounts, and a vending cash business to boot, I found out. Why he had a vending cash business I don't know. But it also was a little bit strange to me. And we got that the day before my last witness.

Mrs. Biggert. Okay. You said yesterday that Sinclair's ownership of the building was cleared by the Ethics Committee.

Mr. Traficant. No, I didn't say that. I said Sinclair said that. In the 302. A 302 is an FBI report. When they sit down and meet with you, Congresswoman Biggert, regardless of what the FBI say, they will go back in that room and write out a report of a 302. That is what was on the 302. In the FBI's words.

Ms. Biggert. Was he considered senior staff?

Mr. Traficant. No, not really. But he was an attorney. And at the time we were putting together what was called a regional development authority. And, quite frankly, he did a very good job with that. It was very extensive in trying to bring in three counties, Mahoning, Trumbull and Columbiana, to put a quarter percent sales tax together that would raise \$13 million, have a board from the three counties, and the study, I think that came out of the University of Pittsburgh, said it would generate \$40 million and it would be like a local fund where people could come that needed matching money for a grant or to fix a sewer and struthers or camel. And he did all of that and earned that pay and was good at it.

If I would have put that out for a contract and our community would have put it out for contract, we would probably got charged a couple hundred thousand dollars.

Mrs. Biggert. Well, according to the evidence, Sinclair's salary made him second highest paid member of your staff.

Mr. Traficant. I think he was what, \$50,000? I think my people in Washington, they averaged a certain amount of money. This is no offense to anybody. Most of the activity -- I don't know how other members in Congress do it. But much of the activity is generated from me. I direct my staff what to do, keep an eye on the Rules Committee, what amendments I would like to offer. And I -- quite frankly, I wasn't totally satisfied with some of the staff that I had. Some I was and some I wasn't. Yes, he was. But, to get an attorney, a decent attorney that \$50,000 for full-time is not a lot of money. I had no attorneys on my staff in Washington.

Mrs. Biggert. Did Sinclair loan you money of \$2,500 a month?

Mr. Traficant. No, he did not.

Mrs. Biggert. Do you know what that \$2,500 a month was on his -- that he deducted from his --

Mr. Traficant. I don't know. All I know is the government just showed one account. I found out the day before the last day that that he had five accounts, and that \$2,500 a month went into the IOLTA account. Then after I left, there were 22 straight months where there were no \$2,500

a month that went to the IOLTA account. This is circumstantial as well. He very well could have \$2,500. Tony is pretty good at writing checks. I am not getting into that. I didn't get \$2,500 a month. And he ended up and has the damn money.

Now, if he give me \$2,500 a month, he wouldn't have had that money.

Mrs. Biggert. Did anyone leave an envelope under your door?

Mr. Traficant. No, they did not. No matter what they said. And these personal notes, people drop me personal notes all of the time about a lot of different things if I wasn't there. And I don't know how fat a \$2,500 cash thing is slipped under a door. But if someone was giving me the money, why didn't they hand me the money?

Now, I did have -- make loans, there will be a witness here today that will show that I repaid loans. I only made -- I netted \$2,400 a month during the years I was here in Congress until the last 2 or 3 years with the pay increases.

The IRS, after my case, took me to civil court and took nearly all of my pay.

Mrs. Biggert. Have you any receipts or cancelled checks for the work that was done on your farm or on your boat? You said yesterday that you were not a cash-basis kind of person. So do you have receipts, checks for any loans?

Mr. Traficant. I would have to look at that.

Mrs. Biggert. Were you --

Mr. Traficant. I paid everything by check.

Mrs. Biggert. Did anyone ask you to produce those?

Mr. Traficant. Not at all. The government went back 15 years looking for cash transactions. I have no cash transactions.

Mrs. Biggert. Did they ever ask you for any checks?

Mr. Traficant. No. But I am sure they went and checked for them. They never presented an IRS investigator or FBI investigator either for me to cross. But George Hooker could testify to that, because I bought a horse for him 15 years ago and they went back and checked with him. So evidently they checked every transaction that I had. I am sure the transactions they found out about were through either horse transactions that I made or anything else.

Mrs. Biggert. Do you have receipts for the work done on the farm?

Mr. Traficant. No. I wrote checks if there were things done at the farm. For example, Max Gibson built a hunting hut. I paid him by check. He put a roof on the silo. He testified I paid him by check. The garage when it was built, Zeller Concrete but in the garage, the concrete. Most

of the work that was done at the farm I did it myself, bought the lumber and bought the material myself. And it was done by check.

Mrs. Biggert. Thank you. That is all I have, Mr. Chairman.

Mr. Traficant. I am still waiting for someone to show me a cash transaction.

Mr. Pastor. Several questions. On your boat, it was located here in Washington, D.C.?

Mr. Traficant. It was located at Gangplank, then I could not afford to keep it at Gangplank, and I put it down in Anacostia, and I just heard that the boat is sinking, and the Cafaro people basically ruined my boat by sinking my boat. Now I should sue them.

Mr. Pastor. You said that you had estimates from a contractor or a company that you had sought, and they would tell you what value or what costs you would have in repairing this boat?

Mr. Traficant. I didn't do that.

Mr. Pastor. You didn't do that?

Mr. Traficant. Al Lang did that, had a boat survey done on it. It was not as is like they weighed what it would be worth. The as-is value by the people who did the survey of my boat said it was worth between 32 and 38,000 as is. When completed, it be worth between 42 and 48,000. So then one could reasonably assume that \$10,000 worth of work would be necessary to bring that boat up to that total value that they talked about.

I had nothing to do with that. Also, I found out that Al Lang took a skipper course.

Mr. Pastor. So when you had, or some of your staff bonded with you and went down to --

Mr. Traficant. It was one afternoon, Ed.

Mr. Pastor. Talking about one afternoon?

Mr. Traficant. One afternoon. I don't know what time. It could have been 2 or 3 o'clock. I know it was on a Friday, the House wasn't in session.

Mr. Pastor. So scraping of the paint only happened in one day, or was there a period of --

Mr. Traficant. No. Quite frankly they drank beer. I think they scraped a little bit.

Mr. Pastor. Well, the question, was it one day or was there a period of --

Mr. Traficant. One day.

Mr. Pastor. One day?

Mr. Traficant. One afternoon. I usually travel back after -- I

didn't even remember the event. But, it was no big deal. But I will accept it, you know.

Mr. Pastor. But we are talking about one day?

Mr. Traficant. Not even a day. I would say an afternoon.

Mr. Pastor. An afternoon. Yesterday, you talked about -- you went to a Rotary meeting. And was it Cafaro?

Mr. Traficant. No, Nements. I was at a restaurant, Mr. Pastor, Congressman. I was having lunch with a friend. And his affidavit is in there, John Innella. And Mr. Henry Nements, who supposedly built this \$150,000 barn came out of what I thought was a Rotary meeting. He sat down. He had a conscience. He said, Jim, I feel real bad what is going on. My attorney told me to just go ahead on. I can't afford to get indicted. He said so I told them what they wanted to hear.

I said, sit down. And isn't this what happened? Isn't this what happened? Isn't this what happened? We went over, John Innella put down an affidavit of what he said. The next day, I called Henry Nement's girlfriend, and she admitted on tape that Henry called. And the FBI said you get your ass up here. Why did you talk with Traficant?

Well, hey, I am my own attorney. If I wanted to I could have called Nements.

Mr. Pastor. That was not the issue.

Mr. Traficant. But it wasn't even charged against me, Congressman.

Mr. Pastor. I want to get to the book, the cashier's check, \$23,000 as I understand.

Mr. Traficant. The boat?

Mr. Pastor. The book.

Mr. Traficant. The book. Okay.

Mr. Pastor. That is where I want to go to.

Mr. Traficant. Mr. Cafaro testified at trial that he sent Richard Detore in for a check for \$26,000. He lied through his teeth, after that \$4 million in securities company was safe, he come in with a book. And I opened that book up like a bookmark. There was a \$26,000 cashier check. And I says, J.J. you don't want this boat. He said my company might be able to use this boat, you need the help.

I said, Al Lang -- and Al Lang did show an interest in that boat. I said he wants to buy the boat. Sell the boat to Al Lang. Call the Ethics Committee. Check it out. From what I understand, I did not -- wasn't involved with this. But you should have records, a call was made. Look, the Congressman is doing business with a company, but one of the guys wants to buy the boat. If you buy the boat for the fair market value, they

called. The boat balance was 26,000. That is what I was willing to sell it for.

The survey came out later during the trial that it was worth between 32 and 38. There was no illegal activity with that boat, none whatsoever. And if they put \$26,000 in cash, no one showed me where the \$26,000 went into my boat. They sunk my damn boat.

Mr. Pastor. Was he giving you the book and the check?

Mr. Traficant. Well, he was like handing me a book so no one saw him bring in a check. I thought it was funny -- took something out of his pocket or whatever. But, I am telling you what happened. He handed me a book. I opened the book up. There was a \$26,000 plus cashier check, that was returned.

Mr. Pastor. To purchase the boat?

Mr. Traficant. Yes. Made to me. I don't know if it was to purchase the boat or not. I said, I don't want this. And he returned the \$26,000 check.

The best I can understand. But he said that Detore brought it in. The key with Detore is there is no credibility with Cafaro at all. This is the most amazing trial I had ever seen. They needed a patriot and a good person like Detore. Now here is Detore who spent over a half million dollars, damn it, they are talking about putting ankle bracelets on him to keep him at home now. And they are going to prosecute him, because he won't lie. And his attorney said he was pressured to lie in his presence.

And the prosecutor said up there, how could I have pressured anybody, Your Honor, when their attorneys were always present? Those attorneys are scared to death of those prosecutors. And Detore's attorney was present when he was questioned -- pressured.

Mr. Pastor. Just the last question. In your testimony, you talked about Bucci, things -- letters written on his behalf. And he came to you unsolicited, I am assuming, to work on the farm. And you mentioned the road that needed gravel or -- and you wanted to borrow some jackhammers. What actually did Bucci do on the farm?

Mr. Traficant. I would say that Bucci might have done 3 or \$4,000 worth of work. This 12,000 --

Mr. Pastor. What did he actually do?

Mr. Traficant. He put a little bit of gravel down, they graded that one spot where water -- the one barn sits low. And water would run in that barn and flood it. I asked him, just grade that for me. He spread some gravel down there after he did it. Now, one thing he did that I did not ask for, his brother lived across the way and had a driveway about 1,800

feet long. And his brother ran basically the paving plant. He is my friend, Dan. And they paved his driveway.

Well, when I came out the following weekend, I saw about a 40-foot section of my drive that had blacktop on it. Well, number one, I didn't want it where it was there, I didn't authorize it to be there. And what I found out was they had some blacktop left over. And rather than drive 40 minutes back to their plant or have it get hard in their thing, they said, go ahead and put it in the driveway across the street.

Where they put it I wouldn't have even put it if I would put it there. Much of the roadwork that was done out there was not done by the Buccis, any roadwork. They put wells in in there. They came in and cut in for the gas wells and put rough roads. There was a little bit of gravel in some tough spots that I even spread myself, and went and picked up and brought and spread.

So I think they embellished this thing. The bottom line, if you look at Susan Bucci, who testified about her own brother-in-law, said he is a liar, that we actually owed Jim money.

And I treated -- I never wanted anybody to do anything for nothing. And I would trade. Now, Dan would get me some sawdust and they bring sawdust. But Dan was one of the three owners of that company. And Dan would come and take some of that sawdust. I would give him some of my straw when I had straw, because I didn't like to bed on straw, I would rather bed on the sawdust. So he would come and take some of the sawdust too. But I baled 25 acres for 5 years of his third cutting alfalfa for him with my equipment.

I brush-hogged 40 acres of land for over 6 years. She testified too. No one would even brush hog it the first year because that 40 acres had about 1-inch thick young trees.

And I had a 10-foot heavy-duty brush hog and I brush-hogged it the first. I never charged them.

Mr. Pastor. Okay, Mr. Chairman.

Mr. Traficant. Look at her affidavit.

The Chairman. Mr. Hulshof.

Mr. Hulshof. Thank you, Mr. Chairman.

Mr. Traficant, I am going to ask you a question that the judge would not have allowed at your trial in Cleveland. Do you believe that Allen Sinclair is an honest man?

Mr. Traficant. I think he is an honest man. And I think he was subject to losing his law license, wrecking his life, having his wife involved and he went along with the government's script. And I hold

nothing against him.

Mr. Hulshof. In fact, I think in the course of the testimony during your cross-examination of Mr. Sinclair, you mentioned that he did good work, that you were satisfied, especially as far as this lawsuit that he proposed for you. Is that true?

Mr. Traficant. You mean the RDA program?

Mr. Hulshof. Yes, sir.

Mr. Traficant. He did an excellent job. He had really established the technicalities of state law for the three communities to combine to create a compact under law. And he did a tremendous amount of work. And that would cost, if you would have hired an attorney, and if you are an attorney to put together that type of a project for three counties, I think it would cost about \$150,000.

Mr. Hulshof. Let me follow up on your answer that he was quote, following the government script. Was Allen Sinclair accurate as he described to the jury in Cleveland your financial woes?

Mr. Traficant. I don't remember how he described my financial woes.

Mr. Hulshof. On a page of the transcript during the direct examination of Mr. Sinclair, on page 83, he indicated to the jury in the criminal matter, which I think you have admitted to us that the Internal Revenue Service had taxes and penalties and the --

Mr. Traficant. Garnishment. Took all of my money.

Mr. Hulshof. In fact, you even mentioned to us the small amount of money that you had made in investments. And I think that was an exhibit that you offered.

Mr. Traficant. No, that investment I made was about 30 years ago. I sold all of the stock when it went up, and I kept a couple of shares. I think I now own about four shares and get about \$4 a year off of it.

Mr. Hulshof. My question would be, Mr. Traficant, Mr. Sinclair was accurate when he stated to the jury in the Cleveland matter that your financial situation was not good. Is that a fair assessment?

Mr. Traficant. I think a half a million people in that area could testify to that.

Mr. Hulshof. I just asked you --

Mr. Traficant. Yes.

Mr. Lewis. Thank you. Was Mr. Sinclair accurate when he described for the jury in the Cleveland matter how it was that he gained employment, that is, that you contacted him, he did not seek you out or seek out a position with your office?

Mr. Traficant. No, sir. That is not quite true. He wanted to buy

the building. And Henry DiBlasio wanted him to buy the building because he owned Henry DiBlasio about \$400,000. There was a dispute whether he owed \$120,000 or DiBlasio said he owed him 470. And he worked as a volunteer basically on many Congressional things, honest to God, for about 5 years.

So he was already working there. And he said stayed there, yes.

Mr. Lewis. But I think he also, do you agree he was accurate when he told jury -- was he credible when he told the jury in the Cleveland case that he really had no interest in politics? In fact, he still wanted to maintain his private practice as he was working with you?

Mr. Traficant. He was able to. He called and checked. He never told me he wanted to get involved in politics. He was never was politically oriented, but he wasn't hired to be politically oriented, quite frankly. And my staff really isn't.

Mr. Hulshof. To follow up on Mr. Lewis's question. We have heard from you and given you great latitude regarding this government conspiracy against you going back to 1983. You have been on the House floor and you have talked about some of the things that we have heard in the opening statement of your testimony yesterday. The point is, regarding Mr. Sinclair, you picked him. You did not pick him as a witness, but you chose him to be an employees of yours; did you not?

Mr. Traficant. He was already sort of working on that RDA with DiBlasio, and had worked there and was for, like, 4 of 5 years like a volunteer helping me out. And, yes, quite frankly, DiBlasio wanted me to hire him as well, because he was worried that they had a partnership going on, and he was worried he was going to be able to make it financially.

Now, here is a man who told the FBI he made about \$50,000 a year, and 50,000 from Traficant. Then I found out that he owns a \$300,000 home, paid \$60,000 for media advertising, bought a brand new 1998 van and a brand new car he leased for \$300. Where did his all his money come from? No one looked at that.

Mr. Hulshof. Let me ask you because my time is dwindling and about to expire. As we attempt to find and consider this from all aspects, including your invitation for us to consider Mr. Sinclair, quote, following the Government's script. Would you have this committee then believe that it was coincidence that the \$2,500 cash withdrawals stopped about the time the FBI contacted Mr. Sinclair? Is that what you would have this committee believe?

Mr. Traficant. No. They stopped after he went off the payroll. Now, I don't deal with coincidences, I only deal with facts. But I only got that the least week. They only showed one account. There were five

accounts on Sinclair, three of them were joint accounts with his wife. One of them was the building. He could have taken the rent money.

Now, if that is not a violation of law, I am surprised. Because I really didn't have a chance to look at that. Maybe your counsel can answer it.

Mr. Hulshof. Let me ask you this, because again, I am asking you a question that you would never have been able to ask in the criminal matter.

What is the quote, innocent explanation then, that Mr. Sinclair would have taken these burned envelopes or remnants of envelopes that he said he got cash from you to the FBI? Is that something that he conjured up on his own? Or what is the innocent explanation you would have us believe regarding this evidence he turned over to the FBI?

Mr. Traficant. How can I speak to that? What did he do? Did he start burning envelopes and say, wait a minute? I am not going to burn this one. So there wasn't one, there was a dozen. No, I am going to burn this one. Well, I will save part of this one. He had the money. Who had the money? Now, he said he took \$4,000 in the form of an envelope that I supposedly gave to him and the FBI took it and sent it directly to the lab. Come on now.

Do you think the FBI is that incompetent? They would have marked that money and sent that money back. The point I am making with Sinclair and DiBlasio, and with every one of these witnesses, they could have sent someone with a body mike and gotten admissions, they didn't. They didn't present an FBI or IRS investigator for me to cross-examine. So these are all circumstances you are talking about.

Mr. Hulshof. Yes, sir. I will say to you --

Mr. Traficant. And coincidences, are we not?

Mr. Hulshof. I would say to you, circumstantial evidence, yes. I would say to you as a former defense attorney and prosecutor that many cases are built on circumstantial evidence. But let me ask this final question.

Mr. Traficant. A RICO case, without an admission? Without an FBI or IRS investigator, prosecutor, think about it.

You would want a nice admission from me to really hang my buns, wouldn't you?

Mr. Hulshof. As a 10-year prosecutor, any prosecutor would like a video-taped confession of the crime.

Mr. Traficant. Could have had one, couldn't they?

Mr. Hulshof. Well, let me ask you this as a final question because it puts forth an conundrum for this committee. Mrs. Biggert asked you a

question specifically about the \$2,5000, and whether or now these \$2,500, or there were any loans made to you by Mr. Sinclair. And you have emphatically just a few moments ago said that there were no loans.

Mr. Traficant. There were some loans that were small loans. They were repaid.

Mr. Hulshof. That is not what --

Mr. Traficant. Not the 2,500. Although Sinclair, this is the amazing thing. Sinclair said he thought the beginning -- he was going to start out making \$2,500 a month loans to me. That is his testimony. Now, come on.

Sinclair also testified that I asked him to go ahead and write up a lawsuit to charge the Justice Department because the cameras were out taking pictures of his thing. He brought that to me. He put the wrong address on the damn thing.

Mr. Hulshof. I think the committee will recall the testimony that you gave, and especially answers to Mrs. Biggert. So let me ask you this.

Mr. Traficant. Go ahead.

Mr. Hulshof. I appreciate the fact that you can't see this. But this was the blow-up that Mr. Lewis showed you, was this hearing's Exhibit Number 55, that you admitted was, in fact, in your handwriting, that says Allen, it is against House rules to lend me money, but you did.

Mr. Traficant. That was a truthful thing. I am not sure if it was, but it may have been. And I might have been in violation of House rules, I will tell you that. But I wasn't in violation of no damn criminal statutes in this case.

Mr. Lewis. So you admit to violating House rules?

Mr. Traficant. If that is a violation. I think it is a violation to borrow from your staff. But I repaid my staff. And I borrowed money from some friends too, and my father helped me while he was alive. I went through a hell of a rough time. The IRS put me through hell. And you know what? I am tired of it. And I am tired of it here. And I am not going to be here long. I have enough sense to realize what is going on. You better do something with them. Because they railroaded the hell out of me. They are doing it to millions of people around the country, and the country is fed up with it.

Mr. Hulshof. Mr. Traficant, I would say to you in conclusion --

Mr. Traficant. They didn't even have the courage to bring an IRS investigator to look me in the damn eye, nor an FBI investigator.

The Chairman. Jim, you made those points yesterday. Let, Mr. Hulshof finish.

Mr. Traficant. I have had it with them. And I have had it with

circumstances and bullshit papers.

The Chairman. Mr. Traficant, please sit down and answer the questions.

Mr. Hulshof. I would just simply say, Mr. Traficant, that on those occasions of legislative action, probably every committee member up here looking at you supported those efforts as far as reigning in the IRS. But that question then is very far afield from what this committee has to decide.

Mr. Traficant. No, it is not. I think it was part of --

Mr. Hulshof. I yield back.

Mr. Traficant. I think it was part of the reason that they came after me. I passed a law that you can sue them for a million dollars if they abuse you, changed the burden of proof in a tax case, made you get a warrant before they could seize the homes that dropped from 10,067 home seizures to 51.

And I am proud of it. We should abolish them and put a 15 percent national retail sales tax and throw them the hell out, Mr. Hulshof, Congressman.

[12:25 p.m.]

. Mr. Traficant. And you have the ability to do it and join forces with Mr. Tauzin and support Tauzin-Traficant. And I think the Republicans are the only damn hope we have to do that, quite frankly.

The Chairman. Mr. Traficant, the question and answer time doesn't come out of your time, though speeches do come out of your time.

Mr. Traficant. Mr. Chairman, I have made no speeches. I have been in response, and maybe some of those responses have been a little bit lengthy, but I think to take it out of my time would be unfair, and I object to that.

The Chairman. They seem like speeches to me, Mr. Traficant.

Mr. Traficant. I object to that. I have tried to respond truthfully, but some require an explanation.

The Chairman. We have allowed a lot of leeway on that explanation, but a political speech about what ought to be done with the Tax Code is not part of the answer to the question being made.

Mr. Traficant. I think it was, because it speaks to the vendetta the IRS has of trying to get me the hell out of the way.

The Chairman. Mrs. Jones.

Mrs. Tubbs Jones. Thank you, Mr. Chairman.

Good afternoon, Mr. Traficant.

Mr. Traficant. Good afternoon.

Mrs. Tubbs Jones. How large is the farm that has been discussed in this --

Mr. Traficant. It is 150 acres. It has been in the family since 1970.

Mrs. Tubbs Jones. And where exactly is it located, sir?

Mr. Traficant. It is in Mahoning County, Ohio.

Mrs. Tubbs Jones. What is the municipality, if there is one?

Mr. Traficant. Green Township. Salem, Ohio, mailing address.

Mrs. Tubbs Jones. Thank you.

Mr. Traficant. Most of it is swampland, 45 acres tillable.

Mrs. Tubbs Jones. I only have 5 minutes, Mr. Traficant. Can you kind of keep your answers short?

Mr. Traficant. I am going to try to be long with you because you are so clever, and you told me be careful because you are such a good friend of Judge Wells, don't mistreat her. Do you remember that on the House floor?

Mrs. Tubbs Jones. You want to describe a whole bunch of other

discussions?

Mr. Traficant. I didn't ask to recuse you, so go ahead.

Mrs. Tubbs Jones. I know why you didn't. You do, too, don't you, sir?

Mr. Traficant. What is that?

Mrs. Tubbs Jones. You know why you didn't ask me to be recused, don't you, sir?

Mr. Traficant. Because I think you are an honest woman, and even though you are a good friend of Judge Wells, and I endorsed both you and Judge Wells for supreme court, and I regret -- not you, but Judge Wells.

Mrs. Tubbs Jones. Let's get back to the matters at hand, Mr. Traficant.

Mr. Traficant. Please.

Mrs. Tubbs Jones. I appreciate that support though.

The three people that you suggest or allege that Judge Wells would not allow you to testify --

Mr. Traficant. Nine.

Mrs. Tubbs Jones. Nine people, but six of them testified, but not to what you wanted them to testify. Let's focus in on the three that did not testify at all. Who were they again, sir?

Mr. Traficant. I would have to look back. Saadey; I don't know if Kerchum was allowed.

Mrs. Tubbs Jones. Okay.

Mr. Traficant. I don't know if Hudach was allowed.

Mrs. Tubbs Jones. What would Russell Saadey have said, Mr. Traficant?

Mr. Traficant. Russell Saadey would have said that after the second meeting with the FBI -- and, by the way, the jury didn't even believe that testimony and threw it out, and I find this very --

Mrs. Tubbs Jones. Remember, we only have 5 minutes.

Mr. Traficant. I ask that she get an additional 5.

This is very important, because Russell Saadey was convicted on a Federal offense, subject to being sentenced by Judge O'Malley. When he heard in the paper that his brother-in-law copped a plea and said that he bribed Jim Traficant, he went to see him. He said his brother-in-law was in such a state of distress, he had never seen him like that, and he said, Champ, I got a family, your sister, your nieces. He says, I am going to lose \$15 million, go to 10 million years in jail, and all they wanted was Traficant, so I added up the money I gave him and said I gave it in the form of a bribe.

Now, when he came to trial, I know he didn't do that, he couldn't even

identify the barn, because he made the mistake of saying where he did it, in a barn, but couldn't identify the picture of the barn he gave me the money in. The jury threw it out.

Mrs. Tubbs Jones. He did, in fact, come to trial, and he did testify?

Mr. Traficant. No. Saadey did not testify before the jury.

Mrs. Tubbs Jones. Okay.

Mr. Traficant. But it speaks to the tactics of the government.

Mrs. Tubbs Jones. Let me back up a moment, Mr. Traficant. In essence what you are saying, Mr. Bucci, Mr. Sugar, Ms. Bucci, Mr. Sugar, Mr. Cafaro, Mr. Sinclair, the staff that you employed in your congressional office, the only reason they are saying what they said against you is because they are part of an effort by the FBI and the IRS to put you away?

Mr. Traficant. No, I didn't say that. I said they were subject to jeopardy.

Mrs. Tubbs Jones. They are all subject to jeopardy, and they were subject to jeopardy because the FBI and the IRS were trying to put you away?

Mr. Traficant. No. The FBI and the IRS, in getting me, used them, who would have lost either a law license, wrecked their life, involved their family, and they got a get out of jail free card.

Mrs. Tubbs Jones. They got a get out of jail free card because the IRS and the Justice Department or the FBI were after you.

Mr. Traficant. That is true.

Mrs. Tubbs Jones. And that is the only reason any of them testified?

Mr. Traficant. Absolutely. We have documents now where Janet Reno even was a part of this.

Mrs. Tubbs Jones. I don't want to talk about Janet Reno. You can do that on your time.

Mr. Traficant. I know you don't. She is a damn traitor.

Mrs. Tubbs Jones. Now, let me ask you this question, Mr. Traficant. All the people that you testified -- very shortly, how did you meet Mr. Bucci?

Mr. Traficant. I don't even remember.

Mrs. Tubbs Jones. How did you meet Mr. Sugar?

Mr. Traficant. His father and mine were friends for many years, good friends, and he would come to my fund-raisers, and I was friends with Dave, too.

Mrs. Tubbs Jones. How did you meet Mr. Cafaro?

Mr. Traficant. Actually Mr. Cafaro hated my guts.

Mrs. Tubbs Jones. How did you meet him, sir? That is the question.

Mr. Traficant. He ultimately came -- we got involved with that DFAS, where President Bush was going to bring those 25,000 workers, and he let the communities bid. He said, you build us the building, give us a deal, and we will pick the four winners, and we were one of the four winners. And I picked all of the leaders that I thought were influential people in the valley, and went beyond people that didn't like me or liked me or whatnot, and put the most influential people together. We passed a tax and financed it and were awarded a 7,000 facility, and the four winners were Youngstown, Ohio, for 7,000 jobs; Jackson, Mississippi, 4,000; Springfield, Massachusetts --

Mrs. Tubbs Jones. Time, time. Last question. I don't have any more time, Mr. Traficant, so I want to ask this last question: Why did you choose not to have counsel represent you, sir?

Mr. Traficant. Because I think I am better than counsel could have presented me. I am the only American that ever defeated them, and quite frankly, I think it was a fair trial in Cleveland, and I had a jury that, in my opinion, was not predisposed, who actually one juror said, and I want members to hear this, although they said they didn't know me, the one juror said, I knew he was flamboyant, and most of the members of Congress are crooks, and he, unfortunately, got caught.

Mrs. Tubbs Jones. But you don't think any of the members of this panel are crooks?

Mr. Traficant. But in all fairness, the jury, I think if they would have heard the rebuttal from people who did not have immunity, not subject to jeopardy -- and, quite frankly, I think I won that case on the fairness, and I don't think an attorney would have done a better job.

Mrs. Tubbs Jones. You are talking about the first trial, not the second one?

Mr. Traficant. I don't think an attorney would have done a better job in front of you, quite frankly.

Mrs. Tubbs Jones. You are talking about your first trial, not this most recent one?

Mr. Traficant. I am talking about this most recent trial.

Mrs. Tubbs Jones. Okay.

Mr. Traficant. And I think I understand the case, could articulate the case, maybe not as good in writing. Some of them I did in my own handwriting, but I had a judge that was pretty much predisposed that -- that didn't like me too much. And what bothered me, though, and I will tell you this right here on the record, is when you come to me and you said, Judge Wells is my friend, now, don't mistreat her, and you gave me

the impression that I was going to mistreat a judge. Quite frankly, she mistreated the hell out of me by not allowing me to bring a defense, and she is going to sentence me. And we have an aristocratic judiciary that is afraid to death of these damn prosecutors and Justice Department, and I think you, with your extensive experience and knowledge, and people like Congressman Hulshof and Mr. LaTourette, who were prosecutors, you better take a look at that, because the American people fear the hell out of our government, and that is the genesis of it.

Mrs. Tubbs Jones. Thank you, Mr. Traficant.

I yield the balance of my time.

Mr. Traficant. And I didn't ask you to be recused because I know you are fair.

Mrs. Tubbs Jones. Thank you. I appreciate that.

The Chairman. Mr. LaTourette.

Mr. LaTourette. Thank you very much.

Just to follow up at the edged end of Ms. Tubbs Jones, I have read your stuff, Congressman, and you needed a lawyer. I mean, that is my observation.

Here is the --

Mr. Traficant. You think I needed a lawyer?

Mr. LaTourette. I think you needed a lawyer. As smart as you are, I think you needed a lawyer.

Mr. Traficant. I wish I could have hired you. I didn't have one the first time.

Mr. LaTourette. I know.

Mr. Traficant. But they had a fake confession against me the first time, and that is why I am sitting here.

Go ahead.

Mr. LaTourette. Here is the problem that I think the evidence presents, at least to me and maybe to other members, and it is going to be a long question, and then I will stop and let you answer it.

There is a lot of stuff in this case, and the transcript that is before us, when I was a prosecutor we used to call it putting lipstick on a pig. And that is witnesses come in that know they dropped off some sawdust, or know that they did this.

But the gravamen of this case is you are accused in multiple counts, and it goes to the tax counts, of using your office, and in return for using your office, you accepted stuff. And specifically they say that you used your office and you accepted stuff from Mr. Sugar. You used your office; you accepted stuff from Mr. Bushy. You used your office; you

accepted stuff from the Bucheits. You used your office; you accepted stuff from Mr. Cafaro. And then we have the separate matter of Mr. Sinclair that I will get to in a minute.

I got to tell you what is troubling, and what is troubling to me because I am your friend isn't when the counsel for the committee says there are 55 witnesses. In my mind there are about five that mean squat in this case relative to the charges against you. But the problem I am having, Congressman, is that there are five. And I would really like you to address -- since you are the only person whose demeanor I can judge under oath here today, I would really like you to address, and I would like it hopefully not a repeat of the answer you gave to Ms. Tubbs Jones, because if it is government conspiracy, that can be your answer, but five people is a lot of people to come forward.

Let me preface that by saying, and I think this committee is in a position, like that stuff you did for USAG, we would all do that stuff. If somebody in our district said, we are going to bring 150 jobs to Painesville, Ohio, or Youngstown, Ohio, or Cleveland, Ohio, or Houston, Texas, we would do it. That is not the issue. The issue is not accepting fair market value for something that you got if you pay somebody.

The issue is, and what you are charged with, both in Cleveland and in the statements of violation before this committee, are that it was, as Mr. Sugar testified -- I assumed it was favor for favor. And the last observation that I will make and shut up and you can talk all you want is when you described that business, I don't remember whether it was Mr. Pastor or Mr. Green, about J.J. Cafaro coming to you with a book, opening it up, and saying, here is 26,000 bucks for your boat or for whatever, that has never happened to me, and I don't think it has happened to other Members.

So the impression that this record leaves, and I would like you to address, is I don't know whether it is Youngstown, I don't know whether it was a culture that was created as a result of how you did business, but the question I have is why do we have five people who are under the impression that they were engaged in a favor-for-favor scheme with you?

Mr. Traficant. Mr. LaTourette, I probably worked with 500 companies.

Five hundred companies didn't do a damn thing for me, and I never asked a favor from anybody.

I have people back home that appreciate all I have done for them. Cafaro was so tickled because he knew everybody, and no one could do anything, and I was successful. I didn't take that money. I never asked for any favors. There were a lot of people that come to the farm and did

little things. Hell, there is a guy that wanted to move my garage in Poland. He didn't even want to charge me. I didn't move the garage. I didn't have the money.

I would call somebody to come out and look at something, they would give me a price, and I paid them. Sometimes they would say, I don't want the money, and I still paid them. I have add a lot of people say, Jim, I don't want any money. I want to do this for you. I said, I don't want it.

But the only thing I can tell you is this: That everything I have done, I have done with checks or through my credit union.

Now, I never asked for any favors. The people offered me favors, or what we call favors. But, you know, when I look at a friend, when I look at David Sugar, for example, I know what happened with Sugar. Read the Manganaro tape. He feels very bad, and I know he does. Nishnic felt bad.

He had a conscience. As a result, a \$150,000 barn wasn't a part of it, and it was the big national news story. He said, I feel bad, Jim. I feel like a coward.

There was a big investigation in Youngstown, and if you look at the Kerchum statement, when I walked out of the trial in 1983, I was the subject of the FBI investigation when I walked out. They would build a monument to him to get something on me. So anybody they would bust, they would say, what did you do with Traficant? How did you do this with Traficant, or how can we have this with Traficant?

I think Detore is important, and I don't think you should throw me out of this Congress until you hear Richard Detore, because, first of all, I do think his rights have been violated by both the courts, and I can't believe the Congress would violate his rights.

Detore is a part of a superseding indictment for only one reason, and so help me God, I am making this statement. If you open the book where it said "patriot," and if there was a picture, you would see a picture of William Natcher and Richard Detore. This guy spent \$500,000 and got three motions out of it and was pressured in front of his own attorney, and he is the only one to come forward. Everybody caved, afraid to death.

Now, I understand your question. Maybe no one ever came and did this for you, but I went across and I would Brush Hog people's lawns. I had a farm tractor at my house, and I would go do my neighbors' yards when it snowed. I never had anybody come do my yards.

Even though I am a Congressman, can't I have a friend? Can't they help me? I mean, is there something sinister to what happened? What the hell did they do?

Now, yes, I settled, actually settled, the Bucheit matter with the assistance of the prince, the Ambassador, because they were exposed to 16 counts, and that prince told 16 Americans go to hell, and under Saudi-American law, you couldn't sue them. I told the Bucheits to file a civil RICO. It hit the Washington Post, and they settled the Bucheits' case.

And, Steven, I negotiated the settlement, and that settlement was for four times what he was willing to settle for, and I didn't get a damn thing from it and didn't ask for a favor. He did business with my father. He wanted to help me.

Mr. LaTourette. If I could stop you right there, because that creates -- I know what you did in that case, because we talked about it when it was going on, and you did great work for the Bucheits. The question I have is they sent you an invoice for \$26,000 in 1993.

Mr. Traficant. Sent my father an invoice.

Mr. LaTourette. Is that accurate?

Mr. Traficant. My dad died in 1994. My dad was the owner.

Mr. LaTourette. I understand that.

Mr. Traficant. And I told Pete Bucheit, I said, look, I don't know what the hell and why you did all this, but I will reconcile it.

Mr. LaTourette. If you could just, with the Chair's forbearance, I was under the impression they sent you an invoice in 1993. Does counsel have an answer to that?

Mr. Lewis. I would have to check that, Congressman.

Mr. Traficant. He said it was sent to the Traficant farm. My dad owned the Traficant farm. Pete Bucheit originally talked with my father. Pete Bucheit is under indictment. I don't know what the hell he will do to get out of a half million dollars, and, quite frankly, I don't care. I did nothing illegal with Bucheit or any of them.

Mr. LaTourette. Then this answer should be simple. We will find out who the invoice went to in 1993, and it will speak for itself. But why didn't you pay it? That should be a quick answer.

Mr. Traficant. I offered to pay that. I offered him a horse, partial interest in some horses. He wasn't interested. I told him I would get to it, and I would live up to the agreement my dad made. I had no obligation to make that agreement.

I will say one other thing before I close, how I have had incidents where I had some work done for me because I was a Congressman and couldn't sue them, they screwed me. Things that should have cost me \$300 or \$400 ends up costing me \$1,200 or \$1,500. In the Devood lawsuits, I paid them.

Now I am prepared to go to jail, and I basically finished up all my accounts, and I paid up most of my accounts by check.

I don't know why you are laughing, Mr. Berman. I have tried to be responsible. So I am dead serious.

The Chairman. Mr. Berman, you may respond.

Mr. Berman. I was not laughing. You are seeing things that don't exist.

Mr. Traficant. There is nobody in the House that understands nonverbal behavior, and here is what I am telling this committee: I have been targeted. There have been other Americans targeted. You have just seen, thank God for Burton, the Salvati case. They will lie in court. They will put a notch on their gun. You are walking around an embarrassment. The only American to ever beat them wasn't even an attorney.

The Chairman. Is Mr. Traficant being responsive to your question?

Mr. LaTourette. I am done asking questions. I thank you for your answer.

Mr. Traficant. I want to say something before I close with Mr. LaTourette. I want to thank you for being my friend, and I want you to know that you vote your conscience, and if that conscience is against me, I don't hold it against you, because I know you are in a tough position, because I have worked very closely with you, and I thank you for helping my district.

Mr. LaTourette. If I could rise to a point of personal privilege?

The Chairman. Mr. LaTourette.

Mr. LaTourette. I would say the point of personal privilege is there are some in the media that have questioned my ability to be fair, and I want to tell you and anybody that gives a damn, I have taken an oath, I am going to discharge that responsibility, and when we are done, I am going to do what is right based upon my heart and my conscience.

Mr. Traficant. I know you will, and I salute you.

The Chairman. Mr. Green.

Mr. Green. No questions.

Mr. Traficant. Mr. Green, you never have a question. I am upset with you. All that money I helped you to get on transportation where those other people wouldn't help you, and you were too timid to go forward, and I got you millions, you chicken. You could have eaten up about 10 minutes of their time for me. I want to blow their time.

The Chairman. Mr. Traficant, if I might have your attention?

Mr. Traficant. I am sorry, Chairman. I got carried away in a writ of

"fealous jage." I had two glasses of wine last night. I think I am still a little tipsy.

The Chairman. Mr. Traficant, I think you mentioned yesterday, but clarify for it me, we talked a lot about the farm, and Mrs. Tubbs Jones asked about the size of the farm. I was curious about that. I am also curious about the boat again. What brand and what size was the boat?

Mr. Traficant. It is a 1970 Wooden Egg Harbor aft cabin, fly bridge, motor yacht. It is old, but it was lovely inside, and I bought it from Senator Craig. And I thought it had some sentimental value, and I thought I could live in it cheaper than some apartment and have a little privacy. Then it got to the point where I couldn't afford to keep it at gangplank and moved it to Anacostia, where it is cheaper, only about \$110 a month.

I probably shouldn't have bought the boat. I should have just stayed in my office, but I just got tired of that, and I wanted to have Playboy bunnies come in and meet with me at nights, and I wanted to be promiscuous, so I did it.

The Chairman. You do realize that is on the record, Mr. Traficant?

Mr. Traficant. What the hell. Everything else is. But I want you to know there were no Playboy bunnies there. I never hired a hooker, but some women did come looking for me, and I refused them, Chairman. The only woman I had there was my wife, and, quite frankly, she was fed up with the quarters. Both of the heads didn't work, and she didn't even want to stay there. The heads, by the way, are commodes.

The Chairman. Let me give you an opportunity. You made a big deal in your opening statement yesterday and to the press about witnesses that weren't allowed.

Now, we have heard the government conspiracy to get you.

Mr. Traficant. I am not basing it all on the conspiracy. There was a hell of a vendetta, and I was investigating the connection between organized crime and the FBI, and that is on the record. They were really after me.

The Chairman. Okay. Let's just say at this moment we accept the fact they are after you. Let's don't prove that case anymore. But what witness could come before us that could refute the charges against you; not say that I was threatened by the FBI, but could say Jim Traficant did not do this, Jim Traficant did no wrong in this? What witnesses did we not let you have on, would you like to have on, and what would they say?

Mr. Traficant. Well, I think you should have subpoenaed Manganaro. I think you should have subpoenaed Kidwell and Antonoff.

The Chairman. Take them one at a time and tell me what they would say

and what you would hope they would say.

Mr. Traficant. Okay. Antonoff would say he was serving subpoenas for the Congressman, and he stopped at his wife's house, who he is separated from, and she said, there is car outside taking photographs of the house.

He got in his car, followed them down to the intersection. I want you to imagine he comes to the intersection, and there is a car behind him, so he pulls up next to him. He says, what the hell are you doing taking pictures of my house? And the guy says, I have the right to. And he flashed a badge, and he saw the "FBI," and then he pulled out.

The FBI had been following my subpoena server to, in fact, find out who I was subpoenaing and getting dossiers and things they could on him. He submitted an affidavit.

Brian Kidwell had the welder, and I didn't talk about that yesterday, the welder and generator. I have a welder-generator. I have no reason to use aluminum.

Mr. Lewis. Mr. Chairman, Mr. Kidwell testified.

Mr. Traficant. He testified at trial, but the point he didn't testify to be here today is Mr. Kidwell said when I asked him, because I was going to bring the welder to be displayed because the generator was destroyed in a fire, I said, do you have that? He says, I had it in my garage. He didn't lie.

What happened was three people came to his place, took the welder from him, told him, is that your son that just left in a blue pickup truck? He said, where are you going with the welder? He said, this welder will not go to Washington, and you didn't see it leave.

Now they have gone to his employer, trying to implicate him with some problems with some trucks he bought from his employer, and Mr. Kidwell is sure it was the FBI or a contract with them and wants photographs, as does Antonoff, to identify the activities of what they were doing. That is tampering with evidence. I told the jury I would bring the welder and show them the welder was unused.

The Chairman. So Mr. Kidwell would solve the welder problem.

Who else?

Mr. Traficant. I think Sandy Ferrante. She is familiar with two loan repayments, the loan repayments to DiBlasio and O'Nesti over the years.

Mr. Lewis. I believe she is testifying this afternoon, Mr. Chairman.

The Chairman. She is one of the witnesses.

Mr. Traficant. Linda Kovachik about the O'Nesti matter, where she checked with O'Nesti.

The Chairman. She is coming this afternoon.

Mr. Traficant. Mike Robertson, who did the analysis and looked at the Sinclair thing, and he is a SS, Secret Service man, who did many extensive investigations. He is scheduled.

The Chairman. He will be here this afternoon, and you can question him.

Mr. Traficant. I think Mr. Manganaro should have been here to tell you what happened.

I think Mr. Saadey could have been brought out of jail to tell you what happened.

The Chairman. So you have two, maybe --

Mr. Traficant. So the Sabatine case was thrown out. I don't want to endanger Russell Saadey, and I did destroy that tape. And if I am subject to some criminal action, charge me, but I didn't want to endanger him. There was a gag order on it.

The Chairman. That doesn't respond to my question. So you have basically two witnesses that might shed some light on it that you weren't allowed. In other words, either --

Mr. Traficant. Every witness I asked you to subpoena would have shed light on this case, Mr. Chairman.

The Chairman. You didn't tell me what light they would shed, other than the --

Mr. Traficant. I think I put them in. Your counsel wrote back they were cumulative, but what he didn't know is, yes, some of them testified, but not to the salient points that spoke specifically to the crimes that I was charged with.

Mr. Lewis. I believe the Congressman asked you to testify now as to what they would say.

Mr. Traficant. I wasn't talking to you. I was responding to the Chairman.

The Chairman. Mr. Traficant, we said they were cumulative, and we asked you to --

Mr. Traficant. I think I did explain that, Chairman. I think in brief terms it was good enough.

The Chairman. We asked you to correct it and let us know what additional they would say that would not be cumulative, and you didn't correct it.

Mr. Traficant. Why didn't you allow John Cafaro? Why didn't you allow Kidwell, about taking the damn welder and having to lie in court? He didn't lie. He said he had it in my garage. Yes, at one point he did, but he is afraid his son is going to get hurt. He doesn't know what the hell

is going on, scared to death, a constituent of mine scared to death. Why wasn't Kidwell? Kidwell should be here.

The Chairman. Okay. So you answered my question, I think. Two witnesses that you would like to be here that weren't.

Mr. Berman.

Mr. Berman. Thank you, Mr. Chairman. I don't have a question, but I think it is important to state once again what you stated at the beginnings of the hearing at several times and in our correspondence --

Mr. Traficant. I can't hear you, Mr. Berman.

Mr. Berman. I think it is important to restate what the Chairman has said on several occasions and which was stated very clearly in correspondence with Mr. Traficant, and that was that decisions were made about issuing subpoenas based on the committee rules, which say, one, the testimony has to be relevant, not cumulative, in the case of subpoenaed witnesses; and a decision was made that insofar as the respondent wished to offer evidence about government conspiracies, IRS, FBI or whatever --

Mr. Traficant. Vendettas.

Mr. Berman. Vendettas -- that that evidence would only be allowed if there was an offer of proof that such a vendetta or conspiracy caused individuals to testify falsely with respect to the accusations against you.

With respect to the witnesses you have mentioned now, you had the opportunity to cross-examine them at the trial --

Mr. Traficant. No, I did not. Mr. Kerchum speaks specifically to vendetta, and you didn't subpoena him.

Mr. Berman. I am talking about the issue of the witnesses with respect to the issues that came --

Mr. Traficant. The judge ruled I could not question the vendetta, Mr. Berman. She had an order that the vendetta could not be addressed.

Mr. Berman. Mr. Chairman, I am not --

Mr. Traficant. Then you are misrepresenting this.

Mr. Berman. I am not asking the respondent any question. The committee made the same decision as the judge, with the exception insofar as the vendetta caused -- any presumed or assumed vendetta caused witnesses to testify falsely about that with which the respondent was charged, whether at trial or at the same here, and we sought those offers of proof. Those offers of proof were not forthcoming in the cases of the witnesses that were not subpoenaed, and that was the basis for the reason that the subpoenas were denied.

Mr. Traficant. Question: Is motive an element of a criminal trial,

and, if so, why was I denied to present a defense, to even present witnesses relative to their vendetta? Why was I not allowed to subpoena Anthony Speranza, who raped one of my constituents? Why was I not allowed to subpoena FBI agents who made statements that get Traficant and threaten Traficant? Come on now.

The Chairman. Mr. Traficant, all of this was explained for each one, and you were offered an opportunity to correct the situation, let us know what they were going to testify to.

The committee will stand in recess until 2 o'clock. We have one vote, and then I believe followed by two additional votes. So the committee will stand in recess until 2 o'clock.

Mr. Traficant. Can we make that 2:30, Chairman, so I can coordinate witnesses here and get my stuff together, find some dates?

The Chairman. Mr. Traficant, they were supposed to be ready to go at 1 o'clock. So let's get them here and ready at 2 o'clock, as we were supposed to start at 10 o'clock in morning, too. So we will start at 2 o'clock now.

Mr. Traficant. Thank you. 2:05?

[Recess.]

DCMN ROSEN

. The Chairman. The committee will come back to order. Mr. Traficant, we are prepared for you to call witnesses.

Mr. Traficant. I have a motion that I would like to read briefly. Motion to refer alleged criminal acts and rules violations. Respondent James A. Traficant, Jr., Pro se, pursuant to the Rules of Committee on Standards of Official Conduct Rule 7. In accordance with the requirements of Clause 3 subsection (a)(3) of Rule 11 of the Rules of the House of Representatives in accordance with Rule 29 committee rule, hereby request that the alleged criminal acts and breaches of committee rules as described herein be referred to the committee and to the Federal authorities for further investigation and possible prosecution.

The following memorandum of points and authorities accompanies this motion in support --

The Chairman. Mr. Traficant. This motion is out of order. Would you like to call your witnesses?

Mr. Traficant. It deals with Richard Detore. I don't believe it is out of order, and I object.

The Chairman. It is out of order at this time. Would you like to call witnesses?

Mr. Traficant. Is there any time it would be in order, Mr. Chairman?

The Chairman. We will talk about it later.

Mr. Traficant. I call Linda Kovachik.

Should she be sworn?

The Chairman. I will when you are settled. Do you want to take a seat, Mr. Traficant?

Ms. Kovachik, you have been asked to appear before the adjudicatory subcommittee to be examined under oath in connection with an inquiry concerning Representative James A. Traficant, Jr.

Under House and committee rules, you may be represented by counsel. Are you represented by counsel?

Ms. Kovachik. No, sir.

The Chairman. You choose not to be represented by counsel?

Ms. Kovachik. Yes, sir.

The Chairman. You are willing to give testimony today without the assistance of counsel?

Ms. Kovachik. Yes, sir.

The Chairman. All right. At this time I ask you to stand and raise your right hand. I am going to swear you in.

The Chairman. Were you given a copy of the Rules of Procedure?

Ms. Kovachik. Yes, sir.

The Chairman. All right. And the SAV, the Statement of Alleged Violations?

Ms. Kovachik. Yes, sir.

The Chairman. You may be seated.

Mr. Traficant. Will you spell your last name for the committee?

Ms. Kovachik. K -o -v-a-c-h-i-k.

Mr. Traficant. Where are you presently employed?

Ms. Kovachik. Congressman James A. Traficant, Jr.

Mr. Traficant. When were you first employed by me?

Ms. Kovachik. Back in 1984 when you first started.

Mr. Traficant. When did you separate service?

Ms. Kovachik. 5 years. 1989.

Mr. Traficant. Why did you leave?

Ms. Kovachik. It was a conflict of interest within the office.

Mr. Traficant. Who was that conflict of interest with?

Ms. Kovachik. Management. Jackie Bobby, Grace Yavorsky.

Mr. Traficant. Did you eventually reverse -- return to my employ?

Ms. Kovachik. Yes, sir, I did.

Mr. Traficant. When did you return?

Ms. Kovachik. 200 0. The year 2000.

Mr. Traficant. Who generated the interest in your return to surface.

Ms. Kovachik. Charles O'Nesti.

Mr. Traficant. Who sought employment, you or did I seek you out?

Ms. Kovachik. Well, it was -- I was wanting to come back because the two ladies that I didn't get along with were gone. And I enjoyed working for Congress. I think you are a fantastic Congressman. I had a good rapport there, enjoy working with people. And I had a run-in with Mr. O'Nesti where he was eating and I was there.

Mr. Traficant. Where did you meet with Mr. O'Nesti and when did you meet with Mr. O'Nesti?

Ms. Kovachik. It was Itam on Meridian Road in Youngstown, Ohio. Sunday spaghetti dinner.

Mr. Traficant. At approximately what period of time before Mr. O'Nesti ultimately expired from cancer?

Ms. Kovachik. It was the late summer. Of -- August, September, somewhere in there. I am not sure on the date.

Mr. Traficant. And you saw him at a spaghetti dinner at Itams?

Ms. Kovachik. Yes, sir.

Mr. Traficant. Did you approach him, did he approach you?

Ms. Kovachik. We approached each other. We seen each other and kind of just gave a bear hug and the Italian welcome there. How was I doing? I was unemployed. Well, why don't I go back with Jim Traficant. I said, I don't know. I said -- he said, sit down, we will talk a little bit. So I sat down with him. I was honest with him. And I said, Chuck, I hear about some kind of a kickback to the Congressman. That is like Chuck giving money back to you. And I said, what is going on here? I am not going to go back to the Congressman. I never heard of such a thing. I never was approached about giving money back to you. I am not going to start now.

He said, well, I am not going to tell you what exactly he said.

Mr. Traficant. Say what he said.

Ms. Kovachik. He said what the hell are you talking about? He said, do I look like the kind of guy that would give money back? I said, no, you were kind of tight in your days. But he said that he would buy me a spaghetti dinner any time and that was a bunch of bullshit. So at that time I did make a phone call and I came back to your office.

Mr. Traficant. And you came to be employed with me?

Ms. Kovachik. Yes.

Mr. Traficant. Did Chuck O'Nesti get along with Jackie Bobby or George Yavorsky?

Ms. Kovachik. No, sir.

Mr. Traficant. Was Jackie Bobby and Grace Yavorsky, after they left, the reason why you wanted to return?

Ms. Kovachik. Yes, sir, it was.

Mr. Traficant. You didn't want to work with them?

Ms. Kovachik. No.

Mr. Traficant. No further questions.

Mr. Lewis. Thank you, Mr. Chairman. Ma'am, you testified at the Congressman's trial?

Ms. Kovachik. Yes, sir.

Mr. Lewis. And you testified under oath?

Ms. Kovachik. Yes, sir.

Mr. Lewis. And you knew it was an important matter?

Ms. Kovachik. Yes, sir.

Mr. Lewis. And you took it very seriously?

Ms. Kovachik. Yes, I did.

Mr. Lewis. And it is my understanding that you either had a mistake in your testimony, or there is a mistake in transcription of your

testimony?

Ms. Kovachik. Absolutely.

Mr. Lewis. So you testified at trial that the Congressman did not make a kickback to Mr. O'Nesti?

Ms. Kovachik. Yes.

Mr. Lewis. That was a mistake?

Ms. Kovachik. That was a mistake. The judge heard it. I don't know much about kickbacks. That is why when I talked to Mr. O'Nesti, I asked him then I was learning, because, we have a fine staff. We all do work. I never heard of -- I am in shock either at these other people giving kickbacks. Why would anybody take a job and kick money back? It just didn't make sense to me.

Maybe I am a naive person. But I filled out an affidavit. I made amends to that. And the judge knew when I made the mistake. She wouldn't let the jury up in Chiefland hear my testimony. She shut me off then. I went to Jim Traficant and I said, Jim, I talked to Chuck O'Nesti about kickbacks. He didn't even know that Chuck discussed this with me. I was rather embarrassed to even say that someone would say that about the Congressman.

I have a very fine rapport with him and respect him. He does a lot of work for the district. He has a fine staff. We are not criminals.

Mr. Lewis. All right. Ma'am, when was this conversation with Mr. O'Nesti again?

Ms. Kovachik. It was the late summer before he passed on.

Mr. Lewis. Okay. That was after his conviction?

Ms. Kovachik. Well, that was on his own. I don't know much about that.

Mr. Lewis. Do you know that he had a conviction for perjury?

Ms. Kovachik. Yes.

Mr. Lewis. Thank you. Nothing further, Mr. Chairman.

Mr. Traficant. One other question. Do you have immunity at any time, Linda? Did you ever have immunity for any of your testimony?

Ms. Kovachik. Immunity?

Mr. Traficant. No. Did the judge allow you to testify about the conversation you had with Chuck O'Nesti?

Ms. Kovachik. No.

Mr. Traficant. No further questions.

The Chairman. The committee may want to ask you some questions under the 5-minute rule. Mr. Berman.

Mr. Berman. No questions.

The Chairman. Mr. LaTourette.

Mr. LaTourette. Just so I am clear. Are you saying that the mistake was made in an affidavit that you prepared prior to trial?

Ms. Kovachik. The mistake was made in Cleveland in front of the jury as I was talking. I had said something on the terms of Jim kicking back to Charles O'Nesti, versa visa, whatever. And the judge looked at the fellow doing the typing. He didn't correct it. It came out the way --

Mr. Traficant. You said it.

Ms. Kovachik. So I did fill out an affidavit, because that was a lie. It wasn't that way. It is a matter of me saying -- I am not used to kickbacks, I guess.

Mr. Traficant. The confusion I am having, though, is that I am understanding you to say in your testimony that you were not permitted to testify?

Ms. Kovachik. Right.

Mr. Traficant. So how did that --

Ms. Kovachik. She dismissed me from court. She told me to come back in the morning. The jury had to leave at that time. I was just stopped -- she stopped my questioning.

Mr. LaTourette. Now, you mentioned that you had heard somewhere about this kickback business when you ran into Mr. O'Nesti at the spaghetti dinner. Where had you heard about this kickback business?

Ms. Kovachik. Where did I hear it from?

Mr. LaTourette. Right.

Ms. Kovachik. I belong to lodges. And friends of mine they said that there was rumor that there was kickbacks. I just -- why would you want to go back if Chuck O'Nesti is giving kickbacks? I didn't know nothing about it. So I went to the horse's mouth. I asked Chuck. I went to him and asked him.

Mr. LaTourette. During the time that you have been in the employ of Congressman Traficant, did you ever work with Mr. DiBlasio?

Ms. Kovachik. Yes.

Mr. Traficant. Were you ever aware of an allegation of kickbacks by Mr. DiBlasio?

Ms. Kovachik. No. Never. I went to lunch with him, partied with him, never.

Mr. Traficant. Did you work with Mr. Sinclair?

Ms. Kovachik. No, I didn't, sir. No, I didn't work with Mr. Sinclair. I never knew him, no. That was the time that I had gone.

Mr. LaTourette. Okay. Thank you very much.

The Chairman. Further questions? Mr. Green.

Mr. Green. Ms. Kovachik, I want to follow up on Mr. LaTourette. If I can get the dates. You worked for Congressman Traficant from 1984 to 1989 and then went back in 2000?

Ms. Kovachik. Yes, sir.

Mr. Traficant. You are still employed?

Ms. Kovachik. Yes, sir.

Mr. Green. Do you remember what month in 2000?

Ms. Kovachik. It was February of 2000.

Mr. Green. In your answer to a question of Mr. LaTourette, you said that you didn't know Mr. Sinclair?

Ms. Kovachik. Right.

Mr. Green. You didn't know of him generally, you never worked with him because he wasn't employed at that time?

Ms. Kovachik. I knew that he was employed. I knew that he was on staff. But I didn't know him or his business or meeting him. If we seen each other, I don't think that we would really recognize each other. I just didn't know him personally.

Mr. Green. The information we have here is Mr. Sinclair, from November the 1998 through January 2000, his -- in violation clause 1, clause 2 and clause 3 of official conduct, between November of 1998 and January of 2000.

Ms. Kovachik. Sir, I can hardly hear you.

Mr. Green. Between January of 1998 and -- November of 1998 and January of 2000 where Mr. Sinclair had alleged that there was accept and agreed to receive kickbacks, you weren't employed with Congressman Traficant?

Ms. Kovachik. No, sir, I wasn't.

Mr. Green. During your time of employment, both your first 5 years and since 2000, has there -- has there been any hint at all of any return of your salary to Congressman Traficant?

Ms. Kovachik. No, sir, never. Never. Not -- I just wouldn't do it, first of all. I am a hard worker and I earn my money. I am not giving any part of it up. I am a woman.

Mr. Green. But, again you weren't employed during the time that Mr. Sinclair was there?

Ms. Kovachik. No, sir, I was not.

Mr. Green. Thank you, Mr. Chairman.

The Chairman. Ms. Tubbs Jones.

Mrs. Tubbs Jones. Thank you, Mr. Chairman. Ms. Kovachik; is that

correct?

Ms. Kovachik. Yes, ma'am.

Mrs. Tubbs Jones. What was your job responsibility with Congressman Traficant?

Ms. Kovachik. I worked as a receptionist.

Mrs. Tubbs Jones. And how much were you paid?

Ms. Kovachik. Well, at first I started part-time. And I was paid, I believe, 12,000 a year to start. And a fellow had passed on at the office. And Jim asked me to come full-time. And I will tell you the truth, I didn't know how to type, because I did shipping department.

Mrs. Tubbs Jones. The question is, how much were you paid, ma'am? You were paid 12,000 as a part-time worker, and full-time what were you paid?

Ms. Kovachik. No, full-time. Part-time it was like 800, something like that. Then I went on full-time was 12,000.

Mrs. Tubbs Jones. What year was this again?

Ms. Kovachik. That was back in 1984, I believe. I am not sure of the date.

Mrs. Tubbs Jones. Have you ever been to Mr. Traficant's farm?

Ms. Kovachik. Yes.

Mrs. Tubbs Jones. Where is that farm located?

Ms. Kovachik. Route 165.

Mrs. Tubbs Jones. When you went there, were you -- did you ever do any work?

Ms. Kovachik. No. No. No.

Mrs. Tubbs Jones. When you went there, what did you do?

Ms. Kovachik. I went to visit.

Mrs. Tubbs Jones. Okay.

Ms. Kovachik. Because I personally know Ms. Ferrante, Sandy. And she is a friend of mine. And I went to see her and the horses.

Mrs. Tubbs Jones. Do you ride horses?

Ms. Kovachik. No. I take my niece out to see the horses because children like that.

Mrs. Tubbs Jones. And what city did you live in?

Ms. Kovachik. Youngstown, Ohio.

Mrs. Tubbs Jones. In Youngstown?

Ms. Kovachik. Yes.

Mrs. Tubbs Jones. In Youngstown, in the city proper?

Ms. Kovachik. Yes.

Mrs. Tubbs Jones. So were you aware of any development corporation

that Mr. Sinclair had worked on to the benefit of the city of Youngstown?

Ms. Kovachik. No, ma'am, I don't.

Mrs. Tubbs Jones. And it is your statement that any allegation -- excuse me. How long did you know Mr. Traficant?

Ms. Kovachik. Since 1980. 1980.

Mrs. Tubbs Jones. How did you meet him?

Ms. Kovachik. He was a sheriff. He was our sheriff. And my sister was promoting him being sheriff. And he was going for Congress. And my sister said you have got to help this man. He is a good sheriff.

Mrs. Tubbs Jones. That is what your sister said?

Ms. Kovachik. My sister, yes.

Mrs. Tubbs Jones. What did your sister do?

Ms. Kovachik. My sister, she was a housewife.

Mrs. Tubbs Jones. Okay. And she told you that he was a good sheriff and he wanted to go to Congress and you need to work for him?

Ms. Kovachik. No, I didn't have to, but we wanted.

Mrs. Tubbs Jones. I mean in the sense that because she thought that he was a good person you needed to do that.

Ms. Kovachik. Yes. A good person and the community loved Jim Traficant. We thought he was such a good sheriff he would be a good person in Congress.

Mrs. Tubbs Jones. So then you went out and campaigned for him?

Ms. Kovachik. Family and friends did.

Mrs. Tubbs Jones. Did you go out and campaign for him?

Ms. Kovachik. So I worked, so I didn't go as much as my family did.

Mrs. Tubbs Jones. What were you doing then?

Ms. Kovachik. I worked in the shipping department at Serviclean in Youngstown, Ohio.

Mrs. Tubbs Jones. What is Serviclean?

Ms. Kovachik. It is an industrial laundry that I worked in the shipping department there.

Mrs. Tubbs Jones. And who owns it?

Ms. Kovachik. At the time, Mr. Bishop owned it, but he passed on. In fact, it is not no longer a place of employment.

Mrs. Tubbs Jones. So are you familiar with Mr. Traficant's reputation in the community of Youngstown?

Ms. Kovachik. Yes.

Mrs. Tubbs Jones. And so are you saying to this committee, then, that any allegation with regard to him taking any kickbacks, based on your opinion of his truth and veracity, would be unfounded?

Ms. Kovachik. It is hard to believe. I just can't believe it.

Mrs. Tubbs Jones. It is hard to believe, but you are not saying that it could not be true?

Ms. Kovachik. It couldn't be.

Mrs. Tubbs Jones. So now you are saying it is not true?

Ms. Kovachik. It is not true.

Mrs. Tubbs Jones. Based on your belief of your opinion of what you know about him?

Ms. Kovachik. Yes. My experiences, my conversation with Chuck O'Nesti. It is hearsay to me.

Mrs. Tubbs Jones. I am asking you whether it is true or not, not to make a determination on the evidence.

Ms. Kovachik. No, it is not. I don't believe it is true.

Mrs. Tubbs Jones. Okay. Thank you.

The Chairman. Further questions? Mr. Pastor.

Mr. Pastor. Were you employed in the office in 1992 or about that period?

Ms. Kovachik. No.

Mr. Pastor. Okay. Do you know West Richards?

Ms. Kovachik. Yes, I do. Yes.

Mr. Pastor. Is he currently working in the office?

Ms. Kovachik. West was there when I was there, back in -- let's see, I left in 1990. I believe I left in 1990.

Mr. Pastor. You left in 1990?

Ms. Kovachik. Yes.

Mr. Pastor. You had been to a spaghetti dinner and heard talk about kickbacks. And was Mr. Sinclair employed during the time that --

Ms. Kovachik. No. He was gone, sir.

Mr. Pastor. He was gone before you were employed?

Ms. Kovachik. Yes. He was -- he was there when I was gone, then when I came back he was gone. He wasn't there when I was -- he was like in between. I didn't know the man.

Mr. Pastor. As you heard about other-- another gentleman receiving or giving kickbacks, have you heard of Mr. Sinclair giving kickbacks or other employees kicking back money?

Ms. Kovachik. Just what I read.

Mr. Pastor. But had you heard among the people that you work with?

Ms. Kovachik. No. When it is in the Vindicator, when it is printed in the paper, then it is public knowledge. I don't know any secretive person. I don't know anybody that personally -- no.

Mr. Pastor. Thank you, Mr. Chairman.

The Chairman. Further questions?

Mrs. Tubbs Jones. Mr. Chairman, can I do a brief follow-up, sir?

The Chairman. Yes.

Mrs. Tubbs Jones. You are aware that Mr. Traficant has been convicted by a jury, a Federal Court jury on several charges; is that correct, ma'am?

Ms. Kovachik. Yes.

Mrs. Tubbs Jones. Now, as a result of those convictions, are you still saying you can't believe that he would take kickbacks, based on your opinion?

Ms. Kovachik. Yes. That is my opinion, though.

Mrs. Tubbs Jones. Okay. Thanks.

The Chairman. No further questions? Any further questions from Mr. Traficant?

Mr. Traficant. Yes. Number 1, did Mr. Sinclair work at the office where you worked, when he did work?

Ms. Kovachik. No, he didn't.

Mr. Traficant. Number 2. Did the jury hear the testimony you just gave to this panel?

Ms. Kovachik. Not as much as I am privileged to say.

Mr. Traficant. Were you testifying about office procedures when you were cut off, when you started talking about O'Nesti?

Ms. Kovachik. Yes, sir.

Mr. Traficant. No further questions.

Mr. Lewis. Mr. Chairman, briefly.

The Chairman. Mr. Lewis.

Mr. Lewis. Ma'am, was the conversation with Mr. O'Nesti before or after the Congressman was indicted? Do you know?

Ms. Kovachik. It was before, sir.

Mr. Lewis. It was before the indictment?

Ms. Kovachik. Yes, sir.

Mr. Lewis. Thank you. And you were not privy to all of the communications between Representative Traficant and Mr. O'Nesti, were you?

Ms. Kovachik. No, not all.

Mr. Lewis. And while you were employed, you certainly did not know what was going on, everything that was going on in the office, did you?

Ms. Kovachik. The only thing I know is what I was told. The only thing I knew is there was trouble with two women who had a power struggle with the Congressman. They wanted to be top shelf and management and

administration, and they wanted Chuck O'Nesti's job real bad. Okay? So my part in resigning was because they were putting me in the middle of -- like -- they were going rounds with this here power struggle of who is going to get Chuck's job.

And I just -- I wanted to bow out because when you work with women that you can't get along with like that, it is not a good setting.

It had nothing to do with the Congressman. I want to make that perfectly clear, because I loved my position. I was very nervous and went to the doctor's. He said, Linda, you are going to have to get another position, some type of job where you are not upset over what is going on, and actually women can be vicious. I won't go into anything personally.

Mr. Lewis. So your knowledge of whether any kickbacks were given to the Congressman is based totally on Mr. O'Nesti's statement and nothing else?

Ms. Kovachik. Right. Yes, sir. That is what I heard. That was my question.

Mr. Lewis. Thank you, ma'am.

Mr. Traficant. No further questions. And I would ask how much time was exhausted and if their questioning and the panel's time came out of my time, because I figure she was on for 15 minutes, Mr. Chairman.

The Chairman. Let me check the time for you.

Mr. Traficant. I only spent about 15 minutes with this witness.

The Chairman. You will be credited with 15 minutes. She was on a little longer than that, and the cross-examination. This concludes your appearance before the committee. We appreciate you being here in this matter.

Mr. Traficant, do you want to call your next witness.

Mr. Traficant. Thank you. I call Sandra Ferrante.

The Chairman. Ms. Ferrante, you have been asked to appear before this adjudicatory subcommittee to be examined under oath in connection with an inquiry concerning Representative James A. Traficant, Jr.

Under the House and committee rules you may be represented by counsel if you so choose. Do you have counsel here today?

Ms. Ferrante. No, sir.

Mr. Traficant. You do not choose to have counsel.

Ms. Ferrante. No, sir.

The Chairman. You are willing to proceed today without the assistance of counsel?

Ms. Ferrante. Yes, sir.

The Chairman. All right. At this time, I ask you to stand and raise

your right hand so that I may swear you.

[Witness sworn.]

The Chairman. All right. You may be seated.

For the record, please state your full name.

Ms. Ferrante. Sandra Ferrante.

The Chairman. Did you receive a copy of the rules of procedure of the Committee on Standards of Official Conduct, the provisions of the rules of the House of Representatives applicable to the rights of witnesses and a copy of the Statement of Alleged Violations?

Ms. Ferrante. Yes, sir.

The Chairman. Will you proceed -- we will proceed as follows. Mr. Traficant, you may begin questioning and then we will go to counsel.

Mr. Traficant. Where did you live from 1984 through 1999?

Ms. Ferrante. At 6908 South Range Road in Greenford, Ohio.

Mr. Traficant. Do you know who owned that farm?

Ms. Ferrante. Yes, Mr. Traficant, Sr.

Mr. Traficant. Do you know who eventually owned that farm?

Ms. Ferrante. Yes. It was Tish Traficant, your wife. And then now your daughter has it.

Mr. Traficant. What are you most noted for in your background?

Ms. Ferrante. Showing and training saddlebreds.

Mr. Traficant. How many world championships did you win?

Ms. Ferrante. 13.

Mr. Traficant. Did you show any of my horses at the world championships?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Did you live at the farm?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Did you pay rent?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Did you board with your ex-husband horses at the farm?

Ms. Ferrante. Yes, sir.

Mr. Traficant. What was the average amount of money that you paid for such at the farm?

Ms. Ferrante. \$500 a month.

Mr. Traficant. Who did you pay that money to?

Ms. Ferrante. I paid it to you.

Mr. Traficant. And what form did you pay that money?

Ms. Ferrante. Usually cash. Sometimes money orders. Just depended, whichever.

Mr. Traficant. Did you ever see me repay any loans to any staff members?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Would you explain first Mr. O'Nesti. Did you ever see me repay any loans to Mr. O'Nesti?

Ms. Ferrante. Yes. Several times over the 17 years that I was there. I used to give you cash money with the board. And also my rent. And Charlie would come out, and you would give it to him.

Mr. Traficant. Was there ever a time that I was not there and you were authorized to pay Chuck O'Nesti any rent because I couldn't make it?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Could you describe that situation?

Ms. Ferrante. Yes. I had my ex-husband had paid the month that was due plus the month in advance. Because one time we had a situation, and he was going out of town. He wanted to make sure that it was paid. And I had a thousand dollars there at the farm. And Charlie came out. And he needed to ask me when Jim was going to be there. And I said, well, I got a phone call. He is running late.

Well, he waited and waited. I gave him coffee in my kitchen. And he said I can't wait any longer. He said, I was supposed to pick up some money. Well, I said, I will try to call Jim on his cell phone. I said I have my ex-husband's board money here.

I said I will be glad to give that to you if it is okay with him. I got ahold of him. He said that he was running late. He told me to go ahead and give it to Charlie, so I did.

Mr. Traficant. Did you visit Chuck O'Nesti when he was in his deathbed?

Ms. Ferrante. Yes, I did.

Mr. Traficant. What, if anything, did he say to you?

Ms. Ferrante. He told me that -- he says -- he was crying. And he said that he was -- he felt bad with everything that had gone on. And he said that he wanted to die at home and be with his sons. And he said that he didn't want to go to some Army hospital or some place outside of his home.

Mr. Traficant. Did he say he was being pressured by the government in that regard?

Ms. Ferrante. Yes, he did. He said that he was being pressured. He said, I am so upset. He said -- he just didn't seem to be able to function. He started to cry.

Mr. Traficant. Did you ever witness me repay loans to any other staff

members?

Ms. Ferrante. To Mr. DiBlasio.

Mr. Traficant. How many times over the years approximately did you see me pay loans?

Ms. Ferrante. Well, several times. When Jim wouldn't come out to the farm on the weekends, I would give him a call if he was tied up at his office up on Overhill. And I would take the board money or my rent money, whichever, and run it up to him.

Mr. Traficant. Did you see me give this money that you gave to me to Mr. DiBlasio?

Ms. Ferrante. Yes, I did. Henry never said anything. So I -- I didn't know what it was for. But, yes, I did. I was in his office on several occasions. And also, Henry was in your office.

Mr. Traficant. Did -- was there occasion when I sold some horses for cash?

Ms. Ferrante. Yes, there was.

Mr. Traficant. What was the total amount of the sales?

Ms. Ferrante. \$7,000.

Mr. Traficant. How many horses were sold?

Ms. Ferrante. Two.

Mr. Traficant. What was the cost for each?

Ms. Ferrante. 3,500.

Mr. Traficant. What was it, a cash payment and not a check?

Ms. Ferrante. Because the gentleman that sold the horses, Mr. Pennington, felt that it was best to pay cash because he felt he would always get a better deal, meaning money talks and you can get them a little bit cheaper if you pay cash. So he insisted that he pay cash.

Mr. Traficant. Did I ask him for a check?

Ms. Ferrante. Yes, you did.

Mr. Traficant. What, if anything, did you ask me to do with this money?

Ms. Ferrante. I asked you -- we had a real good mare that had produced a foal that was a top foal just -- would easily become a world's champion. He was just gifted. I asked you to take the money and breed a mare by the name of Lucy back to Manhattan's Supreme, because it was a good knit between the two.

And you told me at that time you couldn't, that you owed Mr. DiBlasio some more money and that you had to give it to him and you hoped I would understand.

[2:40 p.m.]

Mr. Traficant. Did you see me give that money to Mr. DiBlasio?

Ms. Ferrante. Yes, I did. I brought the money up to you. I had the money at the farm.

Mr. Traficant. Where was that money exchanged?

Ms. Ferrante. It was at his office.

Mr. Traficant. Were you allowed to testify to this matter in Cleveland?

Ms. Ferrante. I don't know. I was never asked.

Mr. Traficant. On Mr. O'Nesti, you were allowed to testify in Cleveland relative to repayment?

Ms. Ferrante. Yes. He asked about the \$1,000 and the times I had seen you.

Mr. Traficant. Did you appear before the grand jury?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Were you a part of a murder scheme plot?

Ms. Ferrante. Yes, I was.

Mr. Traficant. And who was supposedly to kill you?

Ms. Ferrante. You were supposed -- indirectly, you were supposed to have been behind it.

Mr. Traficant. Were you taken into protective custody?

Ms. Ferrante. Yes, I was.

Mr. Traficant. Did they pay your expenses?

Ms. Ferrante. Yes, they did.

Mr. Traficant. How much expenses did they pay?

Ms. Ferrante. I had two dogs, and they paid for a kennel, it was close to \$800, and they paid my flight back and forth to where I was at, twice.

Mr. Traficant. Did you testify truthfully in Cleveland?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Were they satisfied with your testimony?

Ms. Ferrante. I hope so.

Mr. Traficant. Were they upset that you did not, in fact, say that I committed any crimes?

Ms. Ferrante. Yes. Mr. Morford was upset. He got a little hairy.

Mr. Traficant. Did they demean you?

Ms. Ferrante. He did. The rest of them treated me lovely, I will say that. They were very respectful and nice. Mr. Morford was very

disrespectful.

Mr. Traficant. Did the government ask you to go public to protect yourself about this murder scheme?

Ms. Ferrante. They didn't come right out directly, but indirectly they told me they thought that that would be a good idea, because that way if there was anybody out there that wanted to whack me, that I would have a better chance of surviving, that once everybody knew about it, and I wouldn't be quite in as much danger.

Mr. Traficant. Who did the newspapers name as being the person behind the murder scheme?

Ms. Ferrante. Well, Thad Clarence Broad. His nickname was Thad, but his name was Clarence Broad. He was a hand at the farm.

Mr. Traficant. Was my name mentioned as a part of this scheme?

Ms. Ferrante. Again, until the transcript was published in our Vindicator, it was never directly -- you were never directly -- they never said you directly was, but everything directed back to you.

Mr. Traficant. Did you, in fact, mention that in the newspaper?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Did you eventually apologize to me and my wife for embarrassing me?

Ms. Ferrante. Yes, I did.

Mr. Traficant. And you know Mr. Bucheit?

Ms. Ferrante. Yes, I do.

Mr. Traficant. Do you know if Mr. Bucheit met with my father?

Ms. Ferrante. Yes, he did.

Mr. Traficant. Did you ever instruct the workers to do things at the farm?

Ms. Ferrante. Yes.

Mr. Traficant. Did they listen to you?

Ms. Ferrante. No.

Mr. Traficant. The Bucheit workers would not listen to you?

Ms. Ferrante. No, sir.

Mr. Traficant. Who did you ask to enclose the deck?

Ms. Ferrante. Your father.

Mr. Traficant. Did my father agree to do that?

Ms. Ferrante. Yes.

Mr. Traficant. What, if anything, did my father tell you?

Ms. Ferrante. He told me, he said, what would you like done, because I liked him and he liked me, and I said, I would like to have that enclosed, and we knew that you didn't want it enclosed because you -- he

had already made the deck and put most of all of it up, and he liked -- he had binoculars, and he would watch deer when he would come out on the weekends, and groundhogs and deer, you know, different kind of animals. He used to like to look out and watch, and he felt that that would -- closing it in, he would not get that opportunity. But Mr. Traficant, Sr., went ahead and did it anyways.

Mr. Traficant. You know Tony Bucci?

Ms. Ferrante. Yes, I do.

Mr. Traficant. Did he cause the big bank barn to almost collapse?

Ms. Ferrante. Yes, he did.

Mr. Traficant. Did he it cost thousands and thousands of dollars to have it fixed?

Ms. Ferrante. Yes.

Mr. Traficant. Did they beg you to convince me not to sue them and my father?

Ms. Ferrante. Several times they road over on Dan Bucci, which is the brother of Tony and Bob Bucci, lived across the street in a farm. They would ride over in a golf cart when Jim wasn't there and tell me, you are persuasive, you have to tell him not to sue us. We are really sorry for what happened, but they continued on and on about it, not wanting him to sue them about it.

Mr. Traficant. Did Dan Bucci get me sawdust?

Ms. Ferrante. Yes. It was kind of a barter deal. You both helped one another out. Jim used to go over and make hay, and Dan wasn't well. Tony and Bob were not involved in any type of farm life at all. Dan was not a farmer, but bought the farm and wanted to become a farmer, and he didn't know a lot about farming, and Jim did, and Jim used to go over, and when Dan didn't feel well, Jim mowed and bailed up to 25 acres of hay. He did all kind of things. He used to help him. It was a kind of a good neighbor thing. He was just a good guy. He helped out and did, and in return Dan would come over, he got us sawdust, he done several little things, you know. His kids would come over and give us a hand.

Mr. Traficant. Did Anthony spend \$8,000 to \$12,000 on my father's farm?

Ms. Ferrante. No. No. When they said they laid all that blacktop, none of that was true. They lied in Cleveland. Tony Bucci lied through his teeth. I actually just got -- I wasn't there when he testified, but I just cringed on the news when I listened to the lies that came out of several witnesses' mouth there.

Mr. Traficant. Did his sister-in-law Susan Bucci, Dan's widow, tell

the truth in Cleveland?

Ms. Ferrante. Yes, she did.

Mr. Traficant. Are you familiar with the things she testified to?

Ms. Ferrante. Yes, I am.

Mr. Traficant. Could you corroborate them here today?

Ms. Ferrante. Yes, I will.

Mr. Traficant. Did you know George Bucella?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Did he come to the farm 300 times?

Ms. Ferrante. No. No.

Mr. Traficant. Do you know a Richard Rovnak?

Ms. Ferrante. Yes, vaguely. Not real well, but I know him, yes.

Mr. Traficant. Did he come to the farm?

Ms. Ferrante. He came just for a short time. He followed you around a lot and just kind of buddy system.

Mr. Traficant. Do you know if he was on the payroll when he was at the farm?

Ms. Ferrante. At first, no, I don't know that he was. I really don't know too much about him, because, as I said, he wasn't there a lot. But I do know that he was showing up there, and he was following you around and wanting to help you out when you were on the tractors and fooling with equipment and moving things. He was the kind of a guy that just wanted to buddy up next to him all the time. But I never saw him then again.

Mr. Traficant. Would you recognize his picture?

Ms. Ferrante. No.

Mr. Traficant. Was he there many times?

Ms. Ferrante. No. No.

Mr. Traficant. Did he spend 16 hours a day for 16 days and sleep there?

Ms. Ferrante. No. No. No.

Mr. Traficant. Do you know Anthony Traficanti?

Ms. Ferrante. Yes, very well.

Mr. Traficant. Did he come to the farm?

Ms. Ferrante. Yes, he came there.

Mr. Traficant. In what regard did he come to the farm?

Ms. Ferrante. He would come out -- a lot of times he would stop to see if you were there, he had a message for you, or if he couldn't get you on the cell phone, he wanted to tell you there was an important phone call, that you had to call back to Washington or something. And he would come out, and he would offer his help. He was on the chunky side, and Jim was

always on a diet, and everybody, including myself, that was on the heavy side, he wanted us to diet. And he said, come on, you got to work, you got to work, you got to do this. When he would come out there, Anthony would say, this is my health spa. He would use it as a health spa.

Mr. Traficant. When did George and Anthony come out to the farm?

Ms. Ferrante. Usually on the weekends was mainly the time.

Mr. Traficant. What normally did Bucella do?

Ms. Ferrante. Well, during hay season, he usually raked the hay and road the tractor. He was -- he complained all the time. He had a bad back, always complaining his back was sore. He would get out of the car and he would limp, and I would say, do you want a couple Advil? You know, I have some here. And he would say, no, I took my medicine. But he was just a whiner. And I like him, don't misunderstand me, but he really was.

Mr. Traficant. On a percentage of time that Bucella and Anthony came to the farm, how many times did they have on a suit and tie?

Ms. Ferrante. Several times. Both of them did. Butch almost always came with his suit and a tie. He would stop in, and he was going down to Salem or going to Canfield to pick up papers for the office. A lot of times I called the office and I would say, I can't get the manure spreader going, the beater with the chain was broken, and I would say, on your way, if you are going to go somewhere, will you please stop, because he was mechanically inclined.

Mr. Traficant. Were there times that you called George Bucella that I didn't even know you called him?

Ms. Ferrante. Oh, yeah. Yeah. I always did, because he was the type of guy, he liked to get out. Anything to get out.

Mr. Traficant. Did you know Joe Altiero?

Ms. Ferrante. Yes, I did. During the grand jury, when I appeared in front of the grand jury, the FBI showed me three different shots of this Joe Altiero, and I did not recognize him. They said, well, how could you not recognize him? He ate in your kitchen, you cooked for him. I said, I am sorry, I do not recognize him. Finally, the last picture they did show me of him, it came to me, and I said, yes, I do. I do remember him.

Mr. Traficant. What did you remember of him?

Ms. Ferrante. I remember he came to the farm, and he was -- the reason he came was because the Buccis owed him money, and he had a girlfriend that lived in Niles, and they were not doing well, and he said, Jim, would you please try and help me get my money that Tony and Bob owe me? And he said, my girlfriend kicked me out. He says, do you have a place here I could stay? And Jim said, well, I could give you a little bit

of housing. He said, sure, there was a farmhouse, and it had three floors to it. And he stayed only for a while, but he wasn't there very long.

Mr. Traficant. When he came to you, what condition was he in healthwise?

Ms. Ferrante. Oh, he was hungry. He was telling me that he was eating -- he would go when Kentucky Fried Chicken closed at night and get into the dumpsters, and I guess they put all their chicken in plastic bags.

They are not allowed to reuse it or sell it or give it to the needy. And he would go down and dig into the dumpsters and bring out the chicken. You know, I am tender-hearted, I said, oh, my goodness, I said, that is terrible. I says, you know, I just couldn't get over anybody doing that, but he did.

Mr. Traficant. Did he work there for 6 months?

Ms. Ferrante. No, no, no, no.

Mr. Traficant. Did he ever leave out horses or handle horses?

Ms. Ferrante. Never. He was afraid of horses. The only experience this man ever had with the horse was he cleaned stalls at Ohio State Fair after everybody was gone for \$5 a stall. That is exactly what he told me.

And our stallions and our horses, if you are not familiar with saddle-breds, were very high-spirited, and you get ahold of one, they just climb. They are not like a quarter horse or docile-type horse. They are well-spirited.

Mr. Traficant. Did you ever see him in a stall?

Ms. Ferrante. No.

Mr. Traficant. Did he ever clean a stall?

Ms. Ferrante. I never remember him even being in a stall.

Mr. Traficant. Did he turn the horses out into a pasture with barbed wire fence, stallions?

Ms. Ferrante. Never. We never did do that. Anybody with common sense won't turn well high-spirited horses with a barbed wire fence to get all cut up. That is common knowledge. No. We never turned our horses out anyways. We had a ring out on top of the hill that Jim had made out of big telephone polls, and it looked like it was to cage elephants, I always said, but it wasn't high enough, and to turn the studs out, you know, I was always worried they would get excited and they were spirited and jump over them. So I never turned them out.

Mr. Traficant. Could you handle these stallions?

Ms. Ferrante. Yes.

Mr. Traficant. Did you show these stallions?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Did you breed these stallions?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Are you considered a professional horsewoman?

Ms. Ferrante. Well, I am just me. I try to be good at what I do.

Mr. Traficant. You have an amateur status, but you basically finish a horse for world-class competition; do you not?

Ms. Ferrante. I have been known to take troubled, bad horses and manner them and make them into champions. I always had to, because I didn't come from a family with money. My mother and father were just ordinary working people.

Mr. Traficant. Did you ever see me or ever have occasion to have me get on the phone and order somebody to come to the farm to work from my staff?

Ms. Ferrante. No. No.

Mr. Traficant. Was it a volunteer effort on the weekends?

Ms. Ferrante. Oh, always. Always. Because for one thing, Anthony loved Jim. He adored him, and he wanted to be there. Everybody loves Jim. I mean, everyone that would come around, Jim is funny, he is humorous, he has a lot on the ball, and he can go up and down and level with people, and they liked him, and they always volunteered to help. We had people come off the street and say, ma'am, do you need some help, I am here to help you. That is the kind of guy Jim has always been.

Mr. Traficant. No further questions at this time.

The Chairman. Mr. Lewis.

Mr. Lewis. Thank you, Mr. Chairman.

You stated you did see George Bucella work at the farm?

Ms. Ferrante. George came out and he would mow, yes.

Mr. Lewis. You said it was normally on weekends, but it was on weekdays sometimes?

Ms. Ferrante. Well, he would come out during the week, and sometimes he would fix the battery in the tractor, he would put the jumper cables on, things like that.

Mr. Lewis. Okay. And Rovnak did work on the farm on weekends as well?

Ms. Ferrante. I saw him follow him around. He was just always around, hanging around, but I never did see him work, never.

Mr. Lewis. While the Congressman was working?

Ms. Ferrante. Well, he was always busy working.

Mr. Lewis. All right. And Anthony Traficanti did work on the farm?

Ms. Ferrante. Anthony would come out and help. But Anthony had

asthma real bad, and during hay season, he didn't even need to be out there. Several times I would take him up to the house and fix him something to eat. He couldn't breathe when it was hot, you know.

Mr. Lewis. Have you ever worked in the Congressman's congressional office?

Ms. Ferrante. No, sir.

Mr. Lewis. So you wouldn't know any details or understandings that Mr. O'Nesti and the Congressman had, that they made at work?

Ms. Ferrante. No. I did know that Jim owed Charlie money, because Chuck would get upset and he would come out and tell me.

Mr. Lewis. How well did you know Mr. O'Nesti?

Ms. Ferrante. I knew him well. He was a good guy.

Mr. Lewis. You know he has a conviction for perjury?

Ms. Ferrante. Yes, I do. I was really shocked at that.

Mr. Lewis. Can you describe your relationship with Congressman Traficant?

Ms. Ferrante. Yes. I have known Jim for going on -- it has been 18 years. It has been a very good friendship. I loved him like a brother. I would argue and fight like thrashers and hate him at times, but I loved him mainly. He is a good guy.

Mr. Lewis. You have had an up-and-down relationship with him?

Ms. Ferrante. Oh, yeah. Well, to know him, you have to know that you would have, because he is that kind of guy.

Mr. Traficant. I resent that. I object. But I resemble that.

Mr. Lewis. At times you have been terribly upset with him?

Ms. Ferrante. Oh, sure.

Mr. Lewis. Did you testify you felt he mistreated the horses on the farm?

Ms. Ferrante. Well, what he would do, see, my ex-husband was a perfectionist, and I am sort of that way myself, and knowing horses, you know, to Jim they had to earn their shoes.

Mr. Lewis. Did you state that you were terribly upset with the Congressman because he mistreated horses?

Ms. Ferrante. Not mistreat them. When I say mistreat is like if a 2-year-old, I would want to have the blacksmith come and put shoes on him --

Mr. Lewis. Whatever he did with the horses, you were terribly upset with him?

Mr. Traficant. I object. I would like the woman to be able to answer the question.

Mr. Lewis. I withdraw the question. Please answer.

Ms. Ferrante. When I say upset with him, like if we had a 2-year-old, and it was time to get him shod, you know, I wanted to put shoes on him, he would say, Sandy, they have to earn their shoes. He is not ready yet. Just keep him barefooted. That would set me back. I would say, I have to know where I am going with him. Things like this would just aggravate me to death, just to death.

Mr. Lewis. You said you were friends with the Congressman. Did you say at the trial that you were terribly close with the Congressman?

Ms. Ferrante. Oh, I am terribly close with him. I was. And when I heard there was a plot to have me murdered, I was devastated, because you know how you have five friends in your life? I felt he was one of my friends on that hand.

Mr. Lewis. You said it was like he was the right hand, and you were the left hand?

Ms. Ferrante. You could sort of say that, yes.

Mr. Lewis. You answered the Congressman's question, and you said that the government told you to go public with the murder plot.

Ms. Ferrante. I didn't say they told me to. I said indirectly they sort of felt. We had heard the Dan Ryan show, and I was talking to one of the agents there from the FBI, and I said, well, you know, I says, I don't know what to do. I was scared. To be honest, I was scared. The first time in my life I was ever scared. And he said, well, he said, you know, if you talk and you bring it out, there is a less chance of you being afraid and getting whacked. He didn't use the word "whacked." I am using that.

Mr. Lewis. Do you recall being asked this question by Mr. Morford in Cleveland: Question: Isn't it true that you are the one that brought up the topic of the radio show in the first place?

Do you recall being asked that?

Ms. Ferrante. I don't recall him asking me that, but it is very likely that he did. I don't remember everything that he asked me.

Mr. Lewis. Do you recall making the following answer: I might have, yes. It is very well evident that I could have been the one. It was on the Dan Ryan show.

Ms. Ferrante. That is right. It could have been. But I know that they also went along -- the fellow that I talked to also went along with it.

Mr. Lewis. So you told the jury in Cleveland that it is very possible that you were the one that brought up the topic of going public first?

Ms. Ferrante. I am sure if I said that, I said that. I don't really remember, to be honest.

Mr. Lewis. Now, you stated that you heard that Clarence Broad was attempting to murder you?

Ms. Ferrante. Yes. That is what the audiotape said. I mean, I recognized his voice right away.

Mr. Lewis. And that somehow the Congressman was behind that?

Ms. Ferrante. Yes. That is what all indications pointed to. But I went to the Congressman and to his wife and apologized, because I just couldn't imagine after -- you know, this happening.

Mr. Lewis. And that was during the time of your grand jury testimony?

Ms. Ferrante. No, it was after. It was before I went to trial.

Mr. Lewis. Isn't it true that Mr. Broad was convicted of attempting to influence your grand jury testimony?

Ms. Ferrante. Pardon?

Mr. Lewis. Isn't it true that Clarence Broad was convicted of attempting to influence your grand jury testimony?

Ms. Ferrante. I don't know what he was influenced. All I know is they said there was a plan to kill me, have me murdered, and do you want her found or not found, and all this business. So I just know that they got me off of the farm and in protective custody for almost 8 weeks.

Mr. Lewis. Now, do you remember testifying in Cleveland about Congressman Traficant's truthfulness, whether he is a true man or not?

Ms. Ferrante. Yes.

Mr. Lewis. Do you remember testifying at trial that you didn't know if you could fully trust the Congressman anymore?

Ms. Ferrante. I didn't say that to them. I said, you know, I don't know about you. There could always be that shadow of a doubt. Did you or didn't you, is exactly what I said. And the reason I say that, because I signed -- I wanted a copy of the affidavit -- of the transcript and of the tape, and I wanted him to hear this, which we never got. I wanted him to see why I felt that he might -- that all indication pointed that he was behind this, and I just couldn't believe it.

When this first all happened, I said to the FBI, three agents that came to me, I said, if there is something here, I said, I just can't believe that he would do that, you know. And they said, well, they said, we want you to hear the tape, and you take it from there.

Well, they played it three times for me. And then they played it another time in their office, and they cleared it up a lot. And that was the fourth time. And I just, you know --

Mr. Lewis. Didn't you say to the jury, in my heart, I don't feel I know if I can trust you anymore, to the Congressman?

Ms. Ferrante. I might have said that, because you know something, to this day, I mean, I personally know him, and I know for 17, 18 years that he would never be a murderer. But when your life is threatened --

Mr. Lewis. All right.

Ms. Ferrante. -- and you hear everything on the tape, oh, the man wants to be in Washington, the man this, the man that, and are directed to the man --

Mr. Lewis. I am going to ask you to look at a copy of your testimony at the trial from page 4648.

Ms. Ferrante. Okay.

Mr. Lewis. Just read to yourself lines 8 to 16. Read to yourself lines 8 to 16.

Mr. Traficant. What page is that?

Mr. Lewis. 4648 of the trial testimony.

Ms. Ferrante. Yes. That is pretty much what I just now said.

Mr. Traficant. What lines was it?

Mr. Lewis. Lines 8 to 16.

Mr. Lewis. Didn't you also tell the grand jury that you couldn't trust Congressman Traficant because there were many times he lied to you?

Ms. Ferrante. No. I said that he would tell me stories, and he did. He told me several stories, and a lot of them were not true, but nothing that was major. They were little white lies. I will be out there, yeah, I will be out there to pick this up or do that, and he would never show up. To me that is a white lie. You know, you are either here or there.

Mr. Lewis. You did tell the grand jury that the Congressman lied to you many times, and you couldn't trust him?

Ms. Ferrante. I very well could have. I don't remember what I said. If I said that, fine.

Mr. Lewis. I will direct your attention to page 4668 of the transcript of the trial in Cleveland and ask you to look at lines 2 through 6.

Mr. Traficant. What page?

Mr. Lewis. 4668. I believe the first time was 4648. I misspoke. The first time was 4648. This is 4668.

The Witness. Yes. I am sure I said that.

Mr. Lewis. So you did say the Congressman lied to you many times?

Ms. Ferrante. He told me a lot of little white lies. I mean, they weren't major lies, and to your eyes they might not have been a lie; to my

eyes they were.

Mr. Lewis. But you did say to the jury, I don't always trust Congressman Traficant because there are many times he lied?

Ms. Ferrante. It wasn't a thing of trust --

Mr. Lewis. You said that, yes or no?

Mr. Traficant. Objection, asked and answered.

The Chairman. No, she did not answer. Would you answer, please?

The Witness. If it is on paper, then I said it. I don't remember if I said that, but I know that, you know --

Mr. Lewis. You don't remember what I just asked you to read?

Ms. Ferrante. Yes, I do remember.

Mr. Lewis. And your answer was, yes, I did say that; yes, I did?

Ms. Ferrante. I said if I said it at the grand jury, I said it.

Mr. Lewis. You were under oath when you made that statement?

Ms. Ferrante. Yes. I don't lie.

Mr. Lewis. I have no further questions, Mr. Chairman.

The Chairman. Mr. Traficant?

Mr. Traficant. When you are mad, do you make statements you regret?

Ms. Ferrante. Oh, yes, several times.

Mr. Traficant. Were you upset when you testified to the grand jury thinking I was part of a murder scheme?

Ms. Ferrante. Yes. I really hated you.

Mr. Traficant. Did that murder scheme become national news?

Ms. Ferrante. Yes.

Mr. Traficant. When you read in the paper there was no indictment about the murder, is that when you called my wife and me and apologized?

Ms. Ferrante. Yes.

Mr. Traficant. When you brought it out on public radio, it was suggested for your protection by an FBI agent that that might be a good thing to do?

Ms. Ferrante. Well, he didn't directly tell me to do it.

Mr. Traficant. Did he suggest it?

Ms. Ferrante. He said a lot of times that helps you and protects you from further being endangered.

Mr. Traficant. Why did you apologize to my wife?

Ms. Ferrante. Well, I apologized because they said that you and I had a relationship, a love relationship, and that we were an item, and I called and told her it wasn't true.

Mr. Traficant. Are you and I sex partners?

Ms. Ferrante. No.

Mr. Traficant. Why not? I am just kidding.

Are you and I very good friends, Sandy?

Ms. Ferrante. Yes. Yes.

Mr. Traficant. Do we have a mutual love?

Ms. Ferrante. Yes.

Mr. Traficant. What is that love?

Ms. Ferrante. It is a love of everything, of horses, of you and I are a lot of time on the same wavelength. We think a lot alike. He was always very compassionate and very warm and good to animals, and I am an animal lover. I don't know. We were just close.

Mr. Traficant. While you were there, did people come out to the farm looking for me, businessmen, all kind of people looking for help?

Ms. Ferrante. Yes.

Mr. Traficant. Did I ever turn anybody away?

Ms. Ferrante. Never.

Mr. Traficant. Did I get on the phone and call staff or somebody and address myself to their issues?

Ms. Ferrante. Yes, always.

Mr. Traficant. Did that include the Buccis or Bucheits or anybody?

Ms. Ferrante. Everybody. And I used to say, you know, sometimes I wonder about you. You are too good. You help everybody out. I know it is your job, but I don't know, I wouldn't trust that one, or say something like that.

Mr. Traficant. Did the FBI play tapes for you?

Ms. Ferrante. Just the tape that --

Mr. Traficant. Did you ask them for copies of the tapes?

Ms. Ferrante. Yes, I did.

Mr. Traficant. Did they ever give you copies of the tape?

Ms. Ferrante. I never got a tape from them.

Mr. Traficant. Did you ask them to allow you to speak to Clarence Broad about this murder scheme?

Ms. Ferrante. Yes, I wanted to know. Here was a man who I brought into my home, who was indigent. Who had four children who I helped feed. I was good to this family, and I couldn't imagine why he would want to harm me in any way. I tried several times. I wanted to go to jail and ask him personally and look him in the eye and say, why? Why would you want to hurt me? And every time that I would find out where he was, he was moved.

Mr. Traficant. Who suggested that -- who did they suggest had him moved?

Ms. Ferrante. Oh, the FBI had him moved.

Mr. Traficant. Let me ask you this: Did you ask the prosecutor and did you go to the sentencing hearing and ask the prosecutor to give you an opportunity to question Mr. Broad?

Ms. Ferrante. Well, I wanted to. I wanted to ask him. I had the opportune time, and Mr. Morford came over. He said, I am directing you to tell you it is -- it is to your best advantage you don't ask any questions. Just let it go. And I am outspoken and I said, well, I would like to know -- he said, just let it go. So I let it go.

Mr. Traficant. Was Clarence Broad in jail at the time you made the public statement on the public radio at the suggestion of the FBI?

Ms. Ferrante. Yes.

Mr. Traficant. And they still suggested for your protection that you go public?

Ms. Ferrante. Yes.

Mr. Traficant. Did you mention who or did you ask them who you should be afraid of?

Ms. Ferrante. Well, not -- I just couldn't understand if he is in jail and you are out walking around. And from my understanding he was in jail at one time in my backyard, and they called and told me he was, and, you know, I said, well, what is going on here? That is when I started to think beyond the tape and beyond this man, if this man was behind this, why aren't they doing something to him? Why aren't they gathering him up and questioning him for attempted murder?

Mr. Traficant. Did that tarnish our friendship?

Ms. Ferrante. Well, sure. I wasn't going to like you if you were going to have me whacked.

Mr. Traficant. I mean, were you upset?

Ms. Ferrante. Yes, very.

Mr. Traficant. No further questions.

Ms. Ferrante. I was hurt. I was hurt down deep. Yes, very hurt.

The Chairman. It doesn't sound terribly unreasonable for you to be mad if someone is going to whack you.

Mr. Lewis, do you have any recross?

Mr. Lewis. No, Mr. Chairman.

The Chairman. Any questions from the committee under the 5-minute rule?

Yes, Mrs. Biggert.

Mrs. Biggert. Thank you, Mr. Chairman.

Ms. Ferrante, could you tell me how long you lived on the farm?

Ms. Ferrante. Seventeen years.

Mrs. Biggert. When did you leave?

Ms. Ferrante. I left -- well, it took me a year to get out of there because I had a lot of stuff. It was last year.

Mrs. Biggert. You went back --

Ms. Ferrante. With my ex-husband. When all this happened and this murder, I mean, I was a world away. My dogs were separated, my horses were at his farm. My husband and I have horses. They were there. I was just like vacated away from everything. I went to stay with my ex-husband -- my ex-husband and I have always maintained a friendship.

Mrs. Biggert. That would be 2001?

Ms. Ferrante. Um-hum. I went there and I stayed with him just for a little bit, like 2 or 3 days, and then they took me to Kentucky, and I stayed there. When I came back, I felt that it was to the best thing for me to leave the farm, and my ex-husband and I got a home in Hartfield, Ohio.

Mrs. Biggert. So you were there when you testified to O'Nesti being repaid a loan by Mr. Traficant?

Ms. Ferrante. Yes.

Mrs. Biggert. Do you know how much that was?

Ms. Ferrante. When I gave him the money, it was \$1,000, when I gave it to Charlie. But Jim, I used to give money to Jim for the boards and for my rent money, and I saw him give Charlie money, and Charlie always said, this son of a gun, he is into my pocket again. He never had any money. He used to borrow money.

Mrs. Biggert. Did you ever know how much he owed? Did he make a monthly payment? Did you see this more than one month?

Ms. Ferrante. I used to take the money I saw him give to Mr. DiBlasio. He never said anything what it was for, Mr. DiBlasio, in my presence.

Mrs. Biggert. You don't know that it was a loan that was payable every month or that there was interest on the loan or anything?

Ms. Ferrante. That I don't know. I just know Charlie said, he owed me. He said, this guy owes me a lot of money. I said, start collecting from him. He did.

Mrs. Biggert. Did you ever know if there was a written agreement?

Ms. Ferrante. No, no.

Mrs. Biggert. Was it ever paid by check?

Ms. Ferrante. That I don't know. That wasn't my business. I just know what I was familiar with and what I had seen.

Mrs. Biggert. About how many times did you use your board money or

your rent money to pay O'Nesti?

Ms. Ferrante. I paid that time, the \$1,000. Probably over 17 years, I paid maybe 15, 20 times. It might have been 100 there, 500 there, but, you know, it wasn't frequent, but I would take the money up to him and give it to him usually.

Mrs. Biggert. All right. What about DiBlasio? How many times did you turn over your cash you had for your rent?

Ms. Ferrante. I gave the money to him --

Mrs. Biggert. To him being --

Ms. Ferrante. To Mr. Traficant. I never gave it personally to Henry in my life.

Mrs. Biggert. How did you know he was going to pay that to Henry?

Ms. Ferrante. I would go over to Henry's office, or Henry would come over to Jim's office. On weekends a lot of times Jim would not make it to the farm if he was tied up speaking somewhere. He was always rushing, so I would take it up there.

Mrs. Biggert. You would take it to Henry and pay him?

Ms. Ferrante. No, I would take it to Jim's office. Jim would be there, because he was in the midst of getting going, coming or going.

Mrs. Biggert. I understand. Did you ever testify to the grand jury that -- did you ever tell them that Mr. Traficant said he wanted to get people to work on the farm for free because of his position?

Ms. Ferrante. Oh, never. No. People would drift in there, and they wouldn't have a home, they wouldn't have anyplace to live, and he would always put them -- they would come in there and they would stay, and they would help out for a while. They were like drifters, and off they would go again.

Mrs. Biggert. Did you testify to the grand jury concerning Mr. Traficant?

Ms. Ferrante. Yes, I did.

Mrs. Biggert. That was what Mr. Lewis talked about, about -- what was your testimony then?

Ms. Ferrante. It was pertaining to him, about mainly about they brought up the murder thing. They brought up about different people that was there, about Mr. Bucella, different things. I can't -- truthfully I can't remember because it has been quite a while ago, but it was in -- just in -- vague, a little bit of everything they brought.

Mrs. Biggert. Was there any other congressional staff that you used or you know that Mr. Traficant used the money from your rent or board to pay, congressional staff?

Ms. Ferrante. I just know what I saw, Chuck and Mr. DiBlasio.

Mrs. Biggert. You know about no other loans?

Ms. Ferrante. No, ma'am.

Mrs. Biggert. You mentioned about horses that were sold for cash, which totaled \$7,000. Do you know what that went to pay, anything that that was used to pay?

Ms. Ferrante. I had the money at the farm, and, as I said, at first I kept it. I wanted to breed Lucy to Manhattan Supreme, and the stud fee was high.

Mrs. Biggert. What did he use the money for?

Mr. Frelinghuysen. He went ahead and said, no, he needed it to give to Henry, because he needed to pay Henry money. So I took it up to the office, and he gave it to Henry, in my presence, in Henry's office. Henry said thank you, and that was it. One time he gave Henry money, and Henry gave him back \$500 and said, you know, it is too much.

Mrs. Biggert. Did you have a job outside of the horses on the farm?

Ms. Ferrante. No. I was disabled. I got hurt. I used to train and exercise racehorses when I was small, and I got thrown and fractured my lower back. And then I got well, and then I went to work for ITT right before I met Jim, and I was going out to interview a student, and I had heels on, and my heel got caught in one of the driveways, and I refractured my back. That was pretty much it.

Mrs. Biggert. How did you have the money to pay the rent?

Ms. Ferrante. Well, my ex-husband helped me, and I was on -- I got SSI.

Mrs. Biggert. Thank you. No further questions.

Ms. Ferrante. You are welcome.

The Chairman. Mr. Pastor.

Mr. Pastor. Ms. Ferrante, good afternoon.

Ms. Ferrante. Hi.

Mr. Pastor. You were there, what, in 1984 you came on the farm?

Ms. Ferrante. Late '84. He was still the sheriff when I came out.

Mr. Pastor. He was still the sheriff.

Now, in '86 the Bucci brothers did work on the farm?

Ms. Ferrante. Yes.

Mr. Pastor. What work did they do, and did you see this work get done?

Ms. Ferrante. Yes, I did. He didn't want them to do it. He came out there -- see, Tony Bucci had Arabian horses, so the interest, that is how he came out there to start with, was to look at one of Jim's saddle-breds

that he thought would be a good fit. They came out with a new breed, national show horse, and Tony wanted to look at one of the horses that would be a good cross with his Egyptian Arabians. At the process he looked at the barn and was telling Jim what needed to be done. Jim said, no, I will handle this later on. He said, this foundation of this old bank barn is so weak, if he get too close, it will damage it.

Tony said, oh, he says, you don't need to do that. He said, I have got a crew of men. I will come out and do that for you. And Jim said, no, he says, it will just cause me a big problem. My father won't like this. He says we go -- him and his dad used to go round and round because his dad always wanted to have repairs, and Jim never wanted to carry through with that end of it.

Anyways, Tony, they came to some type of agreement. They went ahead, and Tony, they messed the barn up. The whole thing almost caved in.

Mr. Pastor. Do you know of an understanding that they would charge Congressman Traficant approximately \$12,000 for this work?

Ms. Ferrante. The business dealing of it I did not know. I just know they were wanting -- they came to me and begged me to have Jim not sue them.

Mr. Pastor. After they did this work?

Ms. Ferrante. Oh, yes, because they messed it up. It almost caved in. It almost ruined the whole building.

Mr. Pastor. How was the relationship between Anthony and the Congressman and the brothers, maybe all the brothers?

Ms. Ferrante. Anthony who? I am sorry.

Mr. Pastor. Bucci.

Ms. Ferrante. Terrible. Terrible. Anthony, he was -- Tony is his name. Tony, that is how I know him. He was arrogant, and he thought, you know, he was a toughy, and Jim didn't like him at all. Jim liked Dan across the street. They were nickel slick, Tony and Bob both, the two brothers were. You could see they were shysters, and I told him right from the start, I says, Jim, I says, you know, I wouldn't trust them if I were you.

Mr. Pastor. After the work was done in late '86, and Congressman Traficant felt they didn't do a proper job, did you ever hear or have knowledge that Congressman Traficant wanted to sue them or thought about suing them?

Ms. Ferrante. Oh, yeah, he did want to. Chuck O'Nesti kind of used to -- he ruffled his tail feathers, and Chuck would try to smooth it over a little bit. But Jim was very adamant. He was so upset. Sure, it could

have hurt all the horses. You know, you are only as strong as your weakest link in a chain, and that barn was in bad shape when they got finished with it.

Mr. Pastor. When you say that Chuck O'Nesti wanted to smooth the feathers, what do you think he was trying to do?

Ms. Ferrante. I don't know. I just know Jim would say, I want to sue them, by God, they ruined my barn, and his father was terribly upset, terribly upset.

Mr. Pastor. So everyone involved, at least the Traficants, were concerned about the work done on the barn?

Ms. Ferrante. Yes. His dad was really upset.

Mr. Pastor. They may have thought about suing?

Ms. Ferrante. Yes. If it ever happened, I don't know. They kept their business to themselves.

Mr. Pastor. In the summary of the evidence, there is a number of people that would come and remove sawdust, lay sawdust, lay gravel, take out gravel, take up weeds, and you mentioned that it was a sense of bartering, neighbors with neighbors. Can you describe that with some clarity?

Ms. Ferrante. Yes. With Dan Bucci across the street, Dan was a lovely guy. The whole family was across the street. He would come over, and as I said, he didn't know much about farming. Jim would go over there, he mowed the fields. He had a big Brush Hog. He helped make hay when Dan was ill, and in return every once in a while Dan would go get a load -- as a matter of fact, Dan used Jim's dump truck two or three times and went and got sawdust for us when he wasn't even there, that type of thing. He was just a good guy, you know. They would go back and forth.

When I say barter, there was no money exchanged, but you know how you would help your neighbor out.

Mr. Pastor. So do you think the Buccis did some of these favors or helped with the sawdust or the oats or whatever it may be because their neighbor was Jim Traficant, the Congressman, or because their neighbor was Jim Traficant, their neighbor?

Ms. Ferrante. Dan done it because he liked him, and Jim liked Dan. Tony and Bob, they ruined the barn, and they were forever worried about getting sued. That is all I really can say, because I know they came several times and asked me, can't you smooth -- Jim is really upset with us.

Mr. Pastor. I am going to mispronounce his name probably, but Joseph Altiero?

Ms. Ferrante. Yes.

Mr. Pastor. Was he an employee of the Buccis?

Ms. Ferrante. Yes, he was. The Buccis were notorious for not paying people that worked for them, and he came out and he was almost crying, and I was there, and I can attest to this, he had tears in his eyes, and he said, Jim, he said, they owe me \$1,000. He says, they won't pay me. They told me to go pound salt. And he said, can you kind of talk to them and ask them to pay me? He was going to get -- his girlfriend lived in Niles, and he said, I am not going to be homeless. He said, I don't have a place to stay. As a matter of fact, he said, I am here, and I don't have a place to sleep tonight. He said, you can sleep here at the farm.

Mr. Pastor. Do you think Joseph Altiero was doing the work like repairing tractors, fixing fence posts?

Ms. Ferrante. Not at our farm he never did. No, he did not.

Mr. Pastor. Repaired and cleaned horse stalls?

Ms. Ferrante. No. He was afraid of the horses.

Mr. Pastor. Fixed the roof?

Ms. Ferrante. No. This man was around there. He one time, I think, mowed the grass to help me out when I would mow. Little things. That is what I said. They lied in Cleveland. There was several witnesses that lied that I know of.

Mr. Pastor. Do you think Mr. Altiero was doing this work in gratitude for being allowed to stay at the farm, or do you think he was doing this work because of the Bucci brothers required him to do it?

Ms. Ferrante. No. He did it because I asked him to give me a hand on the lawn and that kind of thing. No, he didn't like the Bucci brothers. He was upset. He had tears in his eyes. They owed him money, and he wasn't the first employee that came out there wanting Jim to see if he could get their money. They were notorious for not paying their help, and they threatened him. They would tell him they are going to put him in a cement suit, and everybody in town knows this that knows the Bucci brothers.

Mr. Pastor. What about Tim Walsh? Did he work for the Bucci brothers?

Ms. Ferrante. I don't know him.

Mr. Pastor. Did Tim Walsh ever come out and work on your farm?

Ms. Ferrante. I don't know him.

Mr. Pastor. He dumped sawdust at the farm.

Ms. Ferrante. I don't know. I don't ever remember. The name isn't familiar. I don't know anything about him.

Mr. Pastor. What about a Bruce Pierce?

Ms. Ferrante. I never heard of him either.

Mr. Pastor. What about a Donald Burkey?

Ms. Ferrante. I never heard of him.

Mr. Pastor. Merrill Whippo?

Ms. Ferrante. No.

Mr. Pastor. James Ragazzine?

Ms. Ferrante. No.

Mr. Pastor. Thank you, Mr. Chairman.

The Chairman. Further questions?

Mr. LaTourette.

Mr. LaTourette. Good afternoon.

Are you related to the Ferrantes up in Lake County?

Ms. Ferrante. Yes. The winery? Yes. I am not directly, but my ex-husband is. They are cousins.

Mr. LaTourette. I apologize. I had to step out for a minute while Mr. Pastor was asking you questions, so if he asked you about this person, I apologize, and I will shut up and stop asking questions. Did he ask anything about Mr. Sugar, David Sugar?

Ms. Ferrante. No.

Mr. LaTourette. You know David Sugar?

Ms. Ferrante. I met him one time at a restaurant down in Washingtonville.

Mr. LaTourette. One of the allegations at the trial in Cleveland had to do with Mr. Traficant using his influence as a Congressman to help Mr. Sugar's son, and in return Mr. Sugar coming to the farm and performing some work.

Ms. Ferrante. I can honestly say I don't know anything connected with Dave Sugar other than meeting him the one time. I was gone a lot of that time. There was an elderly lady that I used to go over, a girlfriend of mine. Her mother was real ill, and I would sit over there. During that time Dave Sugar -- I couldn't really tell you if I would recognize Dave Sugar. I knew the one time I met him there, that was it.

Mr. LaTourette. I want to talk to you a little bit, because I guess I am not clear exactly, about this whole murder business. Are you saying that three FBI agents came and said they had a tape indicating you were to be murdered?

Ms. Ferrante. Yes. I was in Louisville, Kentucky, for the world championships. I had a baby shower to go back to on Sunday at North Canton, Ohio. I went to the shower. My ex-husband lived in North Canton.

I said, I think I will just stay tonight, I am really tired, because we had been on the road and the baby shower and all. I stayed that night. The next morning at 5 o'clock, I got up to go home. About 8 o'clock, my ex-husband called me and said, the FBI contacted me, and he says they want to talk to you. And I said, well, no problem. I says, you know, make the arrangements.

So they were to meet at 5 o'clock at Bob Evans over in Canton, Ohio. So my little niece, I had her at the time, and I went and picked up my dogs from the kennel, because we were gone, and we drove over. And I had called him on his cell phone, and he said halfway through, he said -- I said I had Jody with me, I didn't know if it was good to let her hear anything. We didn't know what it was really pertaining to. He said, well, it is canceled. He said there was something to do -- I didn't quite understand, a rape case or something that they were on, or a kidnapping, and it was canceled.

So we went ahead and ate dinner at Bob Evans, and he came back, and I said, well, I am going to rest a while, I says, and we will watch TV. Of course, my niece wanted to see her uncle. So about 7:30, a quarter to 8:00, we went out to get in the car to go back to Greenford. A gentleman approached me, and he showed me his badge, he said, I am with the FBI. I said, hi. I said, we were to meet earlier. He said, well, we had complications.

Then there was a van down maybe from here to the picture. Two more gentleman came and showed me their badges and said, we would like to talk with you and Mr. Ferrante and I. There has been an attempted murder or attempted death threat on your life. I said, on mine? And they said, yes.

And I said, well, I said, let me get my husband. I didn't know what this was about, so I said, we will meet at Wendy's up the street. I go get my husband. My little niece I put with the neighbor.

We went up and met with them at a Wendy's. They said, we have been look for you since Saturday, and I said, well, what is all this about? They said there has been a death threat on your life, and we have an audiotape that we want you to hear.

Mr. LaTourette. I think you said before they played it three times, and they took out some of the background noise and listened to it again?

Ms. Ferrante. Yes.

Mr. LaTourette. The question I have is you were in protective custody for 6 or 8 weeks?

Ms. Ferrante. It was a pretty long time. It was closer to 8 weeks.

Mr. LaTourette. The reason explained to you was they needed to put

you -- you needed to be put in protective custody so you didn't get whacked, as you indicated?

Ms. Ferrante. Yes.

Mr. LaTourette. During the time you were in protective custody, were you under the impression that Congressman Traficant was part and parcel of this plot?

Ms. Ferrante. Well, from hearing the tape, I was. I called his house. I couldn't contain myself. He got on the phone. I told him, I read him off, I said, why would you want to ever harm me? I have always been there for you. And he said, please, don't insult my intelligence. You know I would never hurt you any way, shape or form.

Mr. LaTourette. During the time you were in protective custody, were you in physical presence of Federal officials, Federal officers guarding you?

Ms. Ferrante. No, I wasn't. I went to a girlfriend, Dr. Scanlan's wife, Kay Scanlan. I stayed in Louisville with her.

Mr. LaTourette. During the time you were in protective custody, were you questioned by FBI or Federal officials?

Ms. Ferrante. We talked on the phone.

Mr. LaTourette. Relative to the conduct that Congressman Traficant was now charged, or was it only about this tape recording?

Ms. Ferrante. They never mentioned his name to me.

Mr. LaTourette. Did they ever ask you any questions relative to the crimes that he eventually became charged with?

Ms. Ferrante. No. No.

Mr. LaTourette. Thank you very much.

The Chairman. Mr. Hulshof.

Mr. Hulshof. Thank you, Mr. Chairman.

Ms. Ferrante, just a couple of follow-ups. The government officials you dealt with never encouraged you or said anything about Mr. Traficant, your friend, or they were -- the government was out to get him?

Ms. Ferrante. No. I got to, in all honesty, say the only one I didn't care for and didn't treat me right was Mr. Morford. The rest were wonderful.

Mr. Hulshof. Let me follow up briefly. I think I understand what you were talking about as far as the trial in Cleveland, but I am not sure the record is quite complete at this point. You indicated, I think, on a couple of occasions that they lied in Cleveland, and that is referencing the trial that occurred in Cleveland; is that true?

Ms. Ferrante. That they lied?

Mr. Hulshof. I am not talking about the government. I put quotes around what you said. They lied. Witnesses lied.

Ms. Ferrante. Yes. Witnesses lied through their teeth.

Mr. Hulshof. What I want to get from you is did you attend all of the trial, or is this you are at home, obviously interested in Mr. Traficant's case, you watched the nightly news, you hear the report from what happened in the court that day, and then you put two and two together and say they are obviously not telling the truth?

Ms. Ferrante. It was on the news. I was only there during my time. But they would show, and you would hear it, and you would listen to it. And I was -- just couldn't believe the lies that were being said.

Mr. Hulshof. So this was actually gavel-to-gavel coverage as we hear?

Ms. Ferrante. Oh, yes, big time. Yes.

Mr. Hulshof. Was that primarily the Bucci brothers or those associated with Anthony and Robert Bucci?

Ms. Ferrante. It was lots of people that lied. They lied that Joe Altiero lied. Butch Bucella lied terrible.

Mr. Hulshof. Let me ask you about some names and try to piece this together, because from Mr. Pastor then also my friend Mr. LaTourette, Mr. LaTourette asked about David Sugar. So anything regarding Mr. Sugar or billing invoices that were prepared by his company, you wouldn't know anything about the truthfulness of that testimony?

Ms. Ferrante. Absolutely nothing, no.

Mr. Hulshof. J.J. Cafaro or anything related to a boat that Mr. Traficant had here in this area, you know nothing. I see you shaking your head no. You know nothing about the truthfulness of those?

Ms. Ferrante. No, I don't.

Mr. Hulshof. And I would assume that Allen Sinclair, who was -- Allen Sinclair, who was an employee of Mr. Traficant, that may have been during the time that you were attending to your friend. Do you know Allen Sinclair at all?

Ms. Ferrante. No, I don't. I know of his name, and I know that he is an attorney, and I know he was at Overhill, but I don't personally know him.

Mr. Hulshof. So anything relating to what Mr. Sinclair had to testify about, again, you are not commenting on the veracity of this information?

Ms. Ferrante. No, sir.

Mr. Hulshof. As I understand it, the proceedings in that criminal case, it was a Federal case or a State case, or you don't know?

Ms. Ferrante. I don't know.

Mr. Hulshof. If I told you that it was a Federal matter, a criminal case, of course, but a Federal matter, would that refresh your recollection at all?

Ms. Ferrante. No, sir.

Mr. Hulshof. As far as whether or not that Federal matter was televised or not, was it on for a couple of weeks? Again, I am trying to -  
-

Ms. Ferrante. It was on every day that he was on trial. It was big news. I mean, it was the only news. We got sick of it. Everybody was sick of it. It was just day in and day out, day in and day out.

Mr. Hulshof. I have an editorial comment to your answer that I will probably keep to myself. Thanks. Nothing further.

The Chairman. Mr. Green.

Mr. Green. Thank you, Mr. Chairman.

I want to follow up with my colleague from Missouri. Mr. Sinclair; did you ever see Congressman Traficant repay him any funds at the farm?

Ms. Ferrante. I can honestly say if Mr. Sinclair walked in here, I would not know.

Mr. Green. You said there was some barn damage that the Bucci family did. Can you tell us why they were there and what the damage was to this farm?

Ms. Ferrante. They took jackhammers and went too close to the old wall of the foundation. You know how old bank barns are made with the big stone. Jim told them, no, you are going to get too close, your men won't understand.

Mr. Green. Why were they there?

Ms. Ferrante. They came to look at a horse. Tony was in the Arabian business. He wanted to look at one of Jim's saddle-breds, because this new breed came out, national show horses, and they were getting \$5,000 to \$10,000 stud fees, and he wanted to register and buy a horse off of Jim to make a national show horse, and we had one that just was absolutely gorgeous that had an Arabian dish-type face and tulip ears.

DCMN ROSEN

. Mr. Green. Let me get back to barn instead of the horses. I am from Texas, but I only ride them once in a while. Why were they there? They were repairing the barn?

Ms. Ferrante. Tony was nosing around. He said I think that needs fixed. Jim said, I am aware of it. He said , you know, my dad wants it fixed. But he said I will do it in due time. And then Tony just -- some way or another just insisted that he bring his men out there and do it. He messed it up.

Mr. Green. You know the counts both in Cleveland and what we have here is that Congressman Traficant did work for the Buccis, whether it was the Ohio Department of Transportation or different agencies, and even made him get in a closer prison to eastern Ohio. And you know, the question is not that they did the work, but they did it in response to his work as a Member of Congress. Do you understand that? That they were trying to repay him for work that he was doing as a member of Congress?

Ms. Ferrante. No, I didn't take it that way.

Mr. Green. If you watch that trial, that is probably what -- there is no law against helping neighbors.

Ms. Ferrante. There was a lot of lies in that trial, let me tell you, Mr. Green. I mean, a lot of people lied through their teeth under oath. And believe me they did.

Mr. Green. Well, one of the allegations in one of the counts was that Congressman Traficant intervened with Federal authorities and State authorities to help the Buccis in their business. Do you have any knowledge of that at all?

Ms. Ferrante. No, I don't. I just know that the Bucci family came to Jim, Tony Bucci's wife and two -- there was four daughters, I think, came out crying and said that their -- her husband, Tony was in jail. He was going to have a nervous breakdown. He talked about committing suicide. And that they would like to have him moved closer so they could visit and keep him from being so radical about all of those different things. That is what I know about.

Mr. Green. Okay. Let me go down a list, I guess, of information here that the Buccis -- do you know anything about the \$12,000 loan or debt that was forgiven? That the Bucci brothers forgave an original \$12,000 debt.

Ms. Ferrante. They billed him for that, to fix that barn that they damaged. And he didn't pay it.

Mr. Green. Okay. The Buccis directed employees to deliver 30 loads

of sawdust and haul it away?

Ms. Ferrante. BS.

Mr. Green. Debris and garbage.

Ms. Ferrante. That is all BS.

Mr. Green. You never saw them bring that sawdust in?

Ms. Ferrante. I saw -- Dan Bucci brought a couple of loads from across the street and a couple -- he went and got maybe four or five loads with our own dump truck for Jim when Jim was here in Washington when I was out and desperate. But as far as those other men, no, I didn't see them do it.

Mr. Green. They never hauled away stumps and garbage from the farm?

Ms. Ferrante. No. And they said they blacktopped the driveway. I wish you could see it. Now this farm sounds like it is the Taj Majal. I mean, it looks like Sanford and Son. You have to see all of the work, you know. I am sorry, Jim, but I am being honest.

Mr. Green. Did they also -- did -- the information was they improved the drainage around the foundation of the barn. Was that as a result of trying to repair the barn that they damaged?

Ms. Ferrante. I don't know if they repaired it. I know our stalls flooded terrible. So I can't believe that they repaired that. Because, I had a problem. As a matter of fact, we had to go and get -- I came up with calling the fire department to come pump water out.

Mr. Green. What about the 2 to \$3,000 lawn mower that was given to Congressman Traficant?

Ms. Ferrante. That is the joke of the century. That ended up with Bucella. That was a piece of junk. Now you wouldn't have given \$50 for it. When I heard that over the thing for 3,000, I thought I would die.

Mr. Green. What about 300 tons of slag to the farm? Slag was used in outdoor riding arena. 300 tons. Was that ever delivered to the farm?

Ms. Ferrante. No, the arena is grass. There isn't even slag in it. It is grass.

Mr. Green. Thank you, Mr. Chairman.

The Chairman. Ms. Tubbs Jones.

Mrs. Tubbs Jones. Thank you, Mr. Chairman. Give me some order. Help me understand the order to things, ma'am.

Mr. Traficant, you knew that he was under investigation. And then law enforcement came to you and said that there was a death threat against you.

Ms. Ferrante. Yes, ma'am.

Mrs. Tubbs Jones. Where were you when they came to you?

Ms. Ferrante. I was in Canton, Ohio.

Mrs. Tubbs Jones. And who came to you?

Ms. Ferrante. Three FBI agents.

Mrs. Tubbs Jones. What did they say to you?

Ms. Ferrante. They came to me. They showed me their badges. They said there has been a death threat on your life. We are glad that we finally found you. We have been looking for you since Saturday.

Mrs. Tubbs Jones. What happened then?

Ms. Ferrante. Then they wanted to talk to my ex-husband and me. So I went in and told him. And I said we would meet them up at Wendy's because I didn't want to take them in his house. I didn't think it was right because I didn't know what it was about to be honest.

Mrs. Tubbs Jones. What day was that?

Ms. Ferrante. It was on a Sunday.

Mrs. Tubbs Jones. What year?

Ms. Ferrante. Two years ago.

Mrs. Tubbs Jones. So that would be 2000. What time of year?

Ms. Ferrante. Well, let's see. The Worlds Championship Show is around September, last of August, September.

Mrs. Tubbs Jones. So a couple of years ago?

Ms. Ferrante. Yes.

Mrs. Tubbs Jones. So after whatever they said to you in conversation, they then took you somewhere?

Ms. Ferrante. Well then after that, they wanted to right away take me away. And I said oh, my dogs. I said, I got to go get my dogs. They are at -- I dropped them off at the farm after I picked them up from the kennel. Of course, I have my niece here. I said I have got to go and get my dogs.

Mrs. Tubbs Jones. Regardless of all of that, this is 2000, September.

At that point you were worried about Jim Traficant. What happened between that date and today to cause you to no longer fear Jim Traficant?

Ms. Ferrante. Because after I put two and two together, I could see that I was being used.

Mrs. Tubbs Jones. Now, when you say you put two and two together, what was two plus two?

Ms. Ferrante. The two plus two was, that here is a man that was out walking the streets. The man that was going to whack me was in jail. Now, all of a sudden they forgot all about me, they never contacted me.

Mrs. Tubbs Jones. So they never took you into protective custody?

Ms. Ferrante. Oh, they did at first, yes.

Mrs. Tubbs Jones. For how long?

Ms. Ferrante. For close to 8 weeks.

Mrs. Tubbs Jones. And where were you?

Ms. Ferrante. I was in Louisville, Kentucky.

Mrs. Tubbs Jones. When you were released, where were you released?

Ms. Ferrante. I was released on my own. Just wherever I wanted to be.

Mrs. Tubbs Jones. At what point did you listen to this tape.

Ms. Ferrante. I listened it to twice at Wendy's. I listened to it twice at the FBI office.

Mrs. Tubbs Jones. Whose voice did you hear on the tape?

Ms. Ferrante. I heard Thad, Clarence Broad, the one who was going to have me whacked, and then another man.

Mrs. Tubbs Jones. And the other man, you didn't recognize who that other man is?

Ms. Ferrante. Well, I thought I did. I said that sounds like a Dan or Donny, rather, a Don. And they looked at me like this. And I said, gee, that sounds like a fellow that I know.

Mrs. Tubbs Jones. Mr. Traficant's voice wasn't on the tape?

Ms. Ferrante. No.

Mrs. Tubbs Jones. But the conversation between these two guys alleged something on behalf of Mr. Traficant?

Ms. Ferrante. Yes.

Mrs. Tubbs Jones. Let me ask you this. You used the term "little white lies" and "major lies."

Ms. Ferrante. Yes.

Mrs. Tubbs Jones. The testimony that you heard in the trial, how would you caption them?

Ms. Ferrante. Well, what I meant by that, he would say that he was going to come out there.

Mrs. Tubbs Jones. Listen to my question. The question is, the testimony -- you said earlier that all of the -- there were lots of lies in the trial, they were a bunch of BS.

Ms. Ferrante. Yes. I said that.

Mrs. Tubbs Jones. Can you grade the lie -- the depth of the lies as you see them?

Ms. Ferrante. Yeah, I can. Tony Bucci lied through his teeth about everything, that Altiero lied, Butch Bucci lied. Let me think who else was there that lied. Oh, that Rich fellow lied saying that he was out there all of that time. That was just all lies. He wasn't there.

Mrs. Tubbs Jones. So at some point in time, ma'am, in the trial when

you testified, or when you testified before the grand jury, you were of one opinion of Mr. Traficant, and subsequently you changed your opinion; is that a fair statement?

Ms. Ferrante. Yes, ma'am.

Mrs. Tubbs Jones. And you say you treat him just like a brother or you consider him like a brother?

Ms. Ferrante. Yes.

Mrs. Tubbs Jones. Often in trials when people consider themselves family members or are family members, the prosecutor always asks them, would you lie for your relative?

Ms. Ferrante. I wouldn't lie for anybody.

Mrs. Tubbs Jones. So all of this --

Ms. Ferrante. I am telling the truth. Just the way it is. What I know and what I have witnessed.

Mrs. Tubbs Jones. But you can't speak to the truth or veracity of any of these other people, Sinclair or -- I am losing names at this moment, Cafaro.

Ms. Ferrante. Cafaro.

Mrs. Tubbs Jones. Saadey, Sugar, these other people. You don't have any knowledge of them?

Ms. Ferrante. No.

Mrs. Tubbs Jones. Last question. How did you know when you saw money being exchanged at the farm, that this was in payment of a loan?

Ms. Ferrante. Well, the thousand dollars I gave Chuck O'Nesti. He told me he wanted that thousand dollars. He said there --

Mrs. Tubbs Jones. What about the other money that you saw him give back?

Ms. Ferrante. The money to Henry DiBlasio? Henry never said anything. He sat there. I was right there at his round desk. I gave Jim the money prior before we went in there. He sat down, handed it to Henry. As I said, one time he gave -- Henry gave him back \$500.

Mrs. Tubbs Jones. I would like to ask this one last question.

Ms. Ferrante. Sure.

Mrs. Tubbs Jones. You testified in the trial. Were you prohibited from testifying to anything -- strike that.

Were you -- have you been able to testify here to anything that you were prohibited -- everything that you were prohibited from testifying to in the trial?

Ms. Ferrante. No, I just answered the questions whoever asked them to me.

Mrs. Tubbs Jones. Let me ask my question again. During the trial, you were prohibited from answering some questions; is that a fair statement?

Ms. Ferrante. Not --

Mrs. Tubbs Jones. The judge never said, sustain, you can't answer?

Ms. Ferrante. No.

Mrs. Tubbs Jones. So everything you wanted to say at the trial you said, and everything you said here you said?

Ms. Ferrante. Yes.

Mrs. Tubbs Jones. No further questions.

The Chairman. Ms. Ferrante, help me understand your role there at the farm. I am a little confused. You were hurt when you were younger training race horses or exercising racing horses?

Ms. Ferrante. Right. I hurt my back.

The Chairman. You broke your back and you are on disability as a result of that?

Ms. Ferrante. Yes. I was sort of overseer. I will tell you what I was. When I met him, I was an overseer. I knew horses. He was gone all of the time. And his wife asked me -- Tish and I are good friends -- said would you kind of oversee things out there. I didn't want to move to the farm.

I had a nice apartment and I was happy. And I -- his farm was -- had floors that went like this. And I didn't want my furniture all warped. I said you better fix those floors if you want me to come out there, which they did. I moved in there.

Well, I was just sort of like an overseer. And I would help him with the horses. I couldn't ride. He even made me -- I have gained like 150 pounds. And he made me a ramp to get up on. The few times I showed his one horse and won three world champions with, I was in a lot of pain. I went ahead and did it because I love it. It was -- you know, I wanted to be back in the limelight again, to be honest with you.

And he had the horse to put me there. So, you know, I suffered and I went through the pain to do it.

But as far as training there, I didn't train. I just -- we bred horses and he raised them and he would sell horses. And with his tax problem, he would sell hay and he would sell horses to help him out through the -- you know through the rough times to keep things going there.

The Chairman. So you -- somebody else actually rode the horses and you supervised them ordinarily?

Ms. Ferrante. Well, this one horse mainly. You work them like

long-line them in a harness. And you can stand there. They go in a circle. So isn't a labor thing. Riding was very hard for me. Because one thing I was heavy. I was out of shape and my back was bad. I used to have to wear a back brace and all. I mean, I suffered. I shouldn't have done it. I probably did more harm than I did good. But I loved it.

The Chairman. Well, you were -- when did you get a divorce?

Ms. Ferrante. I got a divorce in 1987. I left my husband in the latter part of 1984.

The Chairman. Did your husband, did he ever live with you at the farm?

Ms. Ferrante. He came every weekend and he would stay. We maintained -- we were in love but we couldn't live together. He is 20 years older than I am. And he is an Italian. And we used to -- you know, I had to be in by 6 o'clock and wasn't allowed to go to the shopping center and things like this.

So, I mean, he was kind of a tough nut. And I finally got fed up with it and I left.

The Chairman. So you were at the farm most of the time for several years; is that correct?

Ms. Ferrante. Yes. And he came all of the time. He had -- the horses was there, and he would come and spend the weekends. And as -- I am taking care of him now. Through all of this thing with me and the murder plot, he has had two strokes, he is flaccid on his left side. I take care of him.

As a matter of fact I -- yesterday, he had a bad incident, or I would have been here yesterday. And I want to apologize to you. I feel real bad that I couldn't have made it yesterday on time, or be -- we drove in late last night. But I was able to get someone to take care of him and to watch him.

The Chairman. Well, thank you. It has worked out fine. We appreciate you being here today.

Ms. Ferrante. Thank you.

The Chairman. Did they ever tell you why anyone wanted to murder you?

Ms. Ferrante. No. That is the reason -- I wanted to ask this Clarence Broad. I wanted answers. I couldn't understand why, when I was so good to him all of the time, you know. I left -- now, here is a good example. I left to go to Louisville, Kentucky on a Friday. He helped me load my car because the suitcases were heavy. I took him to lunch that Friday down at the local restaurant for helping me, and told him to please look over and watch everything.

And then when I get back, I hear this tape that he is going to try to have me murdered. It just knocked -- there was nothing that was jiving here. So I wanted to talk to him.

I didn't know if the FBI had put him up to this. He was on the take. I mean \$50 to him was like 500 to someone else or 5,000. I thought, huh, I wonder if they put him on the payroll and maybe, you know, they are paying him so much money he would do anything for a dollar. He had a drug problem. He was just kind of a low-life type of guy.

But he was a nice guy. He was likable. You know, you had to like him. And I just -- you know, I couldn't believe that he would do that. So I tried to locate him. And every time I did, he had moved. From one jail they moved him three or four or five times. I could never find him. I would say to the FBI, I want to go see him. Well, we don't know where --

The Chairman. The answer is no, they never told you?

Ms. Ferrante. Never told me.

The Chairman. You said you watched the proceedings on television. Is what you mean to say you watched the reports on television? Because, I don't believe it was filmed gavel to gavel because it is a U.S. District Court.

Ms. Ferrante. No, like --

The Chairman. You read the newspapers and watched the television news coverage of it, the interpretation of the news coverage?

Ms. Ferrante. Listened to all the talk shows. They would play back things that were said and things like that. Then I would read the paper and the statements from the witnesses. And I just -- you know, and when I heard -- and I will tell you, I was really sick at my stomach when I heard that Tony Bucci got 6 weeks down in Florida with house arrest with a bracelet around his ankle.

And he had -- you know, here is a man -- Susan Bucci was a good friend of mine that lived across the street. We became close. When Dan had liver cancer, and he had sugar real bad. And he had his leg amputated. They took Dan, Tony and Bob right prior they had sold this business, this black-topping business, took him to the bank and took over \$400,000 out of the account and kept it. And Susanne Bucci's family is so hard up now that they are really hurting. And that is what kind of people that this Bob and Tony were.

The Chairman. You testified that they didn't do any black-topping on the driveway. Did they do some black-topping or no black-topping?

Ms. Ferrante. They black-topped 165, the road, and you know how the little bit of area, how they come in on your driveway. Well, then across

the street, Dan Bucci had -- I think it was over a mile-long driveway. And they had black-topped all of that. Well, they have to get rid of it the same day because they can't use it again. So Dan told him to bring the excess from Tony, or from Dan's farm over. They did it from like about from here, I would say, to the end of this last seat here. A little area. Not very long. Just whatever was left over in the truck. That was it.

The Chairman. Have you personally had any difficulty with the police?

Ms. Ferrante. Yes. I was picked up for shoplifting. I am not proud of it. I have paid my dues. I have never done it again. And I am ashamed of it. But the good Lord knows that I have been healed. And I am proud to say it and I am not ashamed of it now. Because I -- I am not proud of it, as I said. But I my husband was good to me. And when I left I didn't have -- I left with nothing. And I had a cousin that was doing it. And I was seeing what she was getting. And I thought, gee, you know.

The Chairman. Give it a try. Did you get convicted on that?

Ms. Ferrante. Yes, I did.

The Chairman. I don't believe I have any further questions. Any other questions? Mr. LaTourette.

Mr. LaTourette. Thank you. I just have one question. During the time that the FBI was discussing with you this Clarence Broad murder plot, did they ever discuss with you why the Federal Bureau of Investigation was concerned with a murder plot, alleged murder plot of an Ohio woman that had nothing to do with Federal crimes, interstate flight, interstate commerce?

Ms. Ferrante. No, they never said anything.

Mr. LaTourette. Were you ever in contact with any local police authorities, anybody from Mahoning County?

Ms. Ferrante. Mahoning County. No.

Mr. LaTourette. Sheriff's department, police department?

Ms. Ferrante. No. They just came in. This all happened in just a couple of days and off I was gone.

Mr. LaTourette. Thank you very much, Mr. Chairman.

The Chairman. Ms. Biggert.

Mrs. Biggert. Thank you, Mr. Chairman. You were talking about being the overseer for the farm.

Ms. Ferrante. Yes.

Mrs. Biggert. Was there money made on the farm for selling horses or breeding horses, stud fees?

Ms. Ferrante. No. It was in the red all of the time. It was in the red. He -- it was -- it was a thing, I had a couple of horses sold for a

decent price but he wanted to keep them. So the ones that he could have made some decent amount on, he never sold them because he loves -- he loves the breed and he -- his idea in life was to breed a world's five gaited grand champion. That is the best you can get at Louisville. That is what he wanted.

That is -- and we had -- I always was known to show in parade horses and fine harness, the ones you drive in the buggy. So that is what I was capable of. But I was incapable of training a five gaited.

Mrs. Biggert. Thank you, Mr. Chairman.

The Chairman. All right. Mr. Traficant. Mr. Lewis.

Mr. Traficant. Yes. When the FBI contacted you in Canton, was Clarence Broad already in jail?

Ms. Ferrante. Yes. Yes, he was.

Mr. Traficant. Did they drop from you protective custody after you testified at the grand jury?

Ms. Ferrante. Yes, they did.

Mr. Traficant. Did you testify truthfully before the grand jury?

Ms. Ferrante. Yes.

Mr. Traficant. Did you have immunity?

Ms. Ferrante. No.

Mr. Traficant. Did they demean you when they weren't satisfied with your testimony and brought up that shoplifting?

Ms. Ferrante. Mr. Morford did. I cried. I was so hurt. I said what relevance does that have to do with this? And I just -- as I said, there was two or three agents that were really nice. And they put their arms around. I was crying. I was embarrassed. They put their arms around me, told me that he didn't -- you know, not to feel bad that he didn't mean to say that.

Mr. Traficant. Was the prosecutor trying to put words in your mouth at the grand jury?

Ms. Ferrante. Yes.

Mr. Traficant. Did Tony Bucci own me?

Ms. Ferrante. Nobody owns Jim Traficant.

Mr. Traficant. Did you go to jail for shoplifting in Canton?

Ms. Ferrante. Yes, I did.

Mr. Traficant. How many days did you spend?

Ms. Ferrante. I spent a day.

Mr. Traficant. Who got you out?

Ms. Ferrante. You did.

Mr. Traficant. When were you picked up? What time of the day?

Ms. Ferrante. It was in the afternoon . I want to forget this.

Mr. Traficant. Who picked you up?

Ms. Ferrante. Well, the police.

Mr. Traficant. Who picked you up from the jail to bring you home?

Ms. Ferrante. You did.

Mr. Traficant. What time of the day was it?

Ms. Ferrante. It was in the morning.

Mr. Traficant. Did we stop anywhere?

Ms. Ferrante. Yes. We stopped and had breakfast.

Mr. Traficant. Did you do any shoplifting since then?

Ms. Ferrante. No. No. No.

Mr. Traficant. Could I have gotten you out of jail without spending the night?

Ms. Ferrante. Probably. But you wanted to teach me a lesson.

Mr. Traficant. Did Susan Bucci tell you that Tony Bucci burned down his own barn to collect the insurance?

Ms. Ferrante. Yes.

Mr. Traficant. Did I ever sell Tony Bucci a horse?

Ms. Ferrante. No. No, you didn't. Not to my knowledge now.

Mr. Traficant. Did the FBI imply that I had something to do with that murder scheme or lead you to believe that I was somehow involved with that murder scheme?

Ms. Ferrante. I would say they did. Because, they never mentioned -- they wouldn't come directly and say it. But they would say, listen to the tapes. Listen to the tapes, they would tell me. And you take it from there they said.

Mr. Traficant. Well, did the tapes sort of implicate that the guy in Washington wanted to have you killed?

Ms. Ferrante. Yes.

Mr. Traficant. Did Dan Bucci arrange for people to bring sawdust to the farm?

Ms. Ferrante. No, sir.

Mr. Traficant. If he did, would you have known who they were?

Ms. Ferrante. Oh, I am sure I would have. But, as I said he delivered it. Mostly he would bring it over for me when I would ask. I would be out of sawdust. There is something that you need to have if you have stalls and they are wet. I would run out. I never wanted to run out. But we managed to. And Don would go and get sawdust for me to make sure that we had it.

Mr. Traficant. Did the government ever offer you immunity?

Ms. Ferrante. No.

Mr. Traficant. Did you call Dan at times and tell him that you needed sawdust?

Ms. Ferrante. Yeah.

Mr. Traficant. Did you call George Bucella and tell him you needed sawdust?

Ms. Ferrante. I did.

Mr. Traficant. You did you call Bucella?

Ms. Ferrante. Because the dump truck that we had the brakes were bad. I was afraid to drive it. I didn't -- it was hard for me to even get up into it. And Butch was an excellent driver. He could drive anything. He was a stock car driver. And Butch had come out on a couple of occasions.

Mr. Traficant. My time is limited. Were you upset when you testified before the grand jury? Were you upset with me when you testified before the grand jury?

Ms. Ferrante. Well, naturally.

Mr. Traficant. Did you have reason to do a number on me before the grand jury?

Ms. Ferrante. I did a big one. He had Clarence Broad at the farm. And, I -- this man at the time was -- I let him go, because he wasn't taking good care of the horses. They were my first concern was the horses. That is all I cared about. And they were making hay, Jim was. And he had nobody to help him. And he was up riding -- mowing. And there was a couple that lived upstairs. And they were offered to help him, but they didn't know how. And this guy was kind of arrogant. And Jim and him didn't get along too well.

Well, some way or another Clarence Broad came back into the picture. He came from nowhere to me. He came onto the farm. I said get off. Get out of here. I said, I don't want you here.

Mr. Traficant. Did I have anything else to help me make the hay?

Ms. Ferrante. No.

Mr. Traficant. Did your husband help train those horses, that horse that you showed, the world champion, because of your condition?

Ms. Ferrante. Yes.

Mr. Traficant. No further questions.

The Chairman. Mr. Lewis.

Mr. Lewis. You stated that Mr. Morford, you were upset with Mr. Morford?

Ms. Ferrante. Very.

Mr. Lewis. Because he asked you the shoplifting questions?

Ms. Ferrante. I was upset with him because he was hairy from the get-go. If I didn't answer him in the questions that he wanted me, and the way that he wanted to hear them. And when he would ask me questions about things pertaining to people that came to the farm, and if I knew it, I knew it, if I didn't, I didn't say it. It takes me longer to explain something than it maybe does the ordinary person. And he was really arrogant.

Mr. Lewis. Didn't you say under oath at the trial in Cleveland that you liked Mr. Morford, that he treated you decently?

Ms. Ferrante. No, I never said that.

Mr. Lewis. That you only became upset with him when he brought up the shoplifting charges?

Ms. Ferrante. No. I never said that I liked him.

Mr. Lewis. That he treated you decently?

Ms. Ferrante. Did he?

Mr. Lewis. Other than the shoplifting?

Ms. Ferrante. I thought that he was arrogant and egotistical. I did not like him.

Mr. Lewis. How many shoplifting convictions did you have?

Ms. Ferrante. I had several. Three.

Mr. Lewis. Did you say five at trial?

Ms. Ferrante. No, I did not.

Mr. Lewis. Did you say four at trial? Maybe four or five?

Ms. Ferrante. I may have said three or four.

Mr. Lewis. You might have said five?

Ms. Ferrante. I never said five. I didn't have five, I don't think.

Mr. Lewis. Could you have said four or five at trial?

Ms. Ferrante. I don't remember. But I said, he had it in front of him. He would know better than I did. I had a problem. And I am the first to admit it. I am ashamed of it, but I have been healed. And the good Lord has healed me. I have nothing to hide about it. You can say whatever you want about it.

Mr. Lewis. And Congressman Traficant helped you out with your other shoplifting arrests, not just the time you just mentioned about jail?

Ms. Ferrante. No. Chuck O'Nesti helped me.

Mr. Lewis. Who worked for the Congressman?

Ms. Ferrante. Yes.

Mr. Lewis. You were upset with the Congressman at the grand jury, correct? When you testified at the grand jury?

Ms. Ferrante. Well, yeah. He was going to kill me, try to have me killed. That was the indication. Naturally I was upset with him.

Mr. Lewis. But you weren't upset with him when you testified at the trial in Cleveland?

Ms. Ferrante. No, I wasn't. Because I put two and two together and it came out four.

Mr. Lewis. You still said in Cleveland that you didn't trust him?

Ms. Ferrante. I said that -- he asked me -- he directly asked me when he was questioning me. He said do you trust me now? And I looked at him and I -- I said, well, I will always have that little shadow of a doubt. Did you or didn't you play a part in that? Because, I don't know. It has never come out. It was all dropped.

Naturally when you heard the audiotape, the man wants to be in Washington, he wants to be doing his radio show. Naturally all of these things made me feel that he was a part of it. It did my ex-husband too. And so naturally I still haven't got answers. So I have a right to say that.

Mr. Lewis. What did the FBI tell you about the Congressman's involvement with the murder-for-hire trial?

Ms. Ferrante. They didn't directly say anything about the Congressman.

Mr. Lewis. So it was just Mr. Broad on the tape?

Ms. Ferrante. But they told me, listen to the tape. I said, oh, that sounds like Jim. Could Jim be behind this? Well, listen, you suit yourself. You listen to the tape. They didn't directly say him, but indirectly, after I started piecing things together, I felt that they were telling me, you know, to think about it. Think about what is going on here.

Mr. Lewis. So the FBI came to you and said we have a death threat against you on tape, correct?

Ms. Ferrante. Yes.

Mr. Lewis. They played a tape for you, and there was a death threat on the tape, correct? When they played it for you.

Ms. Ferrante. It sounded like it. Yes.

Mr. Lewis. You said to yourself that sounds like Jim is involved, correct?

Ms. Ferrante. I said -- I said to them, when I heard the tape. I said, oh, my God, I said, and I said to them, I said if you are doing this to get me to answer questions about Jim, I said, and trying to scare me and a scare tactic, I am going to sue you.

Mr. Lewis. It wasn't the FBI that mentioned the Congressman, you said to them that sounds like Jim, meaning the Congressman?

Ms. Ferrante. Yeah. Because -- not -- it didn't sound like him. But the things that were said on the tape sounded like that he was a part of it.

Mr. Lewis. It didn't sound his voice, it sounded like the sort of things that he would do?

Ms. Ferrante. It sounded like they want on a tractor, they would talk. He wanted to be in Washington. This was Clarence Broad speaking. So naturally I thought that he was a part of it. I felt -- I didn't feel it. My heart was broken.

Mr. Lewis. So it was Clarence Broad that insinuated that the Congressman was involved and not the FBI after this?

Mr. Traficant. Objection. I don't see the tape. Do you have the transcript? Do you have the transcript?

Ms. Ferrante. I would like everybody to hear the tape.

Mr. Traficant. I want the damn tape.

Ms. Ferrante. I would like to have the whole ethics committee to hear the tape.

Mr. Traficant. I want the suckers to go to jail for it.

The Chairman. The witness has firsthand knowledge of the tape. So I think it is legitimate for her to answer questions about the tape.

Mr. Lewis. My question to you is you listened to the tape and you said to the FBI, that sounds like Jim. Meaning Congressman Traficant?

Ms. Ferrante. Yes.

Mr. Lewis. The FBI didn't say that to you, you said that to them?

Mr. Lewis. I have no further questions.

Mr. Traficant. What did the FBI say to you when you said did Jim have anything to do with this? What was their answer?

Ms. Ferrante. They said you listen to the tape. You take it upon --

Mr. Traficant. Did you ask them that a second time?

Ms. Ferrante. Yes.

Mr. Traficant. How did they answer it?

Ms. Ferrante. The same way.

Mr. Traficant. Did they imply to you that I was involved with a murder scheme?

Ms. Ferrante. They never directly put you --

Mr. Traficant. But did they imply it?

The Chairman. I think the witness has answered this repeatedly. No, they didn't. But they said listen to the tape again. We know the answer to this.

Mr. Traficant. Did Mr. Morford treat you nice before you testified

before the grand jury?

Ms. Ferrante. No, sir. He was arrogant to me.

Mr. Traficant. Did he treat you nice after you testified?

Ms. Ferrante. No. He was even worse.

Mr. Traficant. Were there excerpts of the tapes later printed in the part that you, in fact, never heard on the tape?

Ms. Ferrante. Yes. The transcript. And I asked for a copy of the transcript. And the transcript really indicated that he was a part of it.

And that is the reason I would like you to hear the tape and read the transcript. This wasn't a part of the case. But it all --

Mr. Traficant. I ask unanimous consent that the tape and the transcript be sought by this committee. I have further questions, Chairman.

The Chairman. This is not relevant -- actually we have let this line of testimony go on to speak to the veracity of the witness and your situation, Mr. Traficant. But really you are not charged with any murder-for-hire thing. So I think kind of enough is enough.

Mr. Traficant. No it is not enough, because this poisoned the jury pool for Jim Traficant and was national news. And I want that tape. I want the transcript. And I have one last question.

Mr. Traficant. Was one of those on the tape an FBI agent?

Ms. Ferrante. Yes.

Mr. Traficant. To the best of your knowledge?

Ms. Ferrante. Well, I didn't know it at the time. But they told me that it was an undercover agent. And I said, well, how did they know that Clarence Broad wanted to have me whacked. They said they heard it on the streets was the answer I got from them.

Mr. Traficant. Now, Mr. LaTourette asked you a question. Did this happen in Pennsylvania?

Ms. Ferrante. No it happened in Ohio.

Mr. Traficant. Did Mr. Broad live in Pennsylvania?

Ms. Ferrante. He lived in Ohio.

Mr. Traficant. Was all of this an Ohio case?

Ms. Ferrante. Yes, sir.

Mr. Traficant. Only confined to the State of Ohio?

Ms. Ferrante. Yes.

Mr. Traficant. Was there any conspiracy involved or just a murder?

Ms. Ferrante. No, just a murder.

Mr. Traficant. No further questions.

Mr. Chairman, I would like to take a break for the restroom.

The Chairman. Thank you very much for your testimony. We appreciate you being here. Mr. Traficant, you have just over 2 hours left. You have, what two remaining witnesses you want to call?

Mr. Traficant. Yes. I have two remaining witnesses I am going to call.

The Chairman. The committee will stand in recess for 10 minutes. And we will get back. In the meantime, if there is a call for votes then the recess will be a little longer, otherwise we will stay in recess for 10 minutes.

RPTS COCHRAN

DCMN HERZFELD

[5:20 p.m.]

Mr. Traficant. Mr. Chairman, I ask unanimous contempt that all these issues be dropped against me and I be set free forthwith.

The Chairman. I certainly would like to put that to a vote if we had enough people here, but we don't have enough people. Listen, you offered a motion and had it written out, and I said we would consider it later. I do not have a copy of that in my hand.

Mr. Traficant. I tried to keep that from you to confuse you, knowing that you probably wouldn't get it and maybe in the dark try to sandbag you.

The Chairman. If you would like for us to consider it, I need to see a copy.

Mr. Traficant. I am going to give it to you now, Mr. Chairman. I will bring it up.

Mr. Lewis. Mr. Chairman, could I use this time to make a record of the answer to the question Mr. LaTourette asked me earlier?

The Chairman. Yes. Go ahead, Paul.

Mr. Lewis. For the record, Mr. LaTourette asked if there was any record of who the bill was sent to from the Bucheits, and page 3316 of the trial transcript, Lisa Bucheit was asked, question, was any bill ever sent to the Congressman for the work done at the farm, and her answer was yes. So I believe there is testimony that the bill was sent directly to the Congressman.

Mr. Traficant. Question: Where was it sent? Was it sent to Salem, Ohio, or Poland, Ohio?

Mr. Lewis. It says it was sent to the Congressman at the farm.

Mr. Traficant. The Congressman at the farm. I didn't live at the farm. My father owned the farm.

The Chairman. That is the best answer we have.

The committee will come back to order.

Mr. Traficant, do you have another witness?

Mr. Traficant. I would like to inquire how much time I have left. I am under the impression I have 2 hours, Chairman, and that would include any closing arguments I make.

The Chairman. That is correct, about 2 hours, including any closing arguments.

Mr. Traficant. Now, the government, your counsel has utilized and exhausted all their time; is that correct?

The Chairman. I think they might have a few more moments.

Mr. Traficant. They told me they exhausted their time.

The Chairman. They didn't take quite as much time in opening statement as you did, so I think they are a little ahead of the game.

Mr. Traficant. I want to know how much time they have.

The Chairman. They have about 2 hours as well.

Mr. Traficant. I ask unanimous consent that an hour and half of their time be given to me.

The Chairman. I think there is probably an objection to that, Mr. Traficant.

Mr. Traficant. I am hearing none.

The Chairman. Do I hear any objection to that?

Mr. Lewis. There is an objection, Mr. Chairman.

Mr. Traficant. He is not a Member. He can't object. I am a Member of the House. I know better than that.

The Chairman. Would you proceed with your witness, Mr. Traficant?

Mr. Traficant. I call Mr. Michael Robertson.

The Chairman. Mr. Robertson, you have been asked to appear before this adjudicatory subcommittee to be examined under oath concerning the inquiry concerning Representative James A. Traficant, Jr. Under House rules, you may be represented by counsel if you so choose. Do you choose to be represented by counsel?

Mr. Robertson. No, sir.

The Chairman. You then are willing and ready to proceed with your testimony without the assistance of counsel?

Mr. Robertson. Yes, sir.

The Chairman. At this time would you raise your right hand and let me swear you.

[Witness sworn.]

The Chairman. You may be seated.

For the record, please state your full name.

Mr. Robertson. Michael L. Robertson, R-O-B-E-R-T-S-O-N.

The Chairman. Mr. Robertson, did you receive a copy of the Rules of Procedure of the Committee on Standards of Official Conduct, the provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the statement of alleged violations?

Mr. Robertson. Yes, sir, I did.

The Chairman. Okay, then, we will proceed as follows. Representative Traficant will begin questioning you. Thereafter, the counsel for the committee will be given an opportunity to cross-examine. If necessary, the parties will be given an opportunity to conduct redirect examination and recross examination. After the parties have concluded their questioning, each member will be given an opportunity to ask questions under the 5-minute rule. You understand that?

Mr. Robertson. Yes, sir.

The Chairman. Mr. Traficant, you may proceed.

Mr. Traficant. Michael, what is your current employment?

Mr. Robertson. I am a licensed private investigator in Ohio.

Mr. Traficant. What was your previous employment?

Mr. Robertson. I served 17 years as a special agent with the U.S. secret Service.

Mr. Traficant. How many Presidents did you guard?

Mr. Robertson. Four.

Mr. Traficant. What type of investigative work did you do when you were a Secret Service agent?

Mr. Robertson. The assignments are varied. Most of my time was spent involved with counterfeit currency investigations, theft and forgery of government checks and bonds, and fraud cases involving credit cards and access to vice instruments.

Mr. Traficant. Did you review any of the Sinclair accounts?

Mr. Robertson. Yes, sir, I did.

Mr. Traficant. How much time did you have to review the accounts?

Mr. Robertson. I met with you on February 23rd. By the time we got around to the Sinclair accounts via subpoena and getting all of the documents, some of the more salient documents were not available until about 4 days -- we requested about 4 days before my testimony.

Mr. Traficant. How many hours did you get a chance to look at it?

Mr. Robertson. If we are referring to the --

Mr. Traficant. Five accounts.

Mr. Robertson. Five accounts. I had considerable time as far as

accessing the information. I placed the information into a spreadsheet database for evaluation.

Mr. Traficant. How many accounts did the government show?

Mr. Robertson. On Mr. Sinclair and his wife?

Mr. Traficant. Yes.

Mr. Robertson. One account.

Mr. Traficant. Was it a joint account?

Mr. Robertson. Yes.

Mr. Traficant. How many total accounts did Mr. Sinclair have?

Mr. Robertson. Mr. Sinclair had five accounts.

Mr. Traficant. How many of them were joint accounts?

Mr. Robertson. I believe there were two joint accounts.

Mr. Traficant. Was there an account called KAS?

Mr. Robertson. KAS Enterprises, yes, sir.

Mr. Traficant. Was that a joint account?

Mr. Robertson. Yes.

Mr. Traficant. In that joint account, who were the two parties to the account?

Mr. Robertson. The two signatories on the account were Mr. Allen Sinclair and his wife, Kimberly Sinclair.

Mr. Traficant. Could either withdraw or take money from the account without the consent of the other?

Mr. Robertson. The account was an either/or, and/or account, where, yes, one person without permission of the other could withdraw funds.

Mr. Traficant. Was this account brought forward by the government?

Mr. Robertson. I am not sure, sir.

Mr. Traficant. Did this account show the deposits of \$2,500, or did it show the rent check deposits?

Mr. Robertson. This account reflected some other deposits that were not identified, but it did reflect the rent deposits.

Mr. Traficant. The \$2,500 deposits were not in this account, though, were they?

Mr. Robertson. No, sir, they were.

Mr. Traficant. So, therefore, the government did not bring this account forward?

Mr. Robertson. Evidently not.

Mr. Traficant. They didn't bring the other four accounts either, did they? They brought one account.

Mr. Robertson. They brought one account, yes, sir.

Mr. Traficant. And that showed some withdrawals of cash; is that

correct?

Mr. Robertson. That is correct.

Mr. Traficant. At the same time, was there another account known as the IOLTA account?

Mr. Robertson. Yes, sir, there was.

Mr. Traficant. Was there a corresponding amount of money, namely \$2,500, deposited into the IOLTA account?

Mr. Robertson. There was a corresponding amount of money, being \$2,500, and if I can back up a bit to give the history on why this was important. In criminal investigations you look for patterns, particularly in financial crimes. By loading up the information into a database, it was quite easy to sort and sift through the information. There were not actual cash withdrawals, but for the most part split deposits on the government paycheck going to Mr. Sinclair on a monthly basis, and I believe without exception he had taken \$2,500 directly from the account, not as a deposit, and put the balance into that checking account.

The pattern that developed was on an average of 4 days, and there is an exhibit for this, too, that was used in the court, a pattern developed wherein there was exactly \$2,500 redeposited into Mr. Sinclair's IOLTA account on an average of 4 days after the withdrawal of the \$2,500 cash. As an investigator, this raises a red flag. It is certainly not conclusive evidence.

To put things in perspective, I spotted this pattern on Thursday, which would be around the 29th of March, before my testimony on April the 10th. I contacted Home Savings, a very cooperative bank, but they have their procedures, and I asked for the history on these \$2,500 deposits. I gave them the specific dates.

On the next day, on Friday, the lady said that she can get all the documents, we won't have them until Friday or Saturday -- Saturday, but we will drop them off at the Congressman's office. But in the meantime, we do have three of the transactions documented, and she gave them to me. In each of the three instances, they were checks. It was not cash.

I went ahead and presented my chart, which I think up until this very moment has still been misunderstood because it had to do with investigative techniques. It had to do with finding a red flag and either verifying it or eliminating it as a possibility that this, in fact, could be a source.

What dovetails with this, of great interest, is that for whatever reason, starting the month after the last alleged \$2,500 kickback, there was never an exact amount, \$2,500, deposit into his IOLTA account. They were only during that time period.

Mr. Traficant. For how many months?

Mr. Robertson. For 13 months.

Mr. Traficant. And after those 13 months, there were no deposits of \$2,500 in the IOLTA account for how many months?

Mr. Robertson. For 12 months.

Mr. Traficant. Let me move on. I am limited for time.

Mr. Robertson. Yes.

Mr. Traficant. Was there any physical evidence to corroborate there had been any crimes or transactions of cash between myself and Mr. Sinclair in your investigation?

Mr. Robertson. No, sir.

Mr. Traficant. You had circumstantial evidence, and they showed one account of deposits; is that correct?

Mr. Robertson. That is correct.

Mr. Traficant. They didn't show the other four accounts and didn't show the KAS account; is that correct?

Mr. Robertson. That is correct.

Mr. Traficant. Are you familiar with the January 24th 302 of the FBI where they questioned Sinclair?

Mr. Robertson. Yes, sir, I am.

Mr. Traficant. What was the first issue they discussed with him in an accusatory fashion?

Mr. Robertson. The first issue had to do with the property.

Mr. Traficant. And isn't it a fact that he declined to comment?

Mr. Robertson. That is correct.

Mr. Traficant. And then they talked to him about kickbacks.

Mr. Robertson. That is correct.

Mr. Lewis. Mr. Hefley, I object. Relevance.

The Chairman. You want to explain your objection further?

Mr. Lewis. I don't see the relevance of Mr. Robertson testifying about a piece of paper that deals with an interview with two other people.

The Chairman. Mr. Traficant, do you want to try to tie in the relevance?

Mr. Traficant. Yes. The relevance is very clear. Mr. Sinclair 7 days later made a deal after he was pressured by the government, and I am trying to establish that through a Secret Service agent who handles this type of cases, and the 302 has already been admitted into evidence.

The Chairman. The objection is overruled. Continue.

Mr. Robertson. I read excerpts from the 302 into the trial testimony, and, in fact, there is a statement toward the end of the 302 on January

24th where Mr. Sinclair stated take he will not be "part of getting Traficant." A week later then he did, in fact, testify before the grand jury.

Mr. Traficant. Did he say he gave no kickbacks in that January 24th statement?

Mr. Robertson. I don't recall. I don't believe there was any statements at all regarding --

Mr. Traficant. I believe the 302 will reflect in evidence he said he gave no kickbacks and will play no part in "getting Traficant."

In your handling of these types of investigations, can you attempt to show and tie in the need on just the strength of his word to corroborate it with some sort of physical evidence and the opportunity that the government had to obtain same?

Mr. Robertson. My story I was telling or incident I was telling regarding this document that I prepared showing these cash deposits into an account shortly after the cash withdrawals, what was very interesting is when I was on the stand in Cleveland, Mr. Morford, Prosecutor Morford, did, in fact, have all 15 of those checks and mainly insurance checks made out to a payee, including being a client and also including Mr. Sinclair as a joint payee.

May I just --

Mr. Traficant. Go ahead.

Mr. Robertson. Mr. Morford put the checks on an overhead and had me read to the jury where, in fact, these were checks giving the dates and the payees' names and the exact amount of \$2,500.

The entire point of the exercise on my part was to show to the jury that, in fact, you can corroborate or refute a red flag by using physical evidence. Yet Mr. Morford had a similar chart showing the cashouts and partial deposits of all the checks, but did not go to the lengths to prove or corroborate where, in fact, the \$2,500 went in the form of cash, but yet he went to great lengths to show that my theory didn't work.

I still have a problem with it. I am still laying awake at night wondering what really happened to that money, how did it get in there.

Mr. Traficant. Did you handle cases like this when you were a Secret Service agent?

Mr. Robertson. Yes, sir.

Mr. Traficant. Under the circumstances you had and the evidence presented in Cleveland, would you have presented that to a grand jury?

Mr. Berman. Mr. Chairman, I am just going to object to the notion of this witness being an expert on what to present to a grand jury.

Mr. Traficant. I object. Did you ever present evidence to a grand jury?

Mr. Robertson. I think the question may be better asked have I presented cases to the U.S. attorney.

Mr. Traficant. Did you?

Mr. Robertson. Yes, on many occasions.

Mr. Traficant. Would you have presented this case with the type of evidence presented in Cleveland to a U.S. attorney for further action?

Mr. Lewis. Mr. Hefley, I object.

The Chairman. Mr. Lewis, do you want to explain your objection?

Mr. Lewis. There is no relevance as to whether a nonattorney would present a case to the U.S. attorney or not.

The Chairman. Objection is sustained.

Mr. Traficant. I believe there is.

Do you believe there is enough evidence to sustain a further investigation without further corroboration, from your experience?

Mr. Lewis. Objection. Relevance.

The Chairman. Do you want -- same argument you just made?

Mr. Lewis. Yes, Mr. Chairman.

Mr. Traficant. I believe that argument is moot. We are here talking about a man who is looking at a case where there is no physical evidence. We somewhere have just the spoken word, and, in fact, we are talking about corroboration of that spoken word and the lack of it.

The Chairman. Mr. Traficant, I guess it is my opinion that we are talking to one law enforcement officer, a man with great experience in law enforcement, and to what he would do and what the law enforcement officers of the court that presented the case might be two entirely different things. I don't think that has relevance here, so I sustain the objection.

Mr. Traficant. Did the government attempt to corroborate this through any physical evidence?

Mr. Robertson. I don't know if they attempted to or not, but they were not able to.

Mr. Traficant. Do you know if there were any wiretaps?

Mr. Robertson. As far as I know, there were no attempts to obtain any covert intelligence in this case, other than the submission for a processing of the currency.

Mr. Traficant. Is it your opinion it was an impossibility to obtain same?

Mr. Lewis. Objection, relevance, that there is no physical evidence.

The Chairman. I don't think you can answer that question in a relevant way. I sustain the objection.

Mr. Traficant. Did you employ in your investigation such techniques of wiretaps, hidden microphones?

Mr. Lewis. Objection. Relevance.

The Chairman. Mr. Traficant, explain to me where you are going with this.

Mr. Traficant. You have a guy's voice and a guy's words putting me in jail, Mr. Chairman.

The Chairman. Let me finish. Wait a minute. Are you trying to establish his credentials as someone who understands wiretaps and that kind of thing?

Mr. Traficant. Absolutely, as an expert.

The Chairman. Then I overrule the objection.

Mr. Traficant. Fine. You can answer that.

Mr. Robertson. What was the question?

Mr. Traficant. Was it an impossibility for them to gain an admission of me through some technological device?

Mr. Robertson. There are devices available to the public, let alone to the government. The Federal Government has the greatest lab technicians, investigators and technological equipment in the world. There was a time, dating myself, 20 years ago when we would send an informant in where he wore a KelTech. It was the size of a pack of cigarettes with a 1-foot antenna to it. We taped it to his chest, and if someone touched it, it would be a real problem, but it worked. Today there are readily available functional cell phones that cannot be spotted as a covert transmitter, only by a technician who would open up the telephone and see it.

The argument that Mr. Traficant was a former sheriff, and he was a touchy-feely person, and dovetailing with the technology is the role of an agent is to control the informant. The informant doesn't control you. You have to put their mind at ease, and you have to convince them this is important. I would say a good example is, in fact, when Mr. Sinclair comes to the FBI with X number of thousands of dollars and says, I just got this from the Congressman, I personally don't see the hurry to send that off to the FBI for a ninhydrin.

Mr. Lewis. I object to that, your honor. His opinion as to the speed of the indictment is totally irrelevant.

Mr. Robertson. Sir, I wasn't addressing the speed of the indictment.

I was talking about the opportunity to send an informant in. We are

dealing with the highest levels of government. These techniques I am describing --

Mr. Lewis. Mr. Chairman, I object on relevance.

The Chairman. Let me ask now, Mr. Traficant, I am having a little trouble determining whether this is a witness to testify about facts that he is aware of, or are you bringing him on as an expert witness --

Mr. Traficant. I am bringing him on as an expert witness and also an individual that has done a financial analysis on the circumstantial elements of Mr. Sinclair and myself and my accounts.

The Chairman. That would be factual, the financial analysis.

Mr. Traficant. And also the forensic evidence that has been presented.

The Chairman. Do you want him as a factual witness or an expert witness or a combination of both?

Mr. Traficant. I want him as both.

The Chairman. Let's get to the financial analysis.

Mr. Traficant. Fine. Was there any forensic evidence, fingerprints?

Mr. Robertson. No.

Mr. Traficant. Were there over 1,000 documents?

Mr. Robertson. That is correct, sir.

Mr. Traficant. Other than the spoken word and this one account of \$2,500 of cash withdrawals, was there any evidence at all other than his words?

Mr. Robertson. No, sir.

Mr. Traficant. No further questions.

The Chairman. Mr. Lewis.

Mr. Kellner.

Mr. Kellner. Thank you, Mr. Chairman.

Mr. Robertson, when did you leave the Secret Service?

Mr. Robertson. Fourteen years ago.

Mr. Kellner. And how long did you work there?

Mr. Robertson. Seventeen years.

Mr. Kellner. And why did you leave?

Mr. Robertson. I left over a transfer. I wanted to stay in Ohio.

Mr. Kellner. And what did you do after you left?

Mr. Robertson. I started my investigative business.

Mr. Kellner. So you operated a private investigation firm?

Mr. Robertson. That is correct.

Mr. Kellner. And where is it located?

Mr. Robertson. In North Canton, Ohio.

Mr. Kellner. And you earn your living as a private investigator?

Mr. Robertson. Yes, sir, I do.

Mr. Kellner. You are paid a fee to conduct private investigations?

Mr. Robertson. Yes, sir.

Mr. Kellner. What fees do you charge?

Mr. Robertson. My fees, my corporate fees -- my clients include Rubbermaid, Goodyear, General Motors, many other companies, plus smaller corporations and private citizens -- is \$150 an hour.

Mr. Kellner. And you are paid to conduct investigations?

Mr. Robertson. That is correct.

Mr. Kellner. And to testify in courts?

Mr. Robertson. On occasion.

Mr. Kellner. And are you being paid in this case?

Mr. Robertson. \$1.

Mr. Kellner. Now, for the services you provided in connection with Representative Traficant's trial in Ohio, what were you paid?

Mr. Robertson. I am still working on the first dollar.

Mr. Kellner. So the dollar you are being paid includes your services here today?

Mr. Robertson. Yes, sir.

Mr. Kellner. And no other compensation?

Mr. Robertson. No, sir. In fact, I volunteered to come down here, and I had also offered to help in any way I can on this end of it. I am paying my own gas, my own tolls.

Mr. Kellner. You drove out here from Ohio at your own expense?

Mr. Robertson. That is correct.

Mr. Kellner. To help Congressman Traficant?

Mr. Robertson. That is correct.

Mr. Kellner. Are you a supporter of Congressman Traficant's?

Mr. Robertson. I am a Republican. I live in a different district. I don't know if that answers it or not. I got involved in the case back in February when I would hear -- although the judge in Cleveland told me I couldn't depend on hearsay in the news media, but what I did hear, I didn't like the way things were shaping up, and I made the offer to meet with him.

My concern, single concern, is not Congressman Traficant, and it is not guilt or innocence. We had a saying in law enforcement, we catch them, but we don't cook them. And that is not our goal. The goal is to go through, and I felt that I have expertise in the area, I have taught as a Secret Service instructor, I have taught at Ohio police departments, and

what I was trying to refer to today is truly Police Investigation 101.

This is not a terribly sophisticated matter. You do have to have expertise as you get into the various crimes. You have to know what to look for. But the same procedures that are used by a patrol officer on the street are the same procedures that are used by a detective investigating a homicide, and that is no locate the witnesses, interview the witnesses, corroborate -- look for physical evidence, determine the elements of the crime --

Mr. Kellner. Mr. Chairman, I object. I would like to proceed with my questioning.

The Chairman. You may proceed.

Mr. Kellner. Thank you, Mr. Chairman.

Did you discuss your testimony that you were going to give today with any person?

Mr. Robertson. I had provided the Congressman an affidavit, I believe, last -- I believe it was on Saturday I gave him an affidavit, which read in part, I am sorely disappointed that I was not approved by the committee to testify.

Mr. Kellner. Mr. Robertson, my question is did you have any discussions with any person regarding your testimony here today?

Mr. Robertson. With Congressman Traficant.

Mr. Kellner. With nobody else?

Mr. Robertson. No.

Mr. Kellner. No other person?

Mr. Robertson. No other person.

Mr. Kellner. Now, it is your testimony that you are here voluntarily for Congressman Traficant essentially?

Mr. Robertson. That is correct.

Mr. Kellner. And he didn't --

Mr. Traficant. Objection. He is on a retainer for \$1.

The Chairman. That would not be considered reasonable market value.

Mr. Traficant. That is besides the point.

The Chairman. I understand the objection, and your objection is sustained.

Mr. Kellner. Mr. Robertson, I am going to hand you a document --

The Chairman. However, I am sorry, I think maybe, Mr. Kellner, if I understood your question, you were asking him if he was -- not if he was paid to be down here, but if he came down here voluntarily in order to help; is that correct?

Mr. Kellner. That is correct.

The Chairman. And the answer was yes.

Mr. Robertson. That is correct.

Mr. Kellner. Mr. Robertson, I am going to hand you a document which was admitted into evidence during Mr. Traficant's trial in Ohio. It is government Exhibit 1-27-1. I ask you to take a look at it, please.

Mr. Robertson. Yes, sir.

Mr. Kellner. Mr. Chairman, it is my understanding this document was not included among the more key exhibits, and I want to make sure you have it.

Mr. Traficant. I move it be admitted into evidence.

Mr. Kellner. It is already part of the record, Mr. Chairman. It is already admitted into evidence.

During your trial testimony, you were asked a series of questions regarding cash deposits into Congressman Traficant's bank accounts?

Mr. Robertson. Yes, sir.

Mr. Kellner. And did you observe this document during the trial in Ohio?

Mr. Robertson. Yes, sir, I did.

Mr. Kellner. Does this document reflect cash deposits into Congressman Traficant's bank account?

Mr. Robertson. Yes, sir, it does.

Mr. Kellner. A bank account in the bank of Bank One?

Mr. Robertson. Yes, sir. Bank One.

Mr. Robertson. Yes, sir.

Mr. Kellner. According to this document it reflects a deposits over a period of years of \$26,600 in cash into Congressman Traficant's account?

Mr. Robertson. That is correct.

Mr. Kellner. Were you here earlier today when Congressman Traficant testified that all his transactions are done by check?

Mr. Robertson. No, sir.

Mr. Kellner. Now, what is your opinion of deposits of this amount of cash made into someone's bank account? Would you find this to be an irregular pattern?

Mr. Robertson. The deposits roughly total in some months, of course, even amounts. See, I didn't go back past -- I think whenever we started looking at the IOLTA account. But during that time period, the deposits come out to like \$482 a month.

Mr. Kellner. Mr. Robertson, did you conduct any investigation of these cash deposits into Congressman Traficant's personal bank account?

Mr. Robertson. In what way, sir? To follow up?

Mr. Kellner. In any way, Mr. Robertson.

Mr. Robertson. No, sir.

Mr. Kellner. You are aware based upon your examination of Mr. Sinclair's bank records that he was employed by Congressman Traficant during the period of December 1998 through December 1999; is that correct?

Mr. Robertson. That is correct.

Mr. Kellner. You were asked questions during Congressman Traficant's trial regarding a series of withdrawals Mr. Sinclair made from his account each month in the amount of \$2,500; is that correct?

Mr. Robertson. That is correct.

Mr. Kellner. Looking at this chart of cash deposits made into Congressman Traficant's personal account, do you see any cash deposits being made during the time period of 1999?

Mr. Robertson. Yes, sir.

Mr. Kellner. In fact, in January of 1999, it records a cash deposit of \$500; is that correct?

Mr. Robertson. January 5, yes, sir.

Mr. Kellner. February 1, 1999, is a cash deposit of \$500; is that correct?

Mr. Robertson. That is correct.

Mr. Kellner. Later that month, there is another cash deposit of \$700 in cash?

Mr. Robertson. That is correct.

Mr. Kellner. And in February, there is a third deposit of \$1,000 dollars in cash in February; is that correct?

Mr. Robertson. Yes.

Mr. Kellner. In March, another deposit of \$1,000 in cash into Congressman Traficant's accounts?

Mr. Robertson. That is correct.

Mr. Kellner. In September there is a \$1,500 deposit in cash?

Mr. Robertson. Yes.

Mr. Kellner. In October, a \$1,000 deposit in cash?

Mr. Robertson. Yes.

Mr. Kellner. And in November, a \$700 deposit in cash?

Mr. Robertson. That is correct.

Mr. Kellner. Now, looking at this document, would you tell us where the cash came from?

Mr. Robertson. Sir, I can give you an indirect answer. It is the same as the chart that was prepared for Mr. Sinclair, and it is not to be evasive, but it is the same answer. Cash deposits and cash withdrawals are

difficult to trace.

Mr. Kellner. So you don't know the source of these cash deposits into Congressman Traficant's account, do you?

Mr. Robertson. No, sir; no one does except the Congressman.

Mr. Kellner. They could be from kickbacks; is that correct?

Mr. Robertson. Not to answer like I was cornered --

Mr. LaTourette. Mr. Chairman, I have to object. You know what? They could be from anything. That kind of question is --

Mr. Traficant. Objection to that. We have had testimony of \$600 average cash income at the farm. I object to the question.

The Chairman. Objection sustained.

Mr. Kellner. I will move on, Mr. Chairman.

Now, do you use a variety of methods in conducting investigations, sir?

Mr. Robertson. It would depend on the investigation, of course.

Mr. Kellner. In a course of investigation, might you examine financial records?

Mr. Robertson. To some degree I would. If they are in a corporate setting, I would usually depend on an accountant or CPA to help with the documents.

Mr. Kellner. So you are not qualified to examine financial records?

Mr. Robertson. Well, I guess it depends on what kind of records you are looking at. My goal is to catch people, and part of that process I found that you are better off using people with more expertise than yourself when it comes to dealing with numbers, because the possibilities of concealment are so extensive today that it is almost a full-time field within itself.

Mr. Kellner. Did you consult a CPA with respect to any matters you worked for for Congressman Traficant?

Mr. Robertson. No, sir.

Mr. Kellner. In conducting an investigation, did you ever conduct personal interviews?

Mr. Robertson. Yes.

Mr. Kellner. Did you conduct any personal interviews in connection with your work for Congressman Traficant?

Mr. Robertson. No, sir.

Mr. Kellner. Did it have anything to do with the amount of the fee you charged for Congressman Traficant?

Mr. Robertson. I wasn't asked to. I was asked to look at the financial matters of Mr. Sinclair only.

Mr. Kellner. Now, do you know what a proffer is, Mr. Robertson?

Mr. Robertson. Yes.

Mr. Kellner. Now, in proposing your testimony here today, Mr. Traficant made a proffer.

Mr. Robertson. I am sorry?

Mr. Kellner. Mr. Traficant made a proffer regarding your testimony. Here is the proffer that was made and why your testimony is relevant. It says that Mr. Robertson was a former United States Secret Service agent who handled financial investigations and whose testimony will refute other testimony provided at trial regarding money indictments.

Mr. Robertson. Money what, sir?

Mr. Kellner. Money indictments.

Mr. Robertson. Indictments?

Mr. Kellner. That is correct, sir. Does that sound like a fair synopsis of the testimony you are here to give today?

Mr. Robertson. My plans today were to discuss the weaknesses in the Sinclair --

Mr. Kellner. Let me get to my point. Did Congressman Traficant ask you --

Mr. Traficant. I object. Let the man answer the question.

Mr. Kellner. I withdraw the question, Mr. Chairman.

Mr. Robertson, did Representative Traficant ask you to investigate a \$13,000 cash payment to him from John Cafaro?

Mr. Traficant. Objection.

The Chairman. State your objection.

Mr. Traficant. It is not relevant. He already testified he just looked at the Sinclair matter.

The Chairman. State the relevance.

Mr. Kellner. Mr. Chairman, this witness is a purported expert witness in the area of money transactions. I think it is appropriate to explore the scope of the work that he performed for Mr. Traficant.

Mr. Traficant. Will the counsel stipulate he is an expert?

Mr. Kellner. No, sir.

Mr. Traficant. Then the counsel shall refrain from saying so. Second of all, he is not here relevant to any other issue other than Sinclair and my cash activities, I would advise the committee, and object to anything beyond the scope of that.

The Chairman. The objection is overruled.

Mr. Kellner. Mr. Robertson, did Congressman Traficant ask you to investigate a \$13,000 cash payment to him from John J. Cafaro?

Mr. Robertson. No.

Mr. Traficant. Objection. That is the supposed \$13,000. I think the wording is important for the record.

The Chairman. He answered the question. The objection has been ruled on, Mr. Traficant.

Mr. Kellner. Mr. Robertson, did you conduct any investigative work with regard to the \$13,000 debt Representative Traficant owed brothers Anthony Bucci and Robert Bucci?

Mr. Robertson. No, sir.

Mr. Kellner. Are you aware of that transaction?

Mr. Robertson. I may have heard something about it, but I have not been -- it has not been discussed with me officially.

Mr. Kellner. Did you conduct any investigation into gratuities given to Representative Traficant from Pete Bucheit?

Mr. Robertson. No.

Mr. Kellner. How about from Arthur David Sugar?

Mr. Robertson. No.

Mr. Kellner. Did you look into any financial activities regarding Henry DiBlasio?

Mr. Robertson. No.

DCMN BURRELL

. Mr. Robertson. I saw bank accounts with his name on it, but they were not subject to any investigation.

Mr. Kellner. Do you recall testifying at Congressman Traficant's trial, sir?

Mr. Robertson. I certainly do recall the day.

Mr. Kellner. Do you recall being asked about investigations you had conducted regarding Mr. DiBlasio.

Mr. Robertson. No, sir, I don't.

Mr. Kellner. Do you recall testifying that as of that date that you testified -- do you recall testifying --

Mr. Robertson. Yes.

Mr. Kellner. -- that date was April 1st, 2002?

Mr. Robertson. Yes.

Mr. Kellner. I'd appreciate if I could finish the question before you answer it just so the record is clear, sir. Thank you.

Do you recall testifying that you testified -- do you recall testifying that there was not time for you to look into the manner of the Henry DiBlasio aspect of this case?

Mr. Robertson. That could be true, but at that time that was three and a half months ago. Actually, before that --

Mr. Kellner. Well, since that time have you conducted any investigation?

Mr. Robertson. No, sir.

Mr. Kellner. Now, during Representative Traficant's trial, you testified that one of the things that you did as a private investigator was look for patterns. Is that correct?

Mr. Robertson. That's correct.

Mr. Kellner. And isn't it true that one of the patterns that you saw in your investigation for Congressman Traficant was that from the time that Allen Sinclair received his first full Congressional paycheck from Representative Traficant, every single month for the next 13 months he withdrew \$2,500?

Mr. Robertson. Correct.

Mr. Kellner. You'd call that a pattern, sir?

Mr. Robertson. Yes.

Mr. Kellner. And this pattern ended after the FBI questioned Allen Sinclair. Is that correct?

Mr. Robertson. I'm not sure of the exact time frame, but you could be

close, yes, sir.

Mr. Kellner. Do you recall testifying to that effect, sir?

Mr. Robertson. To which effect, sir?

Mr. Kellner. Do you recall testifying that this pattern ended after the FBI questioned Allen Sinclair?

Mr. Robertson. If I testified to that, then that is what I would have been aware of at the time. I don't recall now the exact dates when the last transaction -- I believe it was in January, and I believe he was interviewed in late January.

Mr. Kellner. Now, during Congressman Traficant's trial, sir, you testified on April 1st, 2002, regarding your hypothesis that there was a pattern of Allen Sinclair making \$2,500 deposits into his IOLTA account. Is that correct?

Mr. Robertson. That's correct.

Mr. Kellner. Into IOLTA, is that the Interest and Lawyer Trust Account?

Mr. Robertson. Yes, sir.

Mr. Kellner. And did you not testify at that trial after examining other checks deposited into Mr. Sinclair's IOLTA account that your testimony would pretty much be irrelevant?

Mr. Robertson. Irrelevant, as far as the hypothesis?

Mr. Kellner. Is that correct?

Mr. Robertson. I'm asking, is that the question?

Mr. Kellner. Yes.

Mr. Robertson. No. The hypothesis was presented to the court for the sake of showing how an investigation is done, regardless of the outcome. I'm still confused -- or in a quandary about why in the world the \$2,500 checks stopped after the \$2,500 withdrawals, that I'm still not convinced that there isn't some connection that could be established between that, and I'm in no position to conduct that investigation.

Mr. Kellner. Mr. Chairman, we have no further questions at this time.

Mr. Hefley. Redirect?

Mr. Traficant. Is a \$482 cash deposit on an average excessive by me?

Mr. Robertson. You advised me that you have approximately \$600 cash income from farm and stable rentals, so 482 would not be unusual, no, sir.

Mr. Traficant. In review of the court activities, did the government offer one witness that testified that I paid cash for anything over the last 15 years?

Mr. Robertson. No, sir.

Mr. Traficant. Did you find that as an investigator unusual?

Mr. Robertson. I have to make an assumption just based on my experience in dealing with both the FBI and IRS, that dealing with a high member of government, they would certainly go out and conduct such an investigation.

Mr. Traficant. Do you know how many agents they used?

Mr. Robertson. I heard they had dozens of agents involved.

Mr. Traficant. Do you know they investigated a man by the name of George Hooker where he purchased a horse some 15 years ago?

Mr. Lewis. Objection. Relevance.

Mr. Traficant. The relevance is basically they were searching to see what kind of cash transactions I was making, and I think it is very relevant that he answer the question.

Mr. Lewis. It's already on the record. It's cumulative.

Mr. Hefley. I'll let Mr. Robertson answer.

Mr. Robertson. Making the assumption, which I think is a fair assumption based on the type of allegations and the crimes alleged, that there would certainly be agents out checking for cash purchases by the Congressman or anyone in this position, particularly in areas where it wouldn't be unusual, such as supplies for the farm or for the barn and the like. I can --

Mr. Lewis. I'd object again, Mr. Hefley. Relevance. There's nothing in the SAV that charges the Congressman with making cash purchases.

Mr. Traficant. I object to that. I think the relevance is this: If you drink a case of diet pop, at some particular point are you going to urinate, Mr. Robertson?

Mr. Hefley. Mr. Traficant, let me see if I understand the relevance. The relevance is supposedly Mr. Traficant had large amounts of cash coming in.

Mr. Traficant. For years.

Mr. Hefley. And we want to know where those went. Now, I'm not sure this witness knows where they went, but if he could cast light on it, I'd like to hear it.

Mr. Robertson. Mr. Chairman, I feel like I can cast light from a very practical investigative standpoint, that people -- for instance, a bank robber comes across a lot of money. It is not unusual for the police or the FBI to find where this individual has gone out, spent large amounts of cash, perhaps went and bought a car for cash or whatever. It is a very standard operating procedure, and I think when you have this amount of

money involved, \$2,500 a month, it would be -- if I was conducting the investigation, it would certainly be a prudent thing to do, would be to go out and see if in fact you could account for the cash expenditures. That would help to make a trail on the funds as opposed to just an uncooperative witness stating he gave the money to him.

Mr. Traficant. Do you know if there was any FBI or IRS investigator who testified relative to these cash transactions or Sinclair account?

Mr. Robertson. The only IRS agent that I'm aware of -- and I believe it was an employee, not an agent. It was an analyst who in fact totaled up the amounts of money based on figures given to him by other investigators, and thereby stating you'll -- you failed to pay taxes on this amount of money.

Mr. Traficant. Do you find that unusual that the government offered no IRS or FBI witness who actively investigated me?

Mr. Lewis. Objection to relevance as to his opinion as to the testimony.

Mr. Traficant. I object. I think it is very relevant.

Mr. Hefley. Well, I think it is relevant to your appeal and so forth, but I'm not sure this witness -- this is just speculation on his part if he answers that kind of question. I would sustain the objection.

Mr. Traficant. When you're an investigator, did you testify at the trial in criminal activities?

Mr. Robertson. Yes, sir.

Mr. Traficant. When you uncovered a crime, were you called to the stand to in fact corroborate it and explain your investigation and the methodology and the fruits of the forensic gain?

Mr. Lewis. Objection. Relevance.

Mr. Hefley. What are you trying to do here, Mr. Traficant? Are you back trying to establish his credentials again?

Mr. Traficant. No. I'm trying to establish the fact they couldn't corroborate any damn thing here, and this man here, the Secret Service agent who investigated money transactions, and they didn't bring an investigator of any sort to show what they did or what the gains were. And in light of no physical forensic evidence, I thought that was a must.

Mr. Lewis. Mr. Chairman, the evidence is what it is. The government did what it did, and I don't think it is relevant now to second-guess the case. The case to be determined here is whether the SAV is proven beyond a clear and convincing evidence, not what the FBI did or didn't do.

Mr. Hefley. Objection sustained.

Mr. Traficant. Do you know if Sinclair owed DiBlasio an awful lot of

money?

Mr. Robertson. I was told that that is true. Several hundred thousand dollars was one figure I heard.

Mr. Traficant. Do you know if Sinclair during that period of time bought a \$300,000 house?

Mr. Robertson. 276,000. Yes, sir, I saw the documentation on that.

Mr. Traficant. Do you know that he got a Buick Grande?

Mr. Robertson. Yes, sir.

Mr. Traficant. Do you know that he rented a car for \$300 a month?

Mr. Robertson. Yes, sir.

Mr. Traficant. Do you know he spent \$60,000 on media advertising?

Mr. Robertson. 50,000 something, yes, sir.

Mr. Traficant. Did it say in the FBI 302 that he told the government that he made \$50,000 a year in his law practice?

Mr. Robertson. That's correct.

Mr. Traficant. And he made another \$50,000 from me?

Mr. Robertson. That's correct.

Mr. Traficant. So if Mr. Sinclair was drinking Diet Coke, could you say he was urinating some Diet Coke by the nature of his personal purchasing activities during that period of time when he supposedly was giving me his money?

Mr. Hefley. I don't think he's in a position to answer that. I could speculate that. Anyone in this room could speculate that based on what you've told us over the last 2 days, Mr. Traficant. So I'm not sure this witness can speculate on that.

Move on.

Mr. Traficant. Isn't it a fact that the 302 states this man had a hundred thousand dollars maximum income, saying he gave most of it to me, but buys a \$300,000 house, a brand new Buick van, \$300 car rental and 50 some thousand dollars for media advertising?

Mr. Hefley. You're getting very, very repetitive --

Mr. Lewis. Objection. He's testifying.

Mr. Hefley. Yeah. You're --

Mr. Traficant. Is that a fact? I'm asking you.

Mr. Hefley. Can you ask a straight question and --

Mr. Traficant. I did.

Mr. Hefley. I will allow a straight question which says do you understand how he could buy these things that --

Mr. Traficant. Do you understand how he could make those expenditures on what he told the government, after saying he gave most of his money to

me?

Mr. Robertson. The numbers don't add up with the amount of expenses he had and to give out almost 25 percent of his gross income.

Mr. Traficant. Did I seek you out as a witness in the original trial, or did you contact me?

Mr. Robertson. I contacted you.

Mr. Traficant. Did you see anomalies after you read the results and saw the unusual activities that we're just discussing and in fact offer your services?

Mr. Lewis. Objection. Speculation. Define anomaly.

Mr. Traficant. I think everyone understands an abnormal situation.

Mr. Lewis. I don't know what that question means, Your Honor -- Mr. Chairman.

Mr. Hefley. Restate your question.

Mr. Traficant. When you heard about this so-called kickback amount and all of these other things with no physical evidence, did you offer your services with the very dubious nature that they were untrue?

Mr. Robertson. I offered my services because of a lack of apparent physical evidence or other corroborative evidence, and this was based on my experience of having done many, many cases involving, for instance, counterfeit currency. And if I could just tell a very brief story that sort of fits into how these things are done.

Many years ago in Cleveland, we had an individual, a very popular nice guy, bar owner --

Mr. Lewis. I'd object to the relevance, Mr. Chairman.

Mr. Traficant. I'll withdraw the question.

One last question. Did I attempt to have this committee subpoena you?

Mr. Robertson. Yes, sir.

Mr. Traficant. No further questions.

Mr. Hefley. Under the 5-minute rule, the committee members now will ask you questions, Mr. Robertson.

Mr. Hulshof.

Mr. Hulshof. Mr. Chairman, before my time begins to run, let me inquire as to permissible areas of inquiry. I'd like to inquire briefly about the absence of fingerprint evidence. Has that been raised, or was the objection sustained such that I cannot get into that?

Mr. Traficant. It has been submitted into evidence, Mr. Chairman.

Mr. Hefley. I think it has been submitted into evidence. You can get into it.

Mr. Hulshof. And the other question I would have is regarding the physical possibility of using an informant with tape recording devices. Has that also been opened such that I can -- that I could ask a couple of questions?

Mr. Hefley. You can pursue that.

Mr. Hulshof. Mr. Robertson, let me just -- you've been the officer in charge of approximately how many white collar investigations?

Mr. Robertson. Sir, I can only guess dozens.

Mr. Hulshof. It is not unusual for fingerprint evidence not to be developed in a white collar case. Is that true?

Mr. Robertson. If we're talking white collar as opposed to let's say drug deal-type cases --

Mr. Hulshof. Well, let me clarify my question with this. The fact is that fingerprint evidence is essentially the oils and moisture that are on the ridges of one's fingerprint. Is that true?

Mr. Robertson. That's correct.

Mr. Hulshof. And when you place it on a medium such as rolling it across on a piece of wood, depending on the nature of medium, you can actually remove that impression or the reverse impression of that and that is what we know as fingerprint evidence. Correct?

Mr. Robertson. That is basically true, yes, sir.

Mr. Hulshof. And basically depending on the type of medium, for instance, glass metal would be good surfaces that would leave a fingerprint or be able to lift a latent fingerprint. Correct?

Mr. Robertson. Sure. Depending on temperature, the less porous, the more likely to get a --

Mr. Hulshof. And of course depending upon the individual that you're attempting to print, I mean, that is why we see an FBI -- you roll your finger across the ink pad and then you roll it back onto a fingerprint card, which of course is about the best way to do it, but we're talking about touching something briefly and partial prints and whether those are even prints of value. Correct?

Mr. Robertson. That's correct.

Mr. Hulshof. Something like a piece of paper is not the type of material if it's just a common piece of paper that has a good medium to develop fingerprint evidence. Isn't that true?

Mr. Robertson. I have to qualify that. One of the areas that we worked in considerably in the Secret Service was counterfeit currency, and we kept our lab very, very busy submitting counterfeit currency. So much depends on the individual, as you say. If someone was nervous, they are

perspiring more, if they are a secretor and if they have oils in their hands and the like. And I can't give you a percentage, but there is a distinct possibility that fingerprints will be developed, and of course the more volume of money -- object that you have, the better.

Mr. Hulshof. Absolutely, and I'm not saying that it cannot be there, and I'll say the number of cases, I'm afraid that often when we see crime detective shows on television, we automatically think that fingerprint evidence is going to be -- that you can develop and lift a latent print off of anything that anybody touches and that is just not the case, is it?

Mr. Robertson. That is correct, sir.

Mr. Hulshof. Let me ask you briefly regarding Traficant's questions of you regarding the ability to use a subject, an informant, and put this very sophisticated technological equipment on them, whether it is on the head of pain, whether it is a normal body wire. You as an investigator in charge of these number of counterfeit cases, wouldn't you have a subjective opinion or decision as to whether or not the subject would be a good subject to send in to someone that you're trying to elicit incriminating information from?

Mr. Robertson. There are times when -- and this is where it's important to control the subject. And I use the word informant, but it may actually be someone that you've just arrested that you're going to send back in someplace, that certain people if they are on drugs it may not be a good idea to do it. But for the most part -- and this is where the good investigator surfaces -- you talk the person into it and you let them know how stealthy the device is, the range of the device, 2,500 feet. I'll be two blocks away, I can --

Mr. Hulshof. But beyond the fact -- the physical possibility, what if, for instance, hypothetically you were sending someone in as the target of that investigation, and you believed as the officer in charge that the only information you were going to elicit from this target was going to be self-serving exculpatory information. As the officer in charge, would you make a decision then to send a person in to have on tape self-serving exculpatory statements from the target?

Mr. Robertson. There are -- the vast majority of times you don't know what you're going to get. So the answer is you do receive a lot of exculpatory data.

Mr. Hulshof. Okay. Let me move quickly, and I apologize -- and I appreciate your forbearance, Mr. Chairman. And I don't know, Counsel, if this is the -- has actually been marked. I think Mr. Traficant has introduced it, and yet it has not been identified and marked. I'm talking

about the actual exhibit, Mr. Robertson, that you prepared at trial. And it is a single page.

Mr. Robertson. Yes, sir.

Mr. Hulshof. And if you don't have that -- do you have a copy of that in front of you? It is entitled deposits into Allen Sinclair's attorney trust account, home savings Account No. 20462446.

Mr. Robertson. Yes, sir. I have that.

Mr. Hulshof. We can have this marked later in the interest of time.

Now, I've got to tell you, and perhaps I'm pushing the limit here from the chairman, your testimony today regarding the purpose of your testimony at trial, today you've told us that really the only point of you testifying on Mr. Traficant's behalf was really just a hypothesis, to talk about investigative techniques and looking for patterns.

Mr. Robertson. That's correct.

Mr. Hulshof. I've got to tell you that after I read the direct testimony of you and then the cross-examination, I can see why the prosecutor in that case was so aggressive in his cross-examination of you, because I found this to be an attempt to refute or cast doubt on the credibility of Allen Sinclair, but that is neither here nor there.

Let me ask you just a couple of quick follow-up questions. During your testimony you did say that you didn't have time really, because you had to contact the officials at the bank. They were very helpful, and yet with the trial just looming around the corner and then maybe even after the next weekend, that you weren't able to gather a lot of documents to support your testimony. Was that true?

Mr. Robertson. That is true.

Mr. Hulshof. Have you had the opportunity, now that the trial is over, to even go back and further investigate, or did you just let the trial transcript stand pat?

Mr. Robertson. I haven't done much more with this. In fact, nothing else until last night. But, again, I'm not sure that the point is being met. This was not to disparage Mr. Sinclair. This was to resolve one way or the other a pattern of deposits into an account which had never happened afterwards, but during this time period. And the results didn't matter to me. The results -- the idea was to give a very honest approach to the thing that in fact here is what's going in, and if I may, sir, which I wasn't -- this is the same -- the same document with my notes at the bottom.

Number one, deposits and withdrawals on their own without critical examination are not good proof. These deposits made shortly after the cash

withdrawals of \$2,500 are probably not related to redepositing of cash. On the surface they could be made to appear that way.

Number two, it would also be of interest that the \$2,500 exact deposit stopped after Mr. Sinclair left the Federal payroll and that there were no exact \$2,500 deposits for 22 months continuing through February of 2002, the point being uncorroborated charts are not proof. My goal of presenting this was to -- and I had it set up right next to the government's exhibit, which was the cash withdrawals. I used the same type font. I want to show that this cannot be substantiated without examining -- looking at it and looking at physical evidence, but the same standard which he zealously applied to my chart was never applied ever in the government's chart about the \$2,500. And if I may --

Mr. Hulshof. And actually, let me stop you again in the interest of time. I appreciate the chairman's indulgence.

The government's chart with the \$2,500 cash withdrawals actually was corroborated with documentary evidence with Mr. Sinclair. I don't know if that was made available to you or not, but as far as the actual treasury check, official employee of the U.S. Government --

Mr. Robertson. Oh, yes.

Mr. Hulshof. -- that was introduced, and then along with the deposit slips showing the \$2,500 monthly withdrawals.

Mr. Robertson. I had all of that, but the extremely key element in all this is that we have \$2,500 on a piece of paper, which is not evidence, except that doesn't tell us where it wasn't.

Mr. Hulshof. And I would concede that point, and yet I would ask you to concede the same point that you concede in cross-examination, and that is on your chart, the fact is the government then produced on cross-examination and showed you that each of these nine \$2,500 checks that you had put forth on this chart to indicate this pattern was not a cash deposit, was it?

Mr. Robertson. That's correct.

Mr. Hulshof. In fact, each of these nine \$2,500 deposits into Mr. Sinclair's IOLTA account were in fact checks that were made payable to him and the name of a client in each and every instance. Isn't that true?

Mr. Hulshof. That's correct. And, sir, the point of that, to go to the next step where I'm headed is how did the prosecutor do that? With physical evidence, with checks? He produced the checks and said, Mr. Robertson, isn't this check for that date? Isn't this check for that date?

And I've never met the prosecutor, and I'll yield, but perhaps the

prosecutor, thinking that this IOLTA account was a red herring, had that information available for someone such as yourself to come testify and then to be used on cross-examination, because I think the bottom line was -- and I would point my colleagues to the transcript at page 5566, at line 15 through line 19, and I'll conclude with this, Mr. Chairman.

Question of the prosecutor of you, Mr. Robertson. So now you've had a chance to look at one, two, three, four, five, six, seven, eight, nine, 10 -- 10 \$2,500 checks which are lawyer's settlement fee checks in the amount of \$2,500 during 1999. Correct? And you acknowledged, as you had to, with the documents that that was correct?

Mr. Robertson. That's correct. This was a work in progress that I was not afraid to bring before the court, and I was just hoping that the government would use as much zeal in proving where the cash out went as they did in proving where the cash in -- or the checks in went, and that has still never been done. Having someone -- and in fact the prosecutor asked me, isn't it true, Mr. Robertson, that this \$2,500 could have been a kickback? My answer, yes. That is an honest answer. But as we discussed before, it could have been a hundred different things, but a good prosecutor stops at that. He doesn't want to, you know, expose me to being able to say it could be something else.

So, yes, I was stuck with that answer, but it was not the -- you know, it's like I swore in an oath here today. You know, the one part that was missing, and it's partly because of the way the system works, is the whole truth part. It's one thing to tell the truth and nothing but the truth, but it's still nice to get the whole truth out, and I appreciate your questions very much.

. Mr. Hulshof. Well, again, as someone who -- as several of us who have -- who have labored in the criminal justice field before coming to Congress, you know, especially on the prosecution side where you've been most of your professional career, it would be great if criminals would commit their crimes on videotape, and then we could run the videotapes, similar to what we've seen in another jurisdiction of late, as far as an arrest and that, and I don't want to go there. But otherwise, then we have to build circumstantial evidence cases and have testimony that can or cannot be corroborated.

Again, I appreciate you being here today, and, Mr. Chairman, I appreciate your patience today.

The Chairman. Thank you.

Other questions?

Mrs. Tubbs Jones.

Mrs. Tubbs Jones. What order?

The Chairman. Well, I called on Mrs. Tubbs Jones. I'm sorry. I didn't see you, Mr. Berman.

Mrs. Tubbs Jones. Go ahead. I'll yield to my senior.

Mr. Berman. Thank you, Mr. Chairman, and I appreciate the exchange before.

Tell me if this isn't a fair summary of the thrust of your testimony today. First of all, that you don't think the government, the prosecution, did the kinds of things you thought should have been done as part of a normal, thorough, professional investigation involving allegations of money crimes?

Mr. Robertson. And if I may add, routine, too. Yes, sir, that is true.

Mr. Berman. And secondly, that you're looking at patterns and practices, and from that you're raising different hypotheses, and while -- to simply repeat something you've just said earlier, that while there can be a hypothesis about where that \$2,500 went when Mr. Sinclair withdrew it from his account, you cannot exclude the possibility that it was a cash payment to the respondent?

Mr. Robertson. That's correct.

Mr. Berman. And would it also be fair, then, to say that you cannot exclude the possibility that the cash deposits on the chart, Government Exhibit 127-1, which Mr. Kellner showed you --

Mr. Robertson. Yes, sir.

Mr. Berman. -- that that would not exclude the possibility that those

were cash deposits by the respondent for the money received from Mr. Sinclair?

You could not exclude that as a possibility?

Mr. Robertson. It is a perfectly legitimate speculation, but, again, none of us know, because it's not corroborated.

Mr. Berman. Well, there was -- I don't intend to get in an argument, and I don't think your purpose here is to --

Mr. Robertson. Oh, no, sir.

Mr. Berman. -- is to make argument. There was testimony in the case from Mr. Sinclair, however.

Mr. Robertson. Do you want me to -- may I address --

The Chairman. Mrs. Tubbs Jones?

Mr. Traficant. I object. He wanted to respond to Mr. Berman's last remark, and I think he should be allowed.

Mr. Robertson. May I?

The Chairman. I don't know that you had a question there, did you, Mr. Berman?

Mr. Berman. No. I simply commented with respect to his comment about corroboration that whatever the speculation was from charts, there was actual testimony on the issue as well.

Mr. Traficant. From the individual himself subject to jeopardy. He wanted to respond.

The Chairman. Mrs. Tubbs Jones.

Mrs. Tubbs Jones. Thank you.

Mr. Robertson, so that those who haven't had opportunity to read the transcript, how did you meet Mr. Traficant?

Mr. Robertson. I had worked with an attorney in Youngstown for the last several months on other matters, and on Friday, the 22nd of February, 2002, we were discussing the case.

Mrs. Tubbs Jones. Who was that attorney, sir?

Mr. Robertson. Mark Colucci.

Mrs. Tubbs Jones. Spell the last name.

Mr. Robertson. C-O-L-U-C-C-I.

Mrs. Tubbs Jones. Okay.

Mr. Robertson. And he referred a case to me back in, I believe, December or January, and we had discussed who --

Mrs. Tubbs Jones. Keep in mind, sir, I only have 5 minutes, so I need a reduced response to my question, please.

Mr. Robertson. Yes. The comment came up about, you know, Congressman Traficant, since he's from Youngstown, and my concern about the physical evidence and how I, you know, was interested in the investigation, and Mark

said, would you want to meet?

Mrs. Tubbs Jones. So in other words you expressed to Mr. Colucci your concern about the physical evidence, and he said, I know him, and he introduced you?

Mr. Robertson. That's correct.

Mrs. Tubbs Jones. Now, you said that you left the Secret Service after 14 years; is that correct, sir?

Mr. Robertson. After 17 years.

Mrs. Tubbs Jones. After 17 years, excuse me. And when you left after 17 years, had you had any prior Federal employment?

Mr. Robertson. I had 6 months as a venereal disease investigator for the Dade County Health Department, but I was paid through --

Mrs. Tubbs Jones. So you had 6 months with Dade County. Did you have any other Federal time?

Mr. Robertson. No, ma'am.

Mrs. Tubbs Jones. So at the point that you left, were you able to retain any type of retirement, sir?

Mr. Robertson. I had retirement. I pulled it out to start my business.

Mrs. Tubbs Jones. Okay. And can you tell me -- they were trying to transfer now from where to where?

Mr. Robertson. From Cleveland to New York -- Cleveland to Washington, D.C..

Mrs. Tubbs Jones. And you didn't want to come to Washington?

Mr. Robertson. I had been here before. I had --

Mrs. Tubbs Jones. So the answer is you didn't want to come to Washington?

Mr. Robertson. I did at one point, but it was going to cause family problems that had been repeated in the past.

Mrs. Tubbs Jones. How many times had you testified in court, sir?

Mr. Robertson. Ma'am, I couldn't say for sure. Dozens.

Mrs. Tubbs Jones. More than 10 times?

Mr. Robertson. Oh, yes.

Mrs. Tubbs Jones. More than 25 times?

Mr. Robertson. Oh, yes.

Mrs. Tubbs Jones. More than 50 times?

Mr. Robertson. We'd be getting close, yes.

Mrs. Tubbs Jones. And in that capacity did you testify always on behalf of the government?

Mr. Robertson. No. Now, in my private practice --

Mrs. Tubbs Jones. Give a percentage.

Mr. Robertson. Of course, when I was with the government, I testified for the government. But in the private practice, my work is very much divided between plaintiff and defense.

Mrs. Tubbs Jones. So since you've been in private practice, how many times have you testified in court, sir?

Mr. Robertson. Twenty-five or twenty.

Mrs. Tubbs Jones. Then is it fair to say you were so outraged by the lack of physical evidence in the Traficant case that you wanted to work for \$1 for however many hours you invested to testify on behalf of Mr. Traficant?

Mr. Robertson. That is what it boiled down to.

Mrs. Tubbs Jones. Can you give me in a couple sentences what so outraged you, sir?

Mr. Robertson. The fact that there was no -- that the physical evidence wasn't present to substantiate the statements of other individuals who, in fact, have something to gain by making a statement, and I don't think that --

Mrs. Tubbs Jones. Now, in all the cases that you've worked on as an investigator, you understand that under criminal law, if a jury believes a witness and is the only witness, that may be sufficient to establish the burden of beyond a reasonable doubt?

Mr. Robertson. Yes, ma'am.

Mrs. Tubbs Jones. And so whether you thought it was sufficient or not, if the jury weighing the evidence, in light of all of the circumstances reviewed the evidence, listened to the law and rendered a decision, that is sufficient to establish beyond a reasonable doubt; is it not, sir?

Mr. Robertson. I have all the reason in the world to --

Mrs. Tubbs Jones. No. Answer my question. I didn't ask whether you had faith in the world. My question is if a jury listened to the evidence and believed -- even if it was only one witness, believed that testimony, it would be sufficient to meet the burden of beyond a reasonable doubt?

Mr. Robertson. Based on testimony that they have available, yes, ma'am.

Mrs. Tubbs Jones. I have no further questions. Thank you.

The Chairman. Mrs. Biggert.

Mrs. Biggert. Thank you, Mr. Chairman.

Mr. Robertson, you have been doing this as somebody that is an expert in financial matters as well. Is that --

Mr. Robertson. I'd rather characterize it as fraud, because I go more after the individuals than the acts.

Mrs. Biggert. When you looked at the accounts of Mr. Sinclair and found that there were five accounts --

Mr. Robertson. Yes, ma'am.

Mrs. Biggert. -- were they all in the same bank?

Mr. Robertson. Yes, ma'am.

Mrs. Biggert. What would be the normal procedure if someone is making a deposit into one account, and they want to put part of it into another account? I mean, when they take the check in, would they formally get back cash and then redeposit it into another account, or would they just split the check into different accounts?

Mr. Robertson. It is really -- any option is available. You can split a check between two or three accounts if you want. You can get cash out, unless it is a -- you know, a check made out to a company. Of course, it has to all be deposited, but this was an individual government check made out to him individually, so he would have that option to take the cash out, and because, in fact, he is going to be getting a 1040 on it, it's not like he's trying to, you know, conceal anything. It's perfectly legal to take out the \$2,500. It's not like, you know --

Mrs. Biggert. I understand that, but would he normally do that and then make another deposit into another check -- I mean, into another checking account or another account?

Mr. Robertson. In this case that wasn't established, but that certainly has happened where people will take money out of one account and put it back into another, oftentimes in the name of a family member or other relative.

Mrs. Biggert. Thank you. I have no more questions.

The Chairman. Yes.

Mr. LaTourette. Thank you very much.

Mr. Robertson, I'm not a big fan of speculating on evidence, and I had a little exercise before that it could be from kickbacks. I think that opens up that it could be from drug transactions. It could be from the Czar of Russia's estate. It could be -- so I'm not real impressed. And even if the line of questioning that was recently done is correct, when we looked at Mr. Traficant's account, the cash deposits into his account by my calculation during the time that Mr. Sinclair was in his employ was about 7,600 bucks. The testimony from Mr. Sinclair, Mr. Cafaro and others is that the amount of cash given to Mr. Traficant, according to them, was approximately \$48,000. So even if that is speculation -- we're

still missing about \$41,000.

Do you have any evidence, any indication, anything from your examination of Mr. Traficant's accounts to show what happened to \$41,000 in cash, even if we assumed the pure speculation that that \$7,600 is part and parcel of this kickback?

Mr. Robertson. There's no -- there's no trail in any accounts of Congressman Traficant's that reflects anything to do with -- you know, with other cash.

Mr. LaTourette. And relative to the circumstantial evidence questions when Mrs. Tubbs Jones was talking to you, in Ohio, I don't know what your experience is in Ohio courts, but when a judge charges a jury, and the jury has to make a determination as to who's telling the truth, the judge says that you give some tests, and these tests include the appearance of each witness on the stand; his manner of testifying; the reasonableness of the testimony; the opportunity that he had to see, hear and know the things concerning to which he testified; his accuracy of memory; frankness or lack of it; intelligence and interest and bias, if any; together with all of the facts and circumstances surrounding the testimony.

Now, I think that Mrs. Jones's question was that the jury in Ohio clearly had these individuals in front of them with the opportunity to apply that test. I think that is what her question was and I assume you understood it to be. We don't have that luxury, and I don't have a question and would yield back my time.

The Chairman. Mr. Pastor.

Mr. Pastor. I want to go back to the -- what I think you prepared and I'm assuming the government prepared and --

Mr. Robertson. Yes, sir.

Mr. Pastor. And you also mentioned that when you took the oath, you're under obligation to tell the truth, and sometimes the whole truth is not allowed, or we don't continue that. But in some of the questions you said you cannot conclude that the deposits that were taken out of the account were not used for kickbacks, but you also mentioned in your testimony that there could have been routine investigative procedures that would erase some of the doubt in terms of how that money was being handled.

And for my own information, because I don't have the background of these Members, would you enlighten me on that?

Mr. Robertson. As far as I know, sir, there was no investigation by the government into Mr. Sinclair as far as could those funds have gone anyplace else. He made a statement that he gave them to the Congressman, and that was accepted. And it was not checked to see any further to see

if, in fact -- and I don't mean this to disparage him, but would there be some other use for \$2,500 a month. And it is a lot of money that most of us wouldn't take out.

The question to me was could it be a kickback, and in all honesty, I have to say, yes, it could be a kickback, but it could be 100 different things.

The government did not go back and really do a check on their informant, and I think that is one of the problems that I had a problem with, too, was that if I was conducting the investigation -- and it is so important for all of you to keep in mind that I'm not sitting here as an advocate for the Congressman, I'm sitting here as an advocate for investigative techniques, and any one of you I wish would call up a police detective back in your own district and just run this by him, well, what do you think, you know? If you have a witness who is willing to testify that can suffer harm from the government, is that witness as good, and should that information be corroborated?

And I can give you many examples. I worked -- I did a lot of work with the Cleveland U.S. attorney's Office.

Mr. Pastor. Give me one example, and leave it at one, but a quick one.

Mr. Robertson. A very quick one. An individual owns a bar in Cleveland. He sells counterfeit money under the bar. He only sells it to one person, has to be an ex-con. And he won't sell it to him twice. It is a great idea. We arrest the ex-con. We bring him in, and we turn them, as they say. He says, I got it from Hutch.

I end up going to the prosecutors. There was Ed Monar, a great guy, and I presented the case to him. I had two or three of these. Sorry. Can't do it. I had five or six of them. Sorry. We need to corroborate the evidence. I had a couple of these people polygraphed. Sorry. We have to corroborate testimony.

Mr. Pastor. Well, let me ask the question in that light. What would you have done if you had been the investigator and -- to the informant to get better information of what -- where the money was being --

Mr. Robertson. The first thing you look at is the motive, and to me it's important on all of these key witnesses how many of them came and knocked on the FBI's door and says, I have information for you, or how many of them did the FBI visit and say, we've got to talk to you? And right away it changes the entire tone of the person. Are they a corroborative witness, or are they under duress, or could they suffer harm from the government?

And then the next thing if a person makes an allegation, you're going to try to verify one way or the other. Either get the paper trail going to the Congressman or whoever, or verify that, in fact, Sinclair could have spent the money someplace else.

The attorney, an officer of the court, Mr. Sinclair, committed misprision of felony on multiple occasions. Every time he turned around and gave this alleged kickback to the Congressman, he's committing a crime.

He's an officer of the court. He should have known that this is against the law, it's not the right thing to do. And did he go to the FBI during that 13 months, which would have been a fantastic opportunity for the FBI to say, hey, next month, buddy, you know, here we go; marked money, surveillance, wires, and we'll get him? If that had happened. And if this was true, we wouldn't be sitting here today.

Mrs. Tubbs Jones. Mr. Chairman, a point of personal privilege, please.

The Chairman. State your point.

Mrs. Tubbs Jones. Mr. LaTourette specifically referred to me in his questioning, and I just want the record to be clear that I never used -- I did not use the term "circumstantial evidence," nor did I mean circumstantial evidence, and that I am clear with the law in Ohio.

The Chairman. Further questions?

Mr. Green.

Mr. Green. Mr. Chairman, first of all, because I couldn't be here yesterday, I appreciate the staff providing me a transcript, and I've been able to read that transcript this morning and this afternoon.

Mr. Robertson, I know that testimony on collaboration -- and it sounded like a typical law enforcement officer that I -- I was never on the prosecution side. I was only on the defense side, but I have to admit working with law enforcement for years on the legislative capacity, I had lots of law enforcement complain about prosecution discretion in taking a case or not taking a case. And so would you agree that the example that you gave us about the counterfeit bills from the bar, that was an example of prosecution discretion, that they -- they wanted collaboration to make the case, but they had always had that?

Mr. Robertson. Yes, sir, but that is not an exception. That was -- that was quite standard. Bill Evans, who I -- Bill Edwards, who I believe was now chief of the Northern District of Ohio U.S. attorney's Office, I dealt with him many times, and they had this same standard, and in all candor, I submit to you that based on what I know about this case, to take one of these counts in, it would not have been -- it would not have been

approved.

And I'm not going to get into any kind of conspiracy theory or anything like that, but when you do take 10 counts and bring them in, it adds to that -- it adds to that value. But if you take the counts and look at them individually -- and I'll tell you what I look at just for what it is worth. I look at four things whenever I see about indictment. Number one, was intent established? All crimes have intent. Number two, was an overt act confirmed? Number three, were Mr. Robertson's statements corroborated with physical evidence or satisfied by an impeccable character? An attorney comes in and says, this is what happened. You're not going to be checking on the attorney. You're going to go ahead and assume that what he states is true. And number four, were all the elements of the crime established beyond a reasonable doubt?

Mr. Green. Well, again, your job as a law enforcement officer with the Secret Service -- and, again, my experience has been with State prosecution -- is that I can go to lots of Houston police officers who took cases to the district attorney and complained they wouldn't take these cases, or -- and say that is their discretion. And I have to admit, the U.S. attorney or the district attorneys in our State jurisdictions have discretion. I may not have agreed with them many times, like some of my law enforcement officers haven't, but, again, that is within their discretion.

Let me also go in -- and I know in your example you gave us, there was a pattern of behavior, the fellow behind the bar only giving out counterfeit bills to so many people, and you had four or five examples of that. That also goes into prosecution decision-making. Now, in that case the prosecution, the U.S. attorney, did want to make the case. But because of the pattern behavior it looks like there were from not just Mr. Sinclair, but other employees of Congressman Traficant, do you think that went into the decision to prosecute the case?

Mr. Robertson. I can't answer that.

Mr. Green. And I guess this is all moot simply because, you know, the decision to prosecute is made by the people who are appointed by the President and confirmed by the Senate or elected by the folks, but we do have a conviction here, and that is something that I think has to go into the record.

Let me ask you something, and I appreciate your willingness to help our friend and -- you know, for \$1 a year. What would your services be -- what would you bill for your services that you've done so far?

Mr. Robertson. Well, the two cases I had going right now, one of them

is a class action suit out of New York City, and it is -- that retainer was \$30,000.

Mr. Green. So you would assume that if you had the amount of investigation that you did for Congressman Traficant, it would be about similar to your class action suit that you're working on?

Mr. Robertson. Or more.

Mr. Green. Or more. Okay.

Thank you, Mr. Chairman.

Mr. Robertson. Not counting my daughter's 40 hours or downloading the data into the Excel programs.

Mr. Green. Oh, I understand. And again, it's not that often that we get someone with expertise to be able to do that.

Mr. Traficant. Are you suggesting another charge against me, Mr. Green?

Mr. Green. Heavens no. I'm just glad that we have a conscientious citizen, Jim.

The Chairman. Mr. Robertson, I have just one more question, and we'll try to wind up your testimony. But on pages 55, 67 and 68 of the transcript, you testified, I believe, on February 20th of 2000 that 2 months after he stopped taking the \$2,500 cash from his government checks, there is a -- Mr. Sinclair I'm referring to here -- there is a \$2,500 deposit to the IOLTA account. So it didn't exactly coincide with when he stopped doing the government checks, right?

Mr. Robertson. There was, I believe, Mr. Chairman, 1 month extra that that continued, and, again, I sit here -- you know, investigators are very curious people. That is hopefully what makes you a good investigator.

And I don't have an answer to it, and I'm not saying that there's anything criminal about it, but I still cannot figure out why an exact amount -- I get a lot of checks for \$2,500. I mean, that is a very common amount of money. I still can't figure out why \$2,500 checks were deposited for actually 13 out -- 13 out of the 14 he had the other checks, but then for the next 22 months, there was not one -- and we're talking about a lot of money. There was not one \$2,500 exact deposit into an account. I just find that unusual. It may be nothing more than something that belongs in, you know, a who know's what book.

The Chairman. Thank you very much, and thank you for your testimony here today.

Mr. Traficant. I have some questions.

The Chairman. You've already redirected. Do you have something that is brand new, not repetitive, and brief?

Mr. Traficant. I think there are good prosecutors. Congressman Hulshof brought up a point. Were there not over 1,000 documents admitted to the FBI lab?

Mr. Robertson. Yes.

Mr. Traficant. Did they consist of currency, plastic bags or --

The Chairman. That is repetitive. We know that.

Mr. Traficant. Was there one print of mine on any of the --

The Chairman. Repetitive. We accept there were no prints.

Mr. Traficant. Is that unusual?

Mr. Robertson. Between -- in currency in particular, that was more my area of expertise. I think that that quantity of money, particularly it wasn't like one evidently stack of -- it would have been money that would have come in every \$2,500 a month or whatever. You would have an opportunity to get some fingerprints.

Mr. Traficant. Was there in that 22-month period any \$2,500 check from any insurance company that went into the IOLTA account?

Mr. Robertson. No.

Mr. Traficant. Isn't it a fact that Sinclair has stated that he told me he would be testifying on March 2nd, but testified February 2nd and had a full 30 days to, in fact, tape me or compile an admission to corroborate the statements?

Mr. Robertson. As I was putting my work together, you told me that, and I have no reason to doubt it, that there would have been a 30-day window there where you did not know he'd already testified, and the FBI would have had ample opportunity to do one of the aforementioned ideas I had, and I think it's just -- I think it's very unusual that when a case goes into this highest level of government -- and I certainly won't refer to other problems within this body or any other body, but we all know they've existed, and most of them have been solved by having physical evidence.

The Chairman. Mr. Traficant, this is --

Mr. Traficant. One last question.

The Chairman. One last brief one.

Mr. Traficant. Was there a cash vending business that Mr. Sinclair owned?

Mr. Robertson. Yes.

The Chairman. All right. Thank you very much, Mr. Robertson. You are excused.

Mr. Traficant, do you have your fourth witness?

Mr. Traficant. Yes, I do. How much time do I have left?

The Chairman. You have 1-1/2 hours.

I'm going to take a 10-minute break, and we will come back for your last witness.

Mr. Traficant. Thank you, sir.

[6:50 p.m.]

. The Chairman. The committee will come back to order.

Mr. Traficant, will you call your next witness?

Mr. Traficant. Mr. Chairman, I call Mr. Richard Detore, former CEO, U.S. aerospace.

The Chairman. Mr. Detore, would you join us, please.

Is this your last witness, Mr. Traficant?

Mr. Traficant. This is my last witness.

The Chairman. Mr. Detore, you have been asked to appear before this adjudicatory subcommittee to be examined under oath in connection with an inquiry concerning Representative James A. Traficant, Jr. Under House and committee rules, you may be represented by counsel, if you so choose. Do you choose to be represented by counsel?

Mr. Detore. No.

The Chairman. Is your answer no?

Mr. Detore. Right.

The Chairman. Then you are willing to proceed without the assistance of counsel?

Mr. Detore. Yes.

The Chairman. At this time I ask you to raise your right hand so that I can swear you.

[Witness sworn.]

The Chairman. You may be seated. For the record, please state your full name.

Mr. Detore. It is Richard Eugene Detore.

The Chairman. Did you receive a copy of the Rules of Procedure of the Committee on Standards of Official Conduct, and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violations?

Mr. Detore. Yes, I did.

The Chairman. Well, we are going to proceed. You are here to testify on matters of relevance to the Statement of Alleged Violations only, and I remind you of that, Mr. Traficant, and you, Mr. Lewis and Mr. Kellner, that we want this witness to testify on that basis.

Mr. Detore, I do want to advise you, and counsel has reminded me, and I think that is wise advice, that you have to know that anything you say here could be used against you in your own situation, and I want you to be cautious about that. Also, do you feel well enough to proceed?

Mr. Detore. Well, I can tell you, I have definitely felt better, and I am here absolutely against the advice of counsel -- not counsel, but the physician, and probably against the advice of my counsel also. But the way I feel about it at this point, the facts need to come out, the honesty needs to be seen, and if they want to try to continue to do what they are doing against me based upon facts, then so be it.

The Chairman. All right. The way we are going to proceed is that Mr. Traficant will ask you some questions. The committee counsel will ask questions. Mr. Traficant will have an opportunity to redirect if he would like. Committee counsel can redirect if he would like, and then the committee would have the opportunity to ask you questions under our 5-minute rule.

Mr. Traficant, you may proceed.

Mr. Traficant. Do you have immunity here today, Richard?

Mr. Detore. No, I do not.

Mr. Traficant. Are you under indictment?

Mr. Detore. Yes, I am.

Mr. Traficant. Were you named in a superseding indictment with me?

Mr. Detore. That is correct.

Mr. Traficant. For conspiracy --

The Chairman. Hold on just a minute, Mr. Traficant. Is his microphone on? Would you check and see? I think you need to be a little closer to it. Okay.

Mr. Traficant. And you were named in a superseding indictment with me; is that correct?

Mr. Detore. That is correct.

Mr. Traficant. You were CEO of U.S. aerospace Group?

Mr. Detore. No. I was chief operating officer, not the CEO.

Mr. Traficant. Then at some point you were replaced by Capri Cafaro?

Mr. Detore. No. Capri Cafaro was the president, who I reported to, and that was not replacement, that was a position which she held probably from shortly after I was hired.

Mr. Traficant. Is she the daughter of J.J. Cafaro, the owner?

Mr. Detore. That is correct.

Mr. Traficant. How old was she?

Mr. Detore. I believe when I first met her, when I first started working for Cafaro Company, she was 19.

Mr. Traficant. Okay. Do you recognize this as Exhibit O, as a transcript of a conversation conducted between you and I on August 1st, 2001? Would you please look at it and identify it and authenticate it?

Mr. Detore. Well, without reading the whole thing, it appears to be.

We had a conversation. It was transcribed.

Mr. Traficant. You will have time to look at that.

Did you state in there that you if didn't have two children, you would blow your head off?

Mr. LaTourette. Mr. Chairman, do we have a copy of what they are talking about?

Mr. Traficant. That was presented in the package, and I think it was included as evidence, but it is Defense Exhibit O, a transcript of a recorded conversation between myself and Mr. Detore on August 1, 2001. It was prepared by a notary public, Lisa Senaker-Baker, within and for the State of Ohio, on the date August 28th.

The Chairman. You are presenting that in evidence?

Mr. Traficant. I absolutely am.

The Chairman. You have no objection, Mr. Lewis?

Mr. Berman. It is in evidence.

Mr. Lewis. I believe it is already in evidence, Mr. Chairman.

Mr. Traficant. I wanted him to authenticate it. I don't have the tape right here.

The Chairman. All right. We will consider it authenticated.

Mr. Traficant. Did you and I conspire to break any laws with U.S. Aerospace?

Mr. Detore. No, absolutely not.

Mr. Traficant. Did I, in fact, after testimony before the Aviation Subcommittee give you a note to give to Mr. Cafaro relative to three vehicles I purchased?

Mr. Detore. That is correct, relative to the vehicles that you had purchased.

Mr. Traficant. Yes. And was that amount to be \$10,000?

Mr. Detore. From what I remember, yes.

Mr. Traficant. Was Mr. Cafaro supposed to make the car worthy, roadworthy, the one Avanti?

Mr. Detore. The only thing I can tell you -- I was not involved in any part of the true understanding on the vehicle and vehicle transactions.

The only thing I can tell you is I was advised by Mr. Cafaro that he said whatever he agreed to with you, he would honor and would correct, and there was a vehicle that you had just purchased that had broken down that you were quite upset about, which Mr. Cafaro had called me and asked if I could help rescue you from the road.

Mr. Traficant. Was that car able to be fixed?

Mr. Detore. Well, honestly, there is nobody that would touch it. It was found to be a prototype that was never licensed to be on the road, and the people that took a look at it were worried about anybody's safety driving it and wondering if it was even legal to be operated.

Mr. Traficant. Did the prosecution, the U.S. government, pressure you to offer false testimony against me in exchange for leniency for you?

Mr. Detore. Yes, they did.

Mr. Traficant. Did they do this in front of your attorney?

Mr. Detore. Yes, they did.

Mr. Traficant. What was his name?

Mr. Detore. John Isikis.

Mr. Traficant. No further questions.

Mr. Lewis. Mr. Chairman, I was not informed that this witness would testify today. I was informed if the witness was under subpoena, but I had been informed he was not coming. I would ask for a brief recess before I cross-examine.

Mr. Traficant. I object. This was a subpoenaed witness that did not say he would take immunity. He did not say he would invoke his fifth. He wanted to discuss it. His subpoena was issued, was recalled, and certainly one other question: Did you ever sign a waiver to release your physician records to this committee?

Mr. Berman. Mr. Chairman, I object.

The Chairman. We can't do that.

Mr. Traficant. I think it is very important. I think it speaks to the process here and my fairness.

The Chairman. It may be, but you are supposed to be speaking to the objection that Mr. Lewis made.

Mr. Traficant. I object to him for any recess, and he should be prepared to address this witness.

Mr. Lewis. I am very well prepared, Mr. Chairman. However, yesterday the four witnesses were the three witnesses that testified today and Mr. Harney. This witness was not on the witness list.

The Chairman. Mr. Lewis, I did make the statement to Mr. Traficant yesterday, however, that if he could get Mr. Detore here, he would be allowed to testify. It is a surprise he is here, because we did not think you were coming.

How much time do you think you would need to prepare for this witness?

Mr. Lewis. Fifteen minutes.

Mr. Traficant. Before we do that, I also want to state for the record

that on conclusion of the counsel's questioning, I will have extensive questioning, that I kept my direct short. Or I will then ask to continue my direct if you do not allow it.

The Chairman. I think --

Mr. Traficant. I did not then rest my direct if he is going to take a recess. I will then need a recess for more time myself, since I was made aware of Mr. Detore's intentions to come down here just a short while ago myself.

Mr. Lewis. I have no questions, but I reserve the right to question the witness after the panel does.

The Chairman. I think what we are going to do, to satisfy everybody concerned, we are going to take a break at this point. We are supposed to have a vote very quickly. We will be back at 8 o'clock and prepared for this witness and for the closing arguments.

Mr. Traficant. I ask to proceed further then with direct questioning of this witness when we return.

The Chairman. You may do that.

Mr. Traficant. Thank you. We stand in recess until 8 o'clock.

[Recess.]

DCMN ROSEN

. The Chairman. I hope, Mr. Traficant, that you and your witness and our counsel and everybody got some nourishment over this break. This has been a long day and I know that everybody is tired. But we are drawing to a close of this day at least.

Committee will come back to order. Mr. Traficant, I think you were prepared to do some more direct.

Mr. Traficant. Yes. Thank you.

Mr. Detore, it was testified in Cleveland by Mr. Cafaro that you handed me a \$26,000 cashier check to purchase my boat. Was that a truthful statement or not?

Mr. Detore. That is absolutely untrue.

Mr. Traficant. Did you ever give me any money?

Mr. Detore. No. Absolutely not.

Mr. Traficant. Did you and I go for meals?

Mr. Detore. Yes, we did.

Mr. Traficant. Did we ever exceed the limits?

Mr. Detore. No, sir. We did not.

Mr. Traficant. Did I bring Jane Garvey out to witness the laser technology?

Mr. Detore. Yes, you did.

Mr. Traficant. Did I bring Chairman Jimmy Duncan out?

Mr. Detore. I would like to clarify that. Even when you did bring Administrator Garvey out, the credit was actually taken by J.J. Cafaro that it was his influence through other Congressional Members and Senators that made that happen.

Mr. Traficant. That is okay. Did I bring Chairman Jimmy Duncan out of the Aviation Subcommittee out to witness the laser technology?

Mr. Detore. Yes, you did.

Mr. Traficant. Could you describe the weather and the condition that night real quick?

Mr. Detore. The weather conditions were less than, far less than one mile visibility, deteriorating rapidly, heavy rain showers and high winds, which we were able to see the landing system that we were looking at 7 miles plus. So it performed very well.

Mr. Traficant. Was Mr. Duncan impressed with the safety elements of the technology?

Mr. Detore. Yes. Absolutely. Everybody on board the aircraft was, including myself who had sign it time and time again. Continued to impress

even me.

Mr. Traficant. Did I require any deals from U.S. Aerospace or Mr. Cafaro for my involvement?

Mr. Detore. The only thing that I understood was that you would like to see the creation of jobs for Youngstown and the operation for manufacturing moved to Youngstown at some point.

Mr. Traficant. Was that an agreement?

Mr. Detore. Yes, it was. Because as a matter of fact, I had put my contract that I would not be transferred. Because I didn't feel like moving several times. So that was the result of those conversations that I had overheard.

Mr. Traficant. Was there a welder and a generator purchased from me, for my purposes?

Mr. Detore. No.

Mr. Traficant. What was the welder and generator purchased for?

Mr. Detore. It was an aluminum welder specific to work on the aluminum trailer that we were building for deployment of a military landing system that was to go to Bosnia. It was a system that we were actually working to donate to the Pentagon. They were having difficulty figuring out how to take the system. So they were taking it under the auspices that it would be utilized for testing.

The concern of the military then was that if it needed to be repaired in the field, how would they repair the aluminum. So we did something two-fold. We had a welder-generator requirement at U.S. Aerospace for well over a year to build a trailer. We expedited it.

There was somebody found in Youngstown that could build the trailer for less money. So the thought was that they could utilize the welder, complete the prototype trailer and then deploy it with the welder-generator into the former Yugoslav Republics for the Army's use.

Mr. Traficant. So the first prototype of the trailer was to be built, and the welder and generator then would be used by the second party, who stated he could save much more money, and might even establish his own business. And it went to an individual. Whom did it go to?

Mr. Detore. It went to an individual named Kidwell.

Mr. Traficant. Who delivered it to Mr. Kidwell?

Mr. Detore. I understand you did.

Mr. Traficant. Who delivered it to me?

Mr. Detore. Al Lang.

Mr. Traficant. Fine. Now, Mr. Al Lang testified that you and I conspired and did a lot of things illegal for gains. Is that a correct

statement?

Mr. Detore. I find it to be pretty remarkable how he can make that statement.

Mr. Trafficant. Did Mr. Al Lang have a sincere interest in buying my boat, or was it a scam?

Mr. Detore. Honestly, it became almost painful to listen to Mr. Lang talking about buying the boat. It had to be well over a half year that he talked about it. And he talked about what type of deal he could get, the value of the boat. Quite frankly, individuals that I have affidavits from that listened to him --

Mr. Trafficant. Who are those people that you have affidavits from? Serge Bovay, a former CIA pilot, Stuart Cameron, who was one of the office assistants, an attorney named James Harney. There is other members of -- that were at U.S. Aerospace that would listen to Mr. Lang boast of the value that he could get out of the boat if he fixed it up.

And that it was the type of thing that he looked for. And he had, in fact, bought a boat that had been sunk by some hurricane, had it dredged up, repaired it, made a significant amount of money. And you had the same type of sleeper boat that he thought he could fix up and make money with.

Mr. Trafficant. Do you know if there was ever called to the Ethics Committee relative to the purchase of that boat and the propriety that would be reflected by the fact that I had been instrumental in acquiring funds for U.S. Aerospace?

Mr. Detore. Well, I raised the question with Mr. Cafaro. And it was -- it was an issue that was brought to me really jointly between Serge Bovay and myself out of concern that a purchase of the boat was about to transpire and it represented a Member of Congress.

We brought that issue to Mr. Cafaro. He returned my call, and said that, in fact, House Ethics had blessed the purchase of the boat. It didn't make any difference who bought it, whether he was buying it, Al Lang was buying it, or the President of the United States was buying it, and that it was none of my business. And also, I inquired to him about loan transactions in which Mr. Lang was seeking to get an advance on his bonus to buy this boat. And I was told that it was, in fact, none of my business.

Mr. Trafficant. Was there a demand note requested by Mr. Cafaro of Mr. Lang regarding the moneys on this boat?

Mr. Detore. Yes, there was. And, in the Federal testimony of the Cafaro accountants, the Cafaro attorney, Mark Beck had actually inquired of

Patricia Derenzo if she had obtained the title to the boat after she had had a check cut for \$26,000, which corresponds to the transaction of which Mr. Lang was buying the boat.

Mr. Lang received a demand note agreement to sign by Cafaro, and he became very upset because he was required to pledge the title on the boat, and he wanted an advance on his bonus without stipulations. Cafaros were upset, thinking that he could simply leave the business before he was due his bonus, and they would have paid him far in excess of what they would have owed him at that point. So that was the reasoning for a demand note.

Mr. Traficant. Did Lang express motives to you that he wanted to sort of rent the boat back to the company for utilization on Naval navigation relative to the laser technology and its safety?

Mr. Detore. It came at a point after he had bought the boat. He began to lobby Mr. Cafaro, unbeknownst to myself and other members of U.S. Aerospace. And I was shocked when we were in a meeting with an individual to help him market an advanced navigation system he had for marine vessels.

In that meeting, that individual brought up the fact that he would have to do extensive testing of that system, and that system would require a boat.

Mr. Cafaro, during that meeting, volunteered that he indeed had a boat. The only boat I was aware of that Mr. Cafaro had was a 110-foot boat that we had received a call from the marina in Annapolis where it had sunk and they had dragged it to a river and there was apparently an EPA violation, because it was leaking oil. So I was hoping he wasn't talking about the same boat.

And after the meeting when I asked him to clarify what we were talking about, he says I have struck a deal with Mr. Lang to rent his boat. Out of concern --

Mr. Traficant. What boat was it?

Mr. Detore. It was the boat that he had bought from you.

Out of concern of the boat having certified crew, apparently you need to have a captain's license to operate a boat of that size, also did it have Coast Guard certification, that -- did it have full insurance and that it be a safe vessel to operate, Serge Bovay and I actually approached Mr. Cafaro thinking that we would actually end up scuttling any plans Cafaros had to use that boat. And it actually, in reality, backfired.

And Mr. Cafaro then inquired of Mr. Lang that if he paid for his captain's license, could he then pilot his 110-foot Trumpy. And in addition to that, is if he helped him by advancing him moneys on renting the boat, could he then get the boat completed sooner so that we would be able to use it for marine testing.

So what we should would kind of prevent us from using it because we were concerned about safety aspects ended up backfiring on us.

Mr. Traficant. Did Al Lang sincerely want to buy my boat, or was it a scam to do a favor for me in return to for getting funds for U.S. Aerospace?

Mr. Detore. Well, I would have to say it would have to be the most unusual scam I have seen in my life. Because he spent probably about at least 6 months discussing the boat and would actually brag about how he was knocking you down on the price. And that he was going to walk away with this boat and you had no idea what its real value was. So he would be kind of bragging about it.

Mr. Traficant. Was Lang known to be a prevaricator around the office?

Mr. Detore. Pardon me?

Mr. Traficant. Was he known to lie around the office?

Mr. Detore. There were becoming issues with Mr. Lang's honesty. I don't know if I had issues with him at that time. There became very significant issues with Mr. Lang breaking into the office. It was pointed out to me by other members of U.S. Aerospace, members that had CIA, NSA backgrounds, that they were aware that he was hacking into computers at late hours, that he was dumping out the database of an alarm system which monitored the motion of individuals inside our building.

And that he was also breaking into offices and trying to gain access to employee's files.

Mr. Traficant. Did I work very hard to secure funds and try to keep U.S. Aerospace and the laser technology alive?

Mr. Detore. I thought you were very supportive of the benefits of the technology, and benefits to save lives, the benefits to bring our military home safe.

Mr. Traficant. Did you get you a \$4 million appropriation?

Mr. Detore. I am not sure of the appropriation amount. And I am not really aware -- I know there is an appropriation. I am not aware if it didn't happen by the point that I was actually terminated from U.S. Aerospace.

Mr. Traficant. Now, when you were terminated, who took your place?

Mr. Detore. Al Lang.

Mr. Traficant. What is your background?

Mr. Detore. My background is as an airline pilot and as a test pilot developing prototype technologies and systems.

Mr. Traficant. Can you fly commercial jumbo jets?

Mr. Detore. Yes, I can.

Mr. Traficant. Can you fly a military jet?

Mr. Detore. I am licensed and certified to fly any existing aircraft.

It would just be a matter of taking the manufacturer's course on that aircraft to be safe. But, yes, I can fly any multiengine jets, any airline transport. I hold the highest licenses for operation of aircraft.

Mr. Traficant. Do you hold any patents still?

Mr. Detore. Yes, I do.

Mr. Traficant. Did any of those patents -- were they attempted to be taken from you or stolen from you by some illegal action?

Mr. Detore. Yes, they were.

Mr. Traficant. Who tried to steal them?

Mr. Detore. Cafaro Company, Mr. Lang.

Mr. Traficant. Now I want to get back to your involvement in my case. You were interviewed by the U.S. Attorney, Assistant U.S. Attorney in the presence of your counsel; is that correct?

Mr. Detore. That is correct.

Mr. Traficant. Did he pressure you to lie and promise you in return that you would get no problems and you could sleep good at night?

Mr. Detore. Well, it was worded a little different than that. It was worded along the lines that I needed to choose a side. And I responded by saying that I didn't think it was necessary to choose a side. I thought it was necessary to tell the truth. And I thought by telling the truth, it only benefitted those honest parties.

He told me that if you think that you are going to defend a Congressman, if that is going to get you anywhere you are dead wrong, that the administration absolutely wants him out, and if you are going to follow down that trail, you are going to get yourself in a world of trouble. He says, I am trying to give you advice. He asked me if I had seen some of the news articles on Attorney General Reno. And I responded to him I had not.

He also advised me that at this point I was wearing union pants and a confederate shirt, they were shouting at me from both sides, and that I needed to significantly improve my statement. And I was really narrowed down to what was being requested for me to say, that is, that I overheard you specifically in the presence of either J.J. Cafaro or Albert Lang, and I was even able to say I was standing outside of the door, directly request favors in exchange for political influence. After the --

Mr. Traficant. Was that a fact? Did that happen?

Mr. Detore. No. I advised that that that absolutely would be lying.

Mr. Traficant. Did he ask you to remember that or to say that and to

testify to that?

Mr. Detore. Well, what was suggested that I needed to put such a story in writing, he would come back into town, interview me on it. I would then have to swear to that as being the truth. And from -- from that point things would be significantly easier for me. And if I chose to take the path of saying what I was saying, and I was then from that point for about a 30-day period contacted consistently by my attorney, after my attorney had had conversations with the Assistant U.S. Attorney Morford asking me if I had decided to go ahead and make that statement.

Mr. Traficant. Did the U.S. Attorney Morford ask you to drop your civil suit against Mr. Cafaro?

Mr. Detore. Yes, he did.

Mr. Traficant. Did you nonsuit that case?

Mr. Detore. Yes, I did.

Mr. Traficant. Now, at some particular point did you reinstate that civil case?

Mr. Detore. Yes, I did.

Mr. Traficant. Now, when you were first employed, did you have certain guarantees relative to housing and other matters?

Mr. Detore. Yes, I did.

Mr. Traficant. Did they live up to those guarantees?

Mr. Detore. No, not by any stretch of the imagination.

Mr. Traficant. Was your insurance with the U.S. Aerospace or the Cafaro Company?

Mr. Detore. Cafaro Company.

Mr. Traficant. Were you technically in your mind, at least, an employee of U.S. Aerospace or the Cafaro Company?

Mr. Detore. Without question the Cafaro Company. Because I was unwilling to go to work for a start-up. That is -- I was concerned that Cafaro Company having no experience in aerospace would get involved in a venture that they knew nothing about, would get in, decide that they didn't understand it, and would leave that venture. That is why I had actually turned the job down and did not accept employment to work for a start-up company.

Cafaro Company then said they would give me a long-term guarantee, that I would be paid, even if they decided to get out of the business, if they decided that it was something that they didn't understand, we are not going to continue long term. It was under those conditions that I accepted employment with the Cafaro Company.

At that point there was not even a U.S. Aerospace in existence.

Mr. Traficant. Did they violate the terms and conditions of your employment agreement?

Mr. Detore. Yes, they did.

Mr. Traficant. Is that part of your civil suit?

Mr. Detore. Yes.

Mr. Traficant. Also the termination, was that part of the civil suit?

Mr. Detore. Yes.

Mr. Traficant. Is that case still pending?

Mr. Detore. Yes, it is.

Mr. Traficant. Now, when you would not agree to the script that you have just testified to, did the prosecutor come back and attempt to find you in violation of different laws? What were you accused of doing or suggested of doing by the prosecutor to try and get something on you, Mr. Detore?

Mr. Detore. Well, he had advised me that a Mr. Perkins in the IRS -- well, actually the way he started it was that the prosecutor advised that there had been a subpoena in the blind, and they had all of my bank records.

Mr. Traficant. What prosecutor?

Mr. Detore. Assistant U.S. Attorney Morford. They had all of my bank records, that a Mr. Perkins from the IRS had significant issues, and that the prosecutor, Morford could not continue to keep the IRS away from me unless I was willing to cooperate fully with the U.S. Government and make that statement for him. Otherwise, the IRS and I were going to have a major problem.

Mr. Traficant. Was that statement a lie, if you would have made it?

Mr. Detore. Pardon me?

Mr. Traficant. The statement they wanted you to make, would it have been a lie?

Mr. Detore. The statement that they made would have been a lie and the fact that the IRS -- I have never heard from the IRS. I can't believe they can have a problem with me.

Mr. Traficant. Did they question the transaction on your home and say it was a fraudulent transaction?

Mr. Detore. They had advised that the Cafaro Company's only reason in entering into an agreement with me was to provide fictitious paperwork in order for me to obtain a false mortgage through NationsBank, which I will tell you, you don't sell two homes, move your entire family from where their family lives, come to Virginia to work for a new company to commit a bank fraud. That is just the biggest bunch of nonsense that I have ever

heard.

Mr. Traficant. Did they accuse you of bank fraud or suggest that they were going to look into you for bank fraud?

Mr. Detore. They said there absolutely was bank fraud.

Mr. Traficant. Who told you that?

Mr. Detore. The prosecutor.

Mr. Traficant. What was his name?

Mr. Detore. Morford.

Mr. Traficant. What else did they say that you did?

Mr. Detore. They also went through my employment -- I went through two meetings with the government. One of them was 9 hours, which basically, was more reminiscent of something I had seen on the History Channel with some sort of Nazi interrogation, yelling, screaming, throwing papers, throwing pencils.

Mr. Traficant. Who was throwing the pencils?

Mr. Detore. The prosecutor. The prosecutor is becoming very agitated. And he was telling me that I absolutely was not working with him. They spent a significant amount of time going through my employment agreement.

And I actually -- within the first half hour of meeting with the prosecutor, I actually got up and said I am done. Within that first half hour, the prosecutor advised me that if I thought that I was going to defend a Congressman, that I was dead wrong. And spent the half hour advising me that if I thought I was going to take that avenue there was nobody in this administration that was supporting me in any way, shape or form, so I was getting on the wrong train.

I decided within that first half hour I was done. I got up. Excused myself, went out in the hallway, met with my attorneys.

Mr. Traficant. Were you defending me at all, Richard?

Mr. Detore. No. I thought the only issues that I could state or could answer was the facts as I knew them, and as I saw them, period. And I was not going to lie for anybody in any way, shape or form.

Mr. Traficant. But they weren't satisfied with that; is that a fact?

Mr. Detore. Well, that is obvious. They weren't satisfied with that in the least.

Mr. Traficant. Did they ask you to drop your civil suit because they did not want you embroiled in a problem with Cafaro while he was going to be a witness against me in Cleveland?

Mr. Detore. They stated that they had significant issues with me in a civil action against their witness. They said they could not take a plea -

- have a plea bargained witness with -- they admitted that he was a significant liar. And my attorney had even advised them that, in this case, my civil action, we were going to be able to prove quite clearly that Mr. Cafaro was lying.

In fact, the Cafaro Company and Mr. Cafaro had both stated on the record in my action in Fairfax County that Mr. Cafaro, John J. Cafaro, was not ever an employee of the Cafaro Company, was not a vice-president, and was not authorized to endorse my contract.

Well, we knew it was a lie. We knew that we had him. And the prosecutor said, I cannot afford that kind of exposure of my witness. They asked to drop the case. My attorney then discussed with me nonsuiting the case, which the prosecutor was not in favor of. He said, I don't care if you settle it, you drop it, but it needs to go away. Otherwise, I cannot consider you as a witness for the government.

Mr. Traficant. Could you have ever been a witness for the government under the terms that they asked you to agree to?

Mr. Detore. I couldn't lie. But I had been told -- I had actually been granted immunity. We were orally granted immunity from the U.S. Assistant Attorney Morford. That was reaffirmed in a letter to me. My attorney at that time was concerned on clarification on derivative use. The government, Morford then clarified it, made the changes, sent it back to us. And then upon the first meeting with the government, I also once again asked for clarification on the fact that I had direct and indirect immunity and that nothing I said or evidence I was providing would be used against me in any way, shape or form which he reconfirmed.

Mr. Traficant. Was that taken away?

Mr. Detore. He denied that he gave it.

Mr. Traficant. Was that after you would not go along with their script relative to lying about me?

Mr. Detore. Well, more significant than that. Two more times when -- each meeting that I had, the prosecutor, Morford, reaffirmed the conditions of the letter of immunity that he had granted me. It was far later when we raised the motion that I had immunity and that the charges should be dismissed based upon it. Also, I was never, ever given a notice of a grand jury proceeding and never had the opportunity to participate in a grand jury proceeding on my behalf.

So, basically, it would seem to be a process by ambush.

Mr. Traficant. On or about the time that Prosecutor Morford said that the administration wanted Traficant out, did they use the name and invoke the name of the attorney general in that same general context when they

talked with you about that? Did they mention Reno when they talked about the administration?

Mr. Detore. Yes, they did. They mentioned it in the context of asking me if I was aware of comments that you had made about the attorney general.

Mr. Traficant. That she was a traitor?

Mr. Detore. I wasn't aware of what they were talking about, quite frankly.

Mr. Traficant. That she covered up for the Chinese money.

Mr. Detore. They might have said it. They discussed something that I really didn't see -- they said it was on the news.

Mr. Traficant. But they said the administration wanted Traficant out. They mentioned Reno in the same context of the conversation. Is that a fair statement?

Mr. Detore. They said that nobody was going to support me in the administration, and that they were making sure that you were out.

Mr. Traficant. And they wanted you to lie?

Mr. Detore. Well, that is the sum total of it. They wanted me to lie.

Mr. Traficant. Did you tell me on the phone that you confirmed with your wife?

Mr. Detore. Yes, I did.

Mr. Traficant. And did you, under the serious strain of the financial hardship, you would have discussed with her this case?

Mr. Detore. I also -- shortly after that, my mother was very insistent upon making a call to the attorney, because she couldn't believe what was going on. I have family members that were killed in the line of duty. Come from a long line of members that have been in public service, police officers. My mother was very bothered, because they had essentially lost their home.

Her sister had died from a medical condition because they had no medical benefits to cover her sister's medical care after her father had died in the line of duty. So she was appalled to think that this possibly could be happening. And she wanted to speak directly with my attorney as to what the government was requesting that I do.

And that attorney summed it up as it had to be considered as a business decision. And that it was a wise decision to simply get out of this case because there would be no gold stars awarded to anybody for telling the truth. And if I thought there was any benefit of telling the truth, I was living in fantasy land, and I believed in Santa Claus.

Mr. Traficant. How much money did you spend on attorney fees to date?

Mr. Detore. I have spent-- I have personally expended over \$450,000 and have a remaining \$150,000 of outstanding bills.

The Chairman. Mr. Traficant, we are going to have to recess for a vote as you know. We should be back by no later than 9 o'clock. I think it is one vote. And we will recess and be right back.

Mr. Traficant. Thank you, Mr. Chairman.

[Recess.]

The Chairman. The committee will come become to order. I apologize for the delay. But, we never can outguess them.

Mr. Traficant, I would remind you you have about an hour left. If you -- so you can budget your time any way you want on that. But you may proceed with your questioning of your witness.

Mr. Traficant. I am going to go with a few more questions real fast. Thank you for the time.

Mr. Detore, at some particular point when they could find you in no sort of illegal acts, did they request your lifestyle?

Mr. Detore. Yes, they did.

Mr. Traficant. Was your house broken into during this period of time?

Mr. Detore. House was broken into. My children were threatened. When I picked the phone up, they didn't have the guts to talk to me.

We feel the dog saved the house probably, paid for it with his life, which was a dear pet to my children. And then we have had a lot of significant strange happenings that I brought to the attention of the FBI about people going through my trash. And I was advised that it is public and they can go through your trash.

Mr. Traficant. Did anyone in the Cafaro family ever tell you that J.J. Cafaro perjured himself in the trial of Phillip Chance?

Mr. Traficant. They said that the -- Capri Cafaro said that her family had significant issues with J.J. Cafaro and J.J. -- that is her father -- his honesty, and that he had a significant problem in reference to lying in a court case, perjuring himself in reference to a sheriff in Youngstown, and the family was having major problems with it.

Mr. Traficant. Were you threatened with an IRS audit, Mr. Detore?

Mr. Detore. By the prosecutor, Morford, yes.

Mr. Traficant. Did you ever report what you considered to be some of the Cafaros' illegal activities to the prosecutor?

Mr. Detore. Yes, I did. I made him aware of a lot of concerns I had with Cafaros. Some of the specific concerns I had were judges that were gaining utilization of Cafaro Company aircraft. I was concerned with

Senator Torricelli's apparent use of the aircraft, and concerns that I had heard in reference to a large purchase of an item on the Cafaro Company credit card for Mr. Torricelli's girlfriend.

DCMN HERZFELD

[9 p.m.]

. Mr. Detore. For Mr. Torricelli's girlfriend. I was also very concerned about the number of times that Patrick Kennedy's and the Kennedy family's name was coming up in reference to use of the aircraft, use of their estate, utilization of their estate with catered parties, and then also documents that we'd see coming through the fax machine.

And what I need to explain is that Cafaro Company was separate from where we were in Manassas. What we would see would be transactions or faxes that would come through that were for Capri Cafaro, not intended for us. It was an unusually large amount of documents that would flow through, discussing monies, contributions, dollars being set aside for different groups, and we would see confirmations that the aircraft will be there to pick up Secretary Cuomo at a certain time, make sure you're there at the airport. It did not involve us at all, but it did raise concern.

I brought it to the attention of the prosecutor. I also brought it to the attention of my personal attorney. My personal attorney thought that we would approach the Commonwealth's attorney out in Virginia and then became concerned that without being able to prove this, the Cafaros would only end up suing me. And since it was an Ohio-based company and was not conducting anything through Virginia, the Commonwealth attorney probably would not be interested.

I then followed up with the Department of Justice in advising them of my concerns, and the question was -- and it was in reference to how Cafaros were dealing with government contracts. Plain and simple, they were lying to the government. The Federal Aviation Administration and the Department of Transportation had asked me to ride rein over contracts to make sure they got done because they found Mr. Cafaro and Capri Cafaro's statements to be less than honorable, less than honest and downright concerning. The contracts were on the verge of being cancelled and nullified. Employees paid for the contracts for parts out of their own -- basically out of your own wallet to get --

Mr. Traficant. Were you advised to file charges against Cafaro?

Mr. Detore. I was advised to file charges against Cafaros in relation to lies that Mr. Cafaro had made and the Cafaro Company had made in my proceeding in Fairfax County court.

Mr. Traficant. Do you know if I was ever on a Cafaro plane?

Mr. Detore. Not that I'm aware of.

Mr. Traficant. Did the government abuse your rights?

Mr. Detore. I think excessively.

Mr. Traficant. Did the prosecutor abuse your rights?

Mr. Detore. Without question.

Mr. Traficant. Did your attorney agree to that as well?

Mr. Detore. To the abuse of my rights?

Mr. Traficant. Yes.

Mr. Detore. I certainly would hope not.

Mr. Traficant. No. But did he --

Mr. Detore. The only attorneys that I have had in reviewing this found significant reason to be very, very concerned about what went on. We hired FBI agents, detectives to review all of the evidence, all of the facts. They were concerned with the abuse, and the problem was that when we did most of the initial investigation, I wasn't even indicted at that point.

Mr. Traficant. Did Al Lange sink the boat?

Mr. Detore. I was aware that the boat actually had been sunk several times by Mr. Lange.

Mr. Traficant. Did they ever report it to me?

Mr. Detore. I'm not aware if he reported to you. I only know from hearing from the Federal trial that he said he did not.

Mr. Traficant. Well, he admitted to one of them. You mean there were more than one?

Mr. Detore. Oh, yeah. Most of the people in the office used to refer to it as a U-boat because it seemed to be on the bottom more than it did on the surface.

Mr. Traficant. But wasn't its appraised value at \$32,000 as is when they first started out with it?

Mr. Detore. The appraisal I saw was -- I believe \$42,000 was the value of the boat.

Mr. Traficant. Did you ever see Al Lange pay cash to any workers on that boat?

Mr. Detore. I never saw Al Lange in any transactions with any workers on the boat.

Mr. Traficant. Did he do the work himself, most of it?

Mr. Detore. He spent a significant amount of time out of the office, to the point that I actually had to make a complaint to Cafaros about -- it seemed basically the boat would sink, and then he'd spend all night long out on the boat. And he'd hear stories about a fireboat having to pull it up off the bottom and everything else, and he'd come in soaking wet. And

he was totally useless to get his job done that we needed him to do.

Mr. Traficant. Now, Al Lange presented, and they presented it at the trial, requests from you to the Cafaros for cash to go to Al Lange for repairs of the boat. Did Al Lange ask you to do that?

Mr. Detore. Could you restate the question?

Mr. Traficant. They presented documents at the trial where you requested money for the repair of the boats for Al Lange. Did Al Lange ask you to make that request to the Cafaros?

Mr. Detore. Al Lange, once he had the boat approved by ethics and bought the boat and was -- was making repairs on it, after this had been approved by Mr. Cafaro personally to deal with the repairs on the boat, Mr. Lange would repetitively come to you and plead his case about concerns with Cafaros not being forthcoming in either giving him advances on rents or being able to get repairs done when he wanted to. So if he would come to me, yeah, he probably came and came to quite a few people, but refused -- we normally refused to even get involved. But it was my function as his supervisor to pass on anything that he wanted to the Cafaros.

Mr. Traficant. Did you sign any waiver to have your medical records released to any government entity?

Mr. Detore. No. Never.

Mr. Berman. Mr. Chairman.

Mr. Traficant. To any government entity?

The Chairman. Mr. Berman.

Mr. Berman. I have no objection.

The Chairman. Mr. Traficant, go ahead and proceed, Mr. Traficant.

Mr. Traficant. I hope you don't take that out of my time.

The Chairman. We're taking it out of your time. This is your time. You're going --

Mr. Traficant. No. I mean Mr. Berman's interruption there that he withdrew.?

The Chairman. Okay. Two seconds will be added back to your time, but the -- I want to make sure that you feel that these long and somewhat repetitive answers are helping you. You go ahead.

Mr. Traficant. Did you sign any waiver to have your medical records released to any government entity?

Mr. Detore. No.

Mr. Traficant. Did anyone say you did?

Mr. Detore. Yes, they did.

Mr. Traficant. Who?

Mr. Detore. The --

Mr. Berman. Mr. Chairman, I object. This is not relevant to the statement of alleged violations. Mr. Traficant is --

Mr. Traficant. I'll withdraw the question.

How much money have you paid in attorney fees to date?

Mr. Detore. I've spent in excess of \$450,000 and have about \$150,000 outstanding bills to attorneys.

Mr. Traficant. Do you have an attorney at this point?

Mr. Detore. No.

Mr. Traficant. Were you present when the judge allowed the withdrawal of your last counsel?

Mr. Detore. No. And more significant than that, I was actually advised by the firm that filed that motion that they were not going to file it, so I was not even aware the motion had even been filed with the courts.

Mr. Traficant. Isn't it a fact that after almost a half million dollars, you had three motions filed on your behalf?

Mr. Detore. That's correct.

Mr. Traficant. Have you recently been threatened with home arrest and wearing an ankle bracelet?

Mr. Detore. I initially had as part of my bond -- I needed to report to pretrial once a month. Since I became ill, and it seems as though the judge questioned the veracity of -- if I was actually sick or not, even though I was in the hospital for 2 days, she came back and said that I would then need to report in person to pretrial face to face twice a week. My doctor advised the courts that that was not possible. The courts, through pretrial, advised me this morning that more than likely I would have to be electronically monitored, because they did not have the ability to come out and meet with me twice a month -- or twice a week.

Mr. Traficant. And that happened today?

Mr. Detore. That's correct. It happened today, and they said I would be electronically monitored and have to stay in-house, which effectively becomes house arrest.

Mr. Traficant. Did you confer with any government entity about what you considered to be and your attorneys considered to be the prosecutorial misconduct of the U.S. attorneys in Cleveland?

Mr. Detore. Yes, we did. We brought it to -- before the indictment, we brought it to the attention of Congress through Representative Curt Weldon.

Mr. Traficant. Who advised you to go see Representative Weldon?

Mr. Detore. It was an individual that I worked with that heard a

month's worth of harassment from the prosecutor in order to nonsuit the case or basically mold my way into saying what he wanted me to say, and he was insistent -- the fellow employee who is here today was insistent that I go to somebody. Well, when you have --

Mr. Traficant. Who is that fellow that is here today?

Mr. Detore. Bill Lord.

Mr. Traficant. Is he here?

Mr. Detore. He's right there.

Mr. Traficant. Okay. Did you see anybody else beside Representative Weldon?

Mr. Detore. Well, we came over here. It was scheduled for just after 9/11. We had the tragedy happen. The date we arrived here was the anthrax scare, so they were in the process of clearing out the building. He was very concerned. He asked that I get additional documents over to him so they could be given to other Members of Congress, and of course we had the Brentwood 5 issues, and for weeks there we were basically paralyzed with getting him information because of that, and then I was indicted without even going before a grand jury.

Mr. Traficant. Did you know that I had taped conversations with you?

Mr. Detore. I'm aware of it now. I wasn't aware of it at the time.

Mr. Traficant. Did you make the statement that you thought you were living in Nazi Germany in red China?

Mr. Detore. It was not what I had ever grown up to believe that the United States was.

Mr. Traficant. No further questions at this time. I'd like to know how much time I have left.

The Chairman. 45 minutes, Mr. Traficant.

Mr. Lewis.

Mr. Lewis. Thank you, Mr. Chairman. So Mr. Detore, you're saying that when Congressman Traficant taped you, he did not tell you that he was taping you?

Mr. Lewis. That's correct.

Mr. Detore. Did you ask him if he was taping you?

Mr. Detore. No I did not.

Mr. Lewis. So he just didn't bother to tell you that he was taping you.

Mr. Detore. That's correct.

Mr. Lewis. Was he under indictment when he taped you?

Mr. Detore. To tell you the truth, I'm not sure.

Mr. Lewis. Okay. Let me get this straight. Now, you currently have

a civil suit against John Cafaro?

Mr. Detore. And the Cafaro Company.

Mr. Lewis. How much is that civil suit for.

Mr. Detore. 1.8 million.

Mr. Lewis. 1.8 million dollars. Do you have a civil suit against Mr. Lange right now.

Mr. Detore. No.

Mr. Lewis. Are you engaged in any litigation with Mr. Lange right now.

Mr. Detore. Not at this point.

Mr. Lewis. So the suit is just against Cafaro and the Cafaro Company.

Mr. Detore. That's correct.

Mr. Lewis. And you are Congressman Traficant's co-defendant in his indictment.

Mr. Detore. The case has been severed but that was --

Mr. Lewis. You were his co-defendant.

Mr. Detore. Correct.

Mr. Lewis. And you are still facing trial.

Mr. Detore. That is correct.

Mr. Lewis. And you are charged with conspiracy to violate the Federal bribery statute?

Mr. Detore. That is correct.

Mr. Lewis. And for conspiracy to bribe Congressman Traficant?

Mr. Detore. Correct.

Mr. Lewis. And you didn't testify at his trial in Cleveland did you?

Mr. Detore. That is also correct.

Mr. Lewis. Were you subpoenaed?

Mr. Detore. Initially I was subpoenaed. My attorneys discussed it with Mr. Traficant so that -- they felt it would put me at jeopardy, and Mr. Traficant withdrew it.

Mr. Lewis. And you stated that Mr. Morford told you that the administration was out to get you, that Janet Reno was out to get you?

Mr. Detore. They didn't specifically that Janet Reno was out to get me. He asked me if I had heard certain news broadcasts that Mr. Traficant had made in reference to statements about the Attorney General Reno. He said that the -- if I thought that the -- protecting a Congressman was going to gain me any benefit, he said that the administration was going to make sure that the Congressman was out. So don't take that course.

Mr. Lewis. But he directed you -- or your attention to Janet Reno?

Mr. Detore. Janet Reno's name was mentioned in the same statement.

Mr. Lewis. And you were indicted in October of 20001.

Mr. Detore. That's correct.

Mr. Lewis. And Mr. Ashcroft was the Attorney General at the time?

Mr. Detore. I couldn't tell you.

Mr. Lewis. The Clinton administration was no longer in office in 2001.

Mr. Detore. That's correct.

Mr. Lewis. And you followed the trial in Cleveland very closely, didn't you?

Mr. Detore. I wouldn't say very closely, but I did follow it.

Mr. Lewis. So you knew that John Cafaro had admitted on the stand that he lied in the Chance trial; it's no surprise to anybody your testimony tonight?

Mr. Detore. Surprised that he's a liar, no, not at all.

Mr. Lewis. He admitted it under oath in Federal court previous to your testimony tonight.

All right. You were the chief operating officer of USAG?

Mr. Detore. That's correct.

Mr. Lewis. Now, I was confused. I understood your testimony to be that you were actually employed by the Cafaro Company.

Mr. Detore. That is correct.

Mr. Lewis. Can you tell us how that worked out?

Mr. Detore. U.S. Aerospace was not even an entity. I had actually discovered when they had suggested selling U.S. Aerospace, which was one of the only reasons that I remained with them, that U.S. Aerospace wasn't a licensed registered or legal corporation, and I don't believe it was made so until the year 2000 after I had made essentially a big stink about the issue. So it wasn't -- U.S. Aerospace was -- all intents and purposes just appeared to be a shell to me.

Mr. Lewis. So you agreed to go to work as the COO of a shell corporation?

Mr. Detore. That is not true. I was in the employ of the Cafaro Company who hired me in interest of them divesting from their real estate holdings, and they said they wanted to invest about a hundred million dollars for the third generation of their family into aerospace, and it was not just one company. They actually wanted to purchase several different companies, and part of my function was to look at viable new technologies for them to acquire.

Mr. Lewis. All right. So your title was COO?

Mr. Detore. Correct.

Mr. Lewis. And how long did you hold that position for?

Mr. Lewis. It was from 1997 until I was terminated in early 2000.

Mr. Lewis. Do you know exactly when Mr. Cafaro terminated you?

Mr. Detore. It was February of 2000.

Mr. Lewis. What was the basis for that, if you know?

Mr. Detore. The basis for it was that I had made a comment in reference to Capri Cafaro, which was unfounded and that they felt that I was undermining the company, and what they referenced in my undermining was actually concerns about the way they were conducting business, and I was forcing government accounting standards on DC A auditing and they felt that that was undermining them.

Mr. Lewis. Now Capri Cafaro was the President?

Mr. Detore. Correct.

Mr. Lewis. Did you make a comment undermining her?

Mr. Detore. Absolutely to the contrary. It was in reference to a press article. We had newspaper reporters coming to the building, asking about Capri Cafaro having a restraining order to remain away from Charles Rockefeller at Stanford University, and whether she was in some form of drug rehab and that Woody Harrelson's -- at that time I wasn't even aware who Woody Harrelson was but I was advised that he was one of the actors on cheers. If I was aware of Woody Harrelson's unlimited use of the Cafaro company's corporate jet through Capri Cafaro and his foundation to legalize hemp, and then the question continued that if they were allowing him to use the jet and he was involved with a foundation to legalize hemp, it was safe to assume that they endorsed the use of drugs, and they had heard that she had been in a rehab. I spent a significant amount of time defending her because I didn't believe it and I suggested that they contact the Cafaro Company directly, because I couldn't respond to Woody Harrelson's use of their corporate jet at all.

Mr. Lewis. All right. So if Cafaro and Lange testified that they were upset because you were disparaging Capri, that wouldn't be true?

Mr. Detore. That is not true. It's absolutely to the contrary. I tried to, you know, protect her the best I could, but not aware of all of those allegations. It sounded like nonsense to me.

Mr. Lewis. For whatever reason, Cafaro fired you. Right?

Mr. Detore. Correct.

Mr. Lewis. And that an important position to you. You had been financially vested in it. It was important to you to keep this job?

Mr. Detore. I wasn't financially vested in it. It actually to me came as a God send. I was happy to be terminated, and the reason for it

was is I was really getting tired of their consistent lies. I didn't like that they seemed to be and I could never nail them down, you know -- they'd lie about checks. They'd lie about checks they got from the treasury on government contracts. It was nothing but a fire fight every day on items that they were either lying about, trying to course people to lie. It was an absolute disgrace. If they had not said that they were interested in selling the business and I had been able to verify that the -- and this is one of the concerns that they probably brought up, is they did not own the assets which they presented to individuals to sell. They did a business plan proclaiming they owned companies they did not own, and I watched them try to extort an individual with the threats of a criminal action against him for monetary damages in order to get him to turn his assets over.

Mr. Lewis. Okay. So you were glad to be fired?

Mr. Detore. I was glad to actually -- for it to be over with.

Mr. Lewis. When you wept to work for them, you were hoping that it would be a financial windfall, though. Cafaro told you that there's a potential for hundreds of millions of dollars of profits in the laser technology.

Mr. Detore. Cafaro has never said there was potential for hundreds of millions of dollars of profits. I thought when they got in and discussed monetary amounts which they felt they could make on the lighting systems -- I thought them to be very unrealistically based of my knowledge of Aerospace. I thought they could make a decent amount. But I'll tell you quite honestly, the means of which they presented to me that I could partake in their profit was a farce. I was aware of it. I had made them very concerned. Other employees were aware of it. What they did is they simply gave you percentages in a corporation which they told you was real.

Mr. Lewis. When you went to work for them --

Mr. Detore. Let me finish my question for a second.

Mr. Lewis. Sure.

Mr. Detore. When we found out in fact that this corporation that I had 2.5 percent holding in, ownership in, which was supposed to benefit me in some way financially, it wasn't a real corporation, and they had no intentions at all of putting any money through it.

In fact, they had any monies that came into U.S. Aerospace transferred directly to Cafaro Company.

Mr. Lewis. They were marketing this new laser technology. Correct?

Mr. Detore. Correct.

Mr. Lewis. And the potential for the technology was that it could be used in every commercial airport in the country. Correct?

Mr. Lewis. Potentially, but probably not realistically.

Mr. Lewis. But it had the potential to be used as a landing device in every commercial airport?

Mr. Detore. That would be like saying anything had potential but realistically, no. I mean, potentially, sure.

Mr. Lewis. So the Congressman yesterday when he said this could be used in all airports was wrong?

Mr. Detore. Well, to be say it could be used at all airports? Yes. Did I think it was realistic that it would be used at all airports? No. Would it be a benefit if it had been used at all airports? Yes. Do I think it is likely that the entire Nation would so embrace a technology that every airport in the Nation and around the world would buy it? I think it is unrealistic.

Mr. Lewis. Was it hoped that it would be a successful technology?

Mr. Detore. It was a successful technology. It had proven abilities to save lives. It is deployed currently aboard all anymore its aircraft carriers but the U.S. navy and has been summed up by an admiral in the Pentagon to be the most significant safety improvement that he has seen in saving naval aviator's lives in 30 years.

Mr. Lewis. And when you went to work for USAG, you hoped to be part of this technology that became successful?

Mr. Detore. Not only that technology --

Mr. Lewis. Why did you go to work for USAG?

Mr. Traficant. I object and he should let my witnesses answer the questions totally and truthly.

Mr. Lewis. I'll withdraw the question. Please continue.

Why did you go to work for USAG?

Mr. Detore. That would be like why did you go to work for Johnson and Johnson. I had a job offer, and I had been involved with bringing forth technologies which I thought could enhance safety, and it appeared as though from the way Cafaros defined their interest as their most -- they said they were billionaires. They already had their money made. They had all their meals paid for for tenfold their lifetime. That money was not the issue. The issue was to generate interest of their third generation Cafaro family members on a technology which they thought would benefit people. I thought that to be a very legitimate and valid reason to be involved with them. They explained they were billionaires. They said that they understood it would take years to develop something like this, and they said that that was the business -- type of business they were in anyway with the -- buying property, developing it into mauls, turning it

into shopping centers and they said it would be seven, eight years before they would get their first income on any property they would buy, turn into malls and then lease to Sears, J.C. Penney's. So I thought they had a very valid interest on benefitting people, saving lives and moving forward with successful technologies.

Mr. Lewis. And you contacted Al Lange and brought him into the company?

Mr. Detore. That is correct.

Mr. Lewis. You hired Lange?

Mr. Detore. That is incorrect.

Mr. Lewis. Okay. Tell us how he was brought into the company.

Mr. Detore. I suggested that Mr. Lange confirm for himself the Cafaros, the Cafaro family, what they were suggesting doing. I was very cautious that he confirm for himself their interest of being involved in aerospace. It was a significant departure to go from shopping malls to aerospace technologies, and I wanted him to have the assurances for himself, not through me, and I arranged for a meeting to him to meet directly with the Cafaro family, and, I mean, initially I had turned the job offers down from him, and it was a month-long period which they flew me, my wife, everybody out there to convince us how determined they were to do this.

Mr. Lewis. How did you know Mr. Lange?

Mr. Detore. I knew Mr. Lange from working with him previously at Alliance Aerospace.

Mr. Lewis. And you thought enough of him, that he would be somebody to bring into this company?

Mr. Detore. I thought that he was a solid engineer -- he had a good hands-on ability to take a product that already existed and develop it without spending a fortune on it into an easier way to manufacture it and make significant improvements on it. He's not the type of person that would develop a new technology out of the box and not come up with major renovations but he was very good at taking -- you know, taking a leg that would hold this thing up and develop it into a better leg and find better ways to make it. In that aspect, I thought he was a critical component, because I did not see any production ability to produce the systems. So I thought he would be valid.

Mr. Lewis. And you thought enough of Cafaro's pitch that you did in fact accept it and move your family like you said and change your entire life style and move down to Virginia to go to work for Cafaro?

Mr. Detore. Well, I wouldn't say change my life style. It is a

significant commitment going to work for a company like that, because I spent almost a year living in hotels, flying and working this system. You had to do it in low visibility conditions, which normally means I was out in three, four, five o'clock in the morning with the DEA, the U.S. army, the CIA, special operations groups, and it requires you're out there all night long. So it's absolutely an arduous task. I had a daughter that was born, and I said that by the time I'd leave in the morning and come back at night, she would be asleep. I'm surprised my family even knew me for a year. So it was a significant undertaking that I felt very beneficial to saving lives. It was proven to have the ability to save lives. It just need it had opportunity to show it to the military.

Mr. Lewis. And at that point in time you were very comfortable working with John Cafaro?

Mr. Detore. In the very beginning I thought that Mr. Cafaro's statements were honest, factual. He would sit in a room full of attorneys and his father and his brother, and he would tell you how many people worked for him for 40 years, 30 years. They'd talk about the 50 major malls that they owned, corporate jets operating.

I had come from an environment where I had worked for Johnson and Johnson and Midway Airlines. I'd worked for major corporations, and I couldn't imagine that -- you know, I didn't expect -- I was never lied to by the chairman of Johnson and Johnson. I certainly expected another multibillion-dollar corporation to have the same integrity and honesty.

Mr. Lewis. So what were Mr. Cafaro's duties as your supervisor or as the person above you? What did he do?

Mr. Detore. Mr. Cafaro was really responsible for everything. There was absolutely no buying a #2 pencil unless Mr. Cafaro approves it, sends it to you and eventually gets it to you.

Mr. Lewis. Now, you are in Virginia, and USAG was in Virginia, correct?

Mr. Detore. That's correct.

Mr. Lewis. And Mr. Cafaro was located in Youngstown?

Mr. Detore. USAG was in Virginia because of the Federal Aviation Administration setting up a test site at the Manassas airport at the direction of the FAA Administrator David Hinson.

Mr. Lewis. So you were in charge of the day-to-day operations in Virginia?

Mr. Detore. You had to say that very loosely, because it was really -- in the beginning there was nothing to be in charge of, and there was really nothing you could do without getting Cafaro's approval. So I found

myself very frustrated at the onset that you basically couldn't introduce anything, you couldn't get anything done, you couldn't move forward without either their blessing or, you know -- I mean, there was no accounting. There was no -- there was no -- nothing there. So you didn't have the ability to pay for something 10 cents unless you bought it yourself and then fell upon the mercy to finally reimburse your expenses some 6 months later.

Mr. Lewis. You were the supervisor in Virginia? There was nobody above you in Virginia?

Mr. Detore. No. Capri Cafaro was.

Mr. Lewis. Other than Capri.

Mr. Detore. Not other than Capri.

Mr. Lewis. You did the day-to-day operations, right?

Mr. Detore. No. That is not what I said. It was not really day-to-day operation run. It was --

Mr. Lewis. Your title was COO?

Mr. Detore. It is a nice title, but when you have two employees, there's really not a day-to-day operation. I had people that reported to me. It was essentially an organization that was trying to develop their technology. So what my function primarily was was working on developing that technology to a level that it would be beneficial to a covert operation for the military and would be beneficial to a commercial operation to the Federal Aviation Administration. It was test flying, no really business to operate.

Mr. Lewis. And USAG needed FAA certification?

Mr. Detore. To put a system in operation on a commercial airport, yes; to deal with the military, no.

Mr. Lewis. And Congressman Traficant helped you with both of those, to deal with the military and the FAA certification?

Mr. Detore. The military was already significantly under way, and the fact that the U.S. navy was already under contract for the Nimitz class aircraft carriers, U.S. army was already under way, and the FAA was -- already set up the test site in Manassas, Virginia, well before Congressman Traficant.

But he became significantly interested, and it was actually a little intimidating in the very beginning because the FAA told me that if you had any inaccuracies which you were explaining to Mr. Traficant, who was on the Aviation Subcommittee, they said he would rip your esophagus out. And when I first met him, he spent more time doing due diligence on the technology, and I found out much later when he finally told me that his

concerns were is that the Cafaros had had several failures in the Youngstown area, cars and everything else, and he needed to know, no ifs, ands or buts, that that technology merited his support and merited the support of Congress.

And then he sent letters out to all of the groups I was dealing with.

And that was the Presidential helicopter, Marine One. That is HMX One. That was U.S. park Police, NASA, the Federal Aviation Administration, SAIC -- that was a contractor -- the U.S. navy --

Mr. Lewis. He did the due diligence, is that fair to say?

Mr. Detore. Exceptional due diligence. I was actually embarrassed. I thought he didn't believe anything I was saying.

Mr. Lewis. And it was great technology.

Mr. Detore. It was technology that had merits of -- when you're an inventor, you always try to improve it. You always try to make it better. You're never satisfied where it is, but it had significant abilities in the right areas to save lives. Was it a do all, save all? No. I'm not convinced that any technology is a do all, save all. But it was a significant improvement.

Mr. Lewis. And Congressman Traficant did a good job helping USAG, right?

Mr. Detore. I think that Congressman Traficant did a significant job, as did other Members of Congress and/or members of the Aviation Subcommittee.

Mr. Lewis. Okay. My question was what Congressman Traficant did, though.

Mr. Detore. I mean, I would believe that he did a very good job on bringing merit -- or notice to the merit of the facts of the technologies' abilities.

Mr. Lewis. And that involved arranging meetings with USAG at his congressional office?

Mr. Detore. Arranging meetings for USAG.

Mr. Lewis. And the FAA at his office?

Mr. Detore. There was a meeting with the Federal Aviation Administration and U.S. Aerospace in response to concerns about the FAA not moving forward on --

Mr. Lewis. Just answer my question. Was there a meeting that he arranged?

Mr. Traficant. I object, and I think he's answering the question. And I wish he'd quit badgering Mr. Detore.

Mr. Lewis. I'm not badgering --

The Chairman. Mr. Traficant, watching your performance in questioning witnesses, I don't think you really are in a strong position to object to badgering witnesses. He didn't feel he was getting his question answered, so please restate your question --

Mr. Traficant. He admitted, Mr. Chairman, there was a meeting in the office and what it was about.

Mr. Lewis. And that is all I was asking. Did Congressman Traficant arrange demonstrations for the testimony -- for the technology at Manassas for the FAA?

Mr. Detore. No. I think that is -- is that a different question than the one you just asked?

Mr. Lewis. Yes. The first one was the meeting. The second I just asked you, did he arrange a meeting.

Mr. Detore. My answer on the first one was --

Mr. Lewis. My question was yes or no, did you have meetings?

Mr. Detore. I never finished the --

Mr. Lewis. My question was yes or no. Did he arrange meetings?

Mr. Detore. I can't tell you whether he arranged meetings.

Mr. Lewis. Did you attend a meeting in Congressman Traficant's office with members of the FAA?

Mr. Detore. Yes, I did.

Mr. Lewis. Was he at that meeting?

Mr. Detore. Very late, and he just kind of popped into the meeting and left. That is why I'm telling you I can't tell you what he arranged for or not. It might have been a member of his staff.

Mr. Lewis. Did his staff arrange the meeting?

Mr. Detore. I can't tell you who arranged the meeting. I was asked to come over to his office to meet with the FAA. I would imagine somebody from his staff did arrange for it. I couldn't tell you who, and I couldn't tell you how.

Mr. Lewis. And there were numerous faxes between you and his congressional office?

Mr. Detore. Probably. More than likely.

Mr. Lewis. And you received numerous faxes from Paul Marcone, chief of staff.

Mr. Detore. I don't know what I would consider as numerous, but I'm sure there was definitely faxes.

Mr. Lewis. Did the Congressman arrange for a demonstration of the technology at Manassas for the FAA?

Mr. Detore. I understood from him that he arranged for Administrator

Garvey to appear, and Cafaros took credit that they had actually arranged it through Senator Torricelli's office and Senator Stevens' office.

Mr. Lewis. And you ended up spending a lot of time with Congressman Traficant?

Mr. Detore. Yes, I did.

Mr. Lewis. You attended a lot of dinners with him on Capitol Hill?

Mr. Detore. I attended probably 20, 25 dinners over a 2-year period.

Mr. Lewis. And those were business dinners?

Mr. Detore. That's correct.

Mr. Lewis. And you charged them to USAG?

Mr. Detore. That's correct, and documented who I had dinner with as per the advice of his staff and other groups dealing -- making sure we didn't have an ethics violation.

Mr. Lewis. USAG paid for all of the -- the total price of all those dinners. He never paid, right?

Mr. Detore. That is incorrect. The USAG never had any money, so they couldn't pay anything. It was paid by the Cafaro Company.

Mr. Lewis. You vouchered USAG, and you got a check from the Cafaro Company?

Mr. Detore. No. He would actually send you a voucher -- Cafaro Company -- and then they would send you a check back by --

Mr. Lewis. Congressman Traficant never paid for any of the dinners?

Mr. Detore. Yes, he did.

Mr. Lewis. He never paid for any of the dinners that you vouchered and the Cafaro Company paid for, the 20 that you just mentioned?

Mr. Detore. If I sent in a voucher, that would mean he didn't pay for it. That's correct.

Mr. Lewis. All right.

Mr. Traficant. I missed the answer to that question if I paid for any of the dinners.

The Chairman. The answer was, yes, you did.

Mr. Traficant. Thank you.

Mr. Lewis. Did the Congressman become a friend of yours?

Mr. Detore. I would classify him as a friend through a business relationship. It's not a type of friend that I was over visiting his house or anything. It is somebody you get -- got to know and build a respect for his interest in safety, because it was not just this technology, but it was issues dealing with aircraft accidents and a lot of other issues that he seemed to really want to get to the bottom of that didn't benefit us in the least.

Mr. Lewis. Okay. At the time Mr. Cafaro terminated you, was USAG losing money?

Mr. Detore. USAG was started as an R&D to develop a technology to bring --

Mr. Lewis. Can you just tell me if it was losing money at the time you were --

Mr. Detore. No. Technically it was not. It was the first year we actually would have been in the black if the Cafaros properly reported their accounting and had gotten the money back. I actually had a joint venture arranged with a company called NavCom. If Cafaros had stayed the course with that, they would have been in the black that year.

The problem with USAG was -- is the Cafaros would not put the money back in the account. They'd get money from the Treasury on government contracts, and they'd put it in the Cafaro Company account, and as such, U.S. Aerospace would be debited -- with \$2 million as an example -- for 1 year's worth of expenses, and the monies that were returned were never shown on USAG's accounts and went back to the Cafaro Company. So it looked like a total write-off, when in reality we were at a profit, and that is why I was driving to put in government accounting standards so I could end that, so we could show really on the books what was actually going on.

Mr. Lewis. Okay. So Mr. Lange's testimony under oath that the company was hemorrhaging money was incorrect?

Mr. Detore. Total nonsense and a lack of understanding of the facts.

Mr. Lewis. When you were terminated by Mr. Cafaro, USAG had not received the FAA certification for the laser technology?

Mr. Detore. That's correct.

Mr. Lewis. And USAG had not completed the contract for the Army for the ground laser system that you had talked about?

Mr. Detore. That is correct.

Mr. Lewis. And Cafaro owed you money when he terminated you, right?

Mr. Detore. That is correct.

Mr. Lewis. And Al Lange took over.

Mr. Detore. From my understanding after the fact, yes.

Mr. Lewis. Did you put a Corvette on your credit card and let Congressman Traficant use it?

Mr. Detore. I didn't let Congressman Traficant use it. There was a situation where he had bought a car from Cafaros, broke down coming into Washington, D.C., and I had the situation where he was very agitated, the Cafaros were very agitated, and we had to find a rental car to find for Mr. Traficant.

The rental car was delivered over here. Nobody would take it for some reason, or they couldn't find where to deliver it. They ended up bringing it out to us, and the company advised that although we had Mr. Traficant's credit card, we had his driver's license and everything faxed over to us, that they could not leave the car without having an actual credit card imprint. And this is all in Federal testimony. And I, under much duress, after listening for almost an hour Mr. Cafaro telling me that you've got to get the car delivered because he's going to be really bent out of shape about the car, I finally said, if you're not charging me for the car, and it has nothing to do with me, and it's only a matter of holding it for whatever this stipulation is that your rental car company has, then you can use the imprint of my credit card.

Mr. Lewis. So the imprint of the credit card was put -- your credit card imprint was put on the invoice for the Corvette?

Mr. Detore. That's correct. Along with his.

Mr. Lewis. And you did deliver it here to the Rayburn House Office Building?

Mr. Detore. I didn't deliver it, no.

Mr. Lewis. Mr. Lange's testimony would be untruthful as to that?

Mr. Detore. I wasn't aware of it, but if that is a statement he made, it is untruthful.

Mr. Lewis. And the Congressman had a car for the month.

Mr. Detore. I believe that to be correct.

Mr. Lewis. And it was a daily charge of about \$300.

Mr. Detore. I don't think that is true.

Mr. Lewis. It was a \$5,000 total charge.

Mr. Detore. I've heard much controversy, because we had actually heard a significant lower amount of what that car was supposed to be rented for. It was supposed to be -- from what I understood -- less than \$100, but once again, I wasn't in the car rental business, didn't have anything to do with it, was uncomfortable with it, didn't think that U.S. Aerospace needed to be a clearinghouse for Cafaro's transactions on selling cars or modifying cars, and I was actually so bent out of shape about the whole transaction, I actually packed my office up and left and was out of that office for 3 weeks over that very transaction.

Mr. Lewis. But the transaction was on your credit card.

Mr. Detore. Transaction was on my credit card in order to hold the car only. It was not supposed to be --

Mr. Lewis. And the Congressman drove it.

Mr. Detore. Correct. And the Congressman paid for the car.

Mr. Lewis. Eventually in December of 1999, correct?

Mr. Detore. Same way as any rental car company. When you return the car, you pay for it. I've never rented a car that didn't take the imprint of your card and charge you when you return it, and that is what he did. And he gave him the credit card from day 1. They just would not accept his credit card without having an imprint of it, and that was the only issue.

Mr. Lewis. Were you there at the car dealership?

Mr. Detore. It wasn't a car dealership.

Mr. Lewis. At the Millennium Luxury Car Rental Agency?

Mr. Detore. No.

Mr. Lewis. Do you believe --

Mr. Detore. When he returned it or before when it was --

Mr. Lewis. When they wouldn't take the Congressman's credit card, what is your basis for knowledge?

Mr. Detore. No. They brought the car out to our office, and that is when they said they wouldn't accept it, because his office had faxed over his credit card and his driver's license.

Mr. Lewis. Who is Tracy Sloan?

Mr. Detore. The office manager at U.S. Aerospace.

Mr. Lewis. You supervised her?

Mr. Detore. No. I didn't really have the -- well, really I think she reported more -- you know, to tell you the truth, it was a title that you were given by Cafaros, but to tell you the truth, I don't -- I didn't have any real ability to do with anything. It was really more Capri Cafaro.

The Chairman. Sorry to interrupt, but the hour is getting late. How long do you plan to go on with your line of questioning?

Mr. Lewis. About another 20 minutes, Mr. Chairman.

The Chairman. Okay.

Mr. Lewis. Did you find her to be reliable?

Mr. Detore. Tracy Sloan or Capri Cafaro?

Mr. Lewis. Tracy Sloan.

The Chairman. I'd ask the witness to be as brief as you can and answer the question.

Mr. Detore. Yes.

Mr. Lewis. Did you follow her instructions?

Mr. Detore. As far as I'm aware of.

Mr. Lewis. Did you ever know her not to follow your instructions?

Mr. Detore. I can't think of anything right now. I was becoming concerned of what seemed to be kind of a whisper network going on between Capri Cafaro and several of the other people in the office of which she was

involved.

Mr. Lewis. Who first contacted you in terms of talking to the FBI or Mr. Morford?

Mr. Detore. The FBI.

Mr. Lewis. The FBI.

How were you contacted?

Mr. Detore. They came to the house about 11 o'clock at night and beat on the front door, woke my kids up, and I went down, with two guys standing there with their badges folded out telling me that they needed to talk to me immediately about issues they had with my former employer John J. Cafaro.

Mr. Lewis. And did you eventually talk with the FBI?

Mr. Detore. No. I told them that I had a lawsuit against John J. Cafaro and that I was represented by a civil attorney and suggested that they speak to them because I didn't want to say anything about Cafaros which could perhaps jeopardize my civil lawsuit.

Mr. Lewis. In March of 2001, you eventually talked with the FBI?

Mr. Detore. March of 2001 would have been a meeting with the prosecutor Morford.

Mr. Lewis. That is when you met Mr. Morford?

Mr. Detore. I believe so, yes.

Mr. Lewis. And was your attorney with you?

Mr. Detore. Yes.

Mr. Lewis. Was that the 9-hour meeting?

Mr. Detore. No.

Mr. Lewis. How long was this meeting?

Mr. Detore. About 3.

Mr. Lewis. Did Mr. Morford threaten you at all at this meeting?

Mr. Detore. No. The only thing I felt significant was everything I was saying, he was trying to change what I was saying and making it into something very different, and I had to constantly retract what he was saying. I felt that a little disconcerting.

Mr. Lewis. Did he tell you at what state the investigation was at that point?

Mr. Detore. He advised that he planned on having me as a witness for the government and that he was significantly appreciative of the amount of information and the volume of documents that we had provided to him.

Mr. Lewis. All right. So the threats were at the next meeting you had with Mr. Morford?

Mr. Detore. That's correct.

Mr. Lewis. And that was in June?

Mr. Detore. After Mr. Cafaro had given his plea bargain and was indicted, then there was another meeting which was significantly different.

Mr. Lewis. And was your attorney with you at that meeting?

Mr. Detore. A different attorney.

Mr. Lewis. But you had an attorney present at the meeting?

Mr. Detore. That's correct.

Mr. Lewis. Was the attorney present when Mr. Morford threatened you?

Mr. Detore. Yes, he was.

Mr. Lewis. So it's your testimony that Mr. Morford made the statements that you just gave under oath in the presence of your attorney?

Mr. Detore. That is correct.

Mr. Lewis. An assistant U.S. attorney said those things to you, knowing that you were represented by counsel --

Mr. Traficant. Object. It's been asked and answered.

Mr. Lewis. And your counsel was there?

Mr. Detore. Counsel was there, and then it continued for a whole month after that.

[10:15 P.M.].

Mr. Lewis. And while you were there in June, were you there voluntarily?

Mr. Detore. Well, to tell you the truth , I was there --

Mr. Lewis. Were you under arrest?

Mr. Detore. No, I was not under arrest, but I was told I had to be there.

Mr. Lewis. At any point during that 9 hours, could you have left?

Mr. Detore. I understand now I could have, but I was told I needed to go back in every time, because I got up several times and I said "end of meeting" when I was being harassed.

Mr. Lewis. You had an attorney and you never asked your attorney can we leave?

Mr. Detore. The attorney made no comments through the whole thing and has since advised us he had an unspoken relationship with the prosecutor. That was the reason I terminated that attorney within 3 weeks after that meeting and went to Plato Cacheris.

Mr. Lewis. So based on that attorney's friendship with the prosecutor, he let you be threatened?

Mr. Detore. He seemed to have way too close of a relationship with the prosecutor and with the attorney for the Cafaros, in which they spent an unusual amount of time going through a Yale yearbook looking at the graduation pictures of Cafaro's attorney and then laughing about how they could utilize this to joke with him and everything else. It became very concerning that the relationship became too close and that my attorney never made issues every time that we either delved into my civil rights, my civil suit, any of my liberties, and I was very concerned about it. That is why I got up several times. I understand since from Plato Cacheris and other attorneys that I was the only one that made the right decision. I should have gotten up, walked out and known I could have.

Mr. Lewis. Why didn't you?

Mr. Detore. I was advised by my attorney I could not.

Mr. Lewis. Your attorney told you you could not leave?

Mr. Detore. That is correct. He told me that I would be in significant jeopardy and significant problems with the prosecutor --

Mr. Berman. Excuse me. I want to object. Does attorney-client privilege not mean anything at this hearing? He is not being asked to testify about advice that he was given by his lawyer. Now, we had a big

stink about this the other day. Apparently when it applies to this witness, it doesn't apply any more, and I object to this line of questioning.

Mr. Lewis. It is the witness' privilege to assert, Mr. Chairman.

The Chairman. I am going to sustain the objection. Go ahead, Mr. Lewis.

Mr. Traficant. I object, too.

Mr. Lewis. Can you tell us the name of the attorney?

Mr. Detore. The attorney is John Nassikas.

Mr. Lewis. John Nassikas. Can you spell that?

Mr. Detore. No, I can't.

Mr. Lewis. Who else was present at that meeting?

Mr. Detore. There was an FBI agent present and another Assistant U.S. Attorney.

Mr. Lewis. What was the name of the FBI agent?

Mr. Detore. I am not sure.

Mr. Lewis. What was the name of the other AUSA?

Mr. Detore. I do not know.

Mr. Lewis. Okay. So you hired Plato Cacheris?

Mr. Detore. Correct.

Mr. Lewis. He no longer represents you?

Mr. Detore. He was only hired -- I was not indicted at that time. He was only hired to do an investigation, and if there was any charges brought, then I would have to renegotiate a contract with him to defend me if there was ever a criminal action. And, quite frankly, very honestly, what he wanted was way too much money, so I didn't elect to retain him.

Mr. Lewis. All right. So in June of 2001, at that point in time Congressman Traficant has been indicted. Correct?

Mr. Detore. I believe so.

Mr. Lewis. Okay. Mr. Cafaro has pled guilty to conspiracy to bribe the Congressman.

Mr. Detore. That is correct.

Mr. Lewis. Al Lange is cooperating with the government under an immunity agreement?

Mr. Detore. Not that I am aware of. I was told they had not spoken to Mr. Lange and Mr. Lange had no agreements with them.

Mr. Lewis. Mr. Detore, isn't it true that actually Mr. Morford just didn't believe you and he believed Cafaro and he believed Lange?

Mr. Detore. Well, if I believed Mr. Cafaro with the significant amount of lies that he does, over all the exculpatory evidence I had and

all the facts which the government never had disputes with, I find preposterous to believe that Mr. Morford could think in any way, shape or form that there was any problem with any testimony or any information I had given him at any time.

Mr. Lewis. And knowing all your information, he chose to have you indicted?

Mr. Detore. Yup. And that is where I think there is a significant issue of what is going on with this country, when you can still indict somebody when they are sitting there with exculpatory evidence of which Plato Cacheris, Akin Gump through John Dowd, Larry Huntsman and Jay Harney, four different attorneys, tell you there is not even grounds for charges, there is nothing even wrong here, all the evidence is exculpatory -- and I have a letter to that effect from Plato Cacheris -- I find it to be horrifically tragic.

Mr. Lewis. I have no further questions, Mr. Chairman.

The Chairman. Redirect?

Mr. Traficant. I was going to go after the committee.

The Chairman. No, you are going to go now. But try not to be repetitive. Remember that you have 45 minutes.

Mr. Traficant. Well, on redirect I can discuss the issues that they discussed, Mr. Chairman.

The Chairman. You can discuss the issues that they discussed, but remember you have 45 minutes.

Mr. Traficant. That is exactly right.

Now, you had a number of attorneys present when you were threatened, is that correct?

Mr. Detore. I had an attorney present, correct, and I also had people present when I was continued to be threatened for the month after having that 9-hour meeting, and also verification through the billings from that attorney, where they discussed consistently my non-suiting my civil case.

Mr. Traficant. Who paid for that Corvette?

Mr. Detore. You did.

Mr. Traficant. Was it not supposed to be a total of about \$1,000?

Mr. Detore. Well, to tell you the truth, I didn't get involved with that. I heard you were very upset about it. I know you made the car rental agency aware of your concerns on the amount. And I would also say that the Federal testimony of the individuals from the rental car agency also verified that you in fact paid for the car.

Mr. Traficant. Was Morford comfortable in threatening you in front of those attorneys?

Mr. Detore. Well, I have never been experienced with anything like this in my life. I thought I was there to help the government, and I didn't know what comfortable, not comfortable, you know. He didn't seem to have any problem yelling and screaming at me and throwing papers at me.

Mr. Traficant. Did he actually throw things at you, Richard?

Mr. Detore. Yes, he did. It actually got to the point that the FBI agent actually asked him to calm down.

Mr. Traficant. Do you know if there was a 302 report written; what was the date of that? Do you remember the exact date?

Mr. Detore. I am not sure of the exact date.

Mr. Traficant. But it was in June of -- it was in what month, do you remember?

Mr. Detore. It was probably towards the end of June, because my 80-plus year old mother was at my home recovering from a medical condition.

So I remember her being present. Not at the meeting, but after I returned home. So to me it would be the end of June, early July, 2001.

Mr. Traficant. Now, when they came to you at 11 o'clock p.m. at night, did you consider that to be a little bit unusual?

Mr. Detore. I was a little startled. I thought there was an emergency. It wasn't unusual for members of the government and the DEA or CIA or somebody to come to my house late at night about certain situations with using our products, so actually I thought initially that is what it was.

Mr. Traficant. Isn't it a fact that one of the reasons that this technology wasn't certified is Cafaro did not come up with the money needed to pay the testing laboratory that was the last requirement that the FAA had asked for?

Mr. Detore. That is correct. The FAA does not certify products. You have to actually pay third-party certification agencies to certify a product, and the Cafaros were unwilling or just never came up with the dollars to do it.

Mr. Traficant. Now, Al Lange testified that when he was hired he was hired to fix my boat and that was a condition of being hired. Is that a truthful statement he made?

Mr. Detore. I never heard anything like that. I know that the only issue I ever heard about a boat when Mr. Lange was hired was that he had bought a boat that he had fixed up himself and he was not going to accept the job unless the Cafaros were willing to pay to have it moved from Florida to Virginia. That is the only thing I remember being discussed about a boat.

Mr. Traficant. At that meeting held in my office with the FAA officials and you relative to trying to resolve this so that the money could be paid and what needed to be done to get the certification, what percentage of time was I in the room?

Mr. Detore. I would say you weren't in the room for 5 minutes.

Mr. Traficant. Did you make derogatory remarks about Capri Cafaro?

Mr. Detore. No. I actually went to the extent of trying to defend her, that I had never seen any behavior like that that would indicate anything, and I never heard about a restraining order for her to remain away from Charles Rockefeller, or, yes, Charles Rockefeller.

Mr. Traficant. Were those Democrats or Republicans that were flown around in that Cafaro car -- plane?

Mr. Detore. It appeared to be primarily Democrats, from my knowledge of the parties. It is unfortunate I don't stay that abreast of who is who.

But they talked about large Democratic affiliations quite a bit in the office when you would hear them talking. They would kind of use the office space as their launching pad for whatever they were dealing with, with their tax issues. So you would just hear bits and pieces when you went down the hallway.

Mr. Traficant. Was J.J. Cafaro promoting his daughter to run against me for Congress?

Mr. Detore. That is what I understand from J.J. and Capri Cafaro.

Mr. Traficant. Did you see the demand note that Cafaro wanted Lange to sign relative to the boat deal?

Mr. Detore. I saw the demand note when it was presented. Al Lange was so concerned with it that he was still griping about it after he was advised not to sign it, that I suggested he hand it to an attorney, my attorney, for him just to glance at it. And that is the only time -- as a matter of fact, the attorney says the only reason I asked for a copy of it is he says this is so significantly bad, he said I wanted to hang it on the wall in my office as an example of what not to do. So that is the only way I really had knowledge of it, other than Mr. Lange complaining about it.

Mr. Traficant. Those cars that I bought, were they worth anything, really?

Mr. Lewis. Objection. Asked and answered. Relevance.

The Chairman. Do you want to make an argument for that, Mr. Traficant, because I do think we do have the answer to it.

Mr. Traficant. We do?

The Chairman. Answer very quickly. Objection overruled.

Mr. Detore. I honestly think they are valueless.

Mr. Traficant. Were they made in my district?

Mr. Detore. I believe so, yes, from what Cafaro said.

Mr. Traficant. Now, you had a 2.5 percent ownership. Did you have a contract?

Mr. Detore. Yes, I did.

Mr. Traficant. Who was the contract with?

Mr. Detore. Cafaro Company.

Mr. Traficant. Did you get a paycheck every month?

Mr. Detore. Yes, I did.

Mr. Traficant. Who wrote the paycheck?

Mr. Detore. The Cafaro Company.

Mr. Traficant. Did you have insurance?

Mr. Detore. Yes, I did.

Mr. Traficant. Whose insurance group company did you have?

Mr. Detore. The Cafaro Company.

Mr. Traficant. Did J.J. report to anybody when he needed money?

Mr. Detore. Not that I am aware of.

Mr. Traficant. Did he have to get clearance for some loans or need of money?

Mr. Detore. No, he seemed to have and what he would tell you is he had every authority in the world to do whatever he wanted to do. I mean, he gave you that in no uncertain terms. You didn't dare question it.

Mr. Traficant. Now, the counsel over there said that isn't it a fact that Cafaro admitted during the trial that he lied. Are you familiar with that?

Mr. Detore. I am familiar of his admission that he lied, because it proves that he also lied in Fairfax County Court, and I was also aware of his attempts to coerce people to lie in Prince William County Court in Virginia.

Mr. Traficant. What counsel didn't tell you, he also told you that he lied but he did not perjure himself, which was his exact testimony. Had you heard that?

Mr. Detore. I had heard his statement.

Mr. Traficant. Now, was it Capri Cafaro that told you that her father lied in the Chance trial?

Mr. Lewis. Objection. Relevance.

Mr. Traficant. It speaks to the issue here. You have prosecutorial misconduct spread all over the testimony here before this committee, and this witness has come here under jeopardy facing an indictment.

Mr. Lewis. There is no dispute that Cafaro admitted he lied at trial.

It doesn't matter who told him. It is a known fact.

Mr. Traficant. This was before. The significance was --

Mr. Lewis. Mr. Chairman, it is cumulative. The trial record --

Mr. Traficant. I object to this. I am talking to the Chair. I want a ruling. I want to know if, before I was indicted, if Capri Cafaro told you her father had perjured himself in the Chance trial.

Mr. Lewis. I withdraw my objection.

The Chairman. Go ahead and answer the question.

Mr. Detore. Yes. She had said that he had perjured himself to a significant means in a Federal trial, that the family was very, very upset and there was huge problems.

Mr. Traficant. Did J.J. Cafaro ever tell you to give me anything?

Mr. Detore. No.

Mr. Traficant. Did you ever see me take anything from them?

Mr. Detore. No.

Mr. Traficant. Did I ever ask for anything from them?

Mr. Detore. I would say to the contrary.

Mr. Traficant. Isn't it a fact I paid for quite a few meals?

Mr. Detore. Let me clarify. The only thing that I ever heard was your request for the creation of jobs, and I saw Cafaro Company extend that they would have Capri Cafaro make a public announcement in Youngstown about the creation of jobs in building trailers in Youngstown.

I know you were very upset and Chief of Staff Paul Marcone was very upset because they did not want to make false promises, so they actually asked her not to make those public statements, and J.J. Cafaro became very upset.

Mr. Traficant. Isn't it a fact that I told him not to make that statement unless they moved it there?

Mr. Detore. That is correct, and that was in the presence of the FAA Administrator. It was actually very embarrassing that night about the -- J.J. was very heated about it.

Mr. Traficant. Did you know that Al Lange's defense attorney was paid for by Mr. Cafaro all the way through, his testimony previous to his in the Federal trial in Cleveland?

Mr. Detore. I was advised of it after his Federal trial, yes. I would also say that he had made statements to other individuals subsequent to my termination about the fact that he was -- the Cafaros were making certain concessions and paying for certain things for him.

Mr. Traficant. Did Mr. Lange have cancer?

Mr. Detore. Yes, he did.

Mr. Traficant. After U.S. Aerospace bankrupted, isn't it a fact that the Cafaro Company kept him on their hospitalization?

Mr. Detore. From what I understand, yes.

Mr. Traficant. As well as paid for their attorney through the trial?

Mr. Detore. That is what he testified to in Federal Court.

Mr. Traficant. Have you lost faith in the government, Richard?

Mr. Detore. I have lost faith in my ability to tell my kids to be honest, to be truthful, be fair to others and others will be fair to you. This is not where I was born. I don't know what is going on here. This is like I am having an out-of-body experience in another planet. The amount of treachery, deceit and lies throughout is unbelievable.

I got a wife laying home with shingles from stress, she can't even move, paralyzed. I have two children, crying, upset, a nervous wreck. I have never had situations where I passed out in my entire life. But 2 years of pure hell, and I defy anybody to walk in my shoes. And I could have simply just taken an easy path and just said, okay, I will say what you want me to say.

But I tell you, you can't tell your children, don't lie, don't be forced to lie, don't be coerced to lie, and, no matter what, the truth will set you free. Well, I tell you, I don't know what to tell them. I don't know if it is better to tell them, you know what, under certain situations, go ahead and lie. Save your life, save your family. Walk on and let someone else feel the brunt of what your lie just created.

Mr. Traficant. Isn't it a fact that Morford told you that you would have to spend hundreds of thousands of dollars for attorney fees?

The Chairman. Mr. Traficant, this witness has been a very good witness to make the case for government misconduct in his eyes. I don't think we have to belabor this point any more. I don't think there is any other thing you can ask him that can make it more real than his closing statement.

Mr. Traficant. I have one last question.

The Chairman. Please proceed.

Mr. Traficant. Is it your opinion you were indicted to keep your credible testimony away from my trial?

Mr. Detore. It is the opinion of my attorneys, that are much better at understanding this, I have always had great difficulty really grasping what the heck is going on here. It just, you know, I don't have a traffic ticket. I don't even park in the wrong parking space in a doggone parking lot.

So when it comes down to something like this, you know, the attorneys,

you know, they tell me that based upon once I had a plea agreement from the Cafaros, and I had an immunity deal with them, they had to neutralize me.

Well, it has all the apparent effects of being exactly what everybody is telling me. All the pieces fit. It is what it is, and what has happened to me is what has happened to me. And I feel absolute retaliation just for having even come forward to other committees here in Congress. Now I am being threatened I am going to be under house arrest and have to wear an ankle bracelet. Nonsense.

Mr. Traficant. Did I honor your attorney's request to not subpoena you but send it to him?

Mr. Detore. That is correct.

Mr. Traficant. No further questions.

The Chairman. Any further questions, Mr. Lewis?

Mr. Lewis. I have one question, Mr. Chairman.

You stated that the Cafaros when they got to the point where they were about to get the technology approved, where they had spent tens of millions of dollars, where they could get the technology if they just spent a little bit more money, it is your testimony they decided not to pay?

Mr. Detore. I would tell you if they spent tens of millions of dollars I would eat that technology personally. There is no way that kind of money ever got spent and that was my concerns with driving in government accounting, because I felt the Cafaros were expensing huge amounts of money against U.S. aerospace that U.S. Aerospace was not expending, and I actually caught that and had proven it and the Cafaros did not spend that kind of money, and they did not spend almost any money necessary to get that technology certified.

Mr. Lewis. Nothing further, Mr. Chairman.

The Chairman. The committee. Mrs. Biggert.

Mrs. Biggert. Thank you, Mr. Chairman. Mr. Detore, have you read the Defendant's Exhibit Zero, or O, whatever we want to say, which was a transcript of a conversation between Mr. Traficant and you?

Mr. Detore. I believe so. If that is the one he handed me earlier.

Mrs. Biggert. Let me call your attention to page 14. Mr. Detore, you said, yeah, you wouldn't want to accept anything on anything. All you wanted J.J. to do is what he agreed to do. Mr. Traficant replied, and that was to do what? And you replied to purchase the vehicle. Mr. Traficant said he wanted to purchase the vehicle. You have those papers, don't you?

And your reply is yes. He goes on to say I want a copy of those sent to me; second of all, the only thing I wanted from J.J. is he would move not

only the company but the headquarters up to Youngstown.

What did you mean by your first answer to purchase the vehicle?

Mr. Detore. Mr. Traficant had purchased the vehicle from Cafaro Company. The problem was, and Federal testimony bears this out from their accountants and members of the Cafaro Company at his trial, they never delivered a title to him. Anytime that I would hear from somebody from his office, they would say can you speak to Mr. Cafaro about getting a title? And, in reality, the car wasn't even eligible to get a title, and Patty DeLorenzo of the Cafaro Company testified during the Federal hearing that she had requested from Mr. Cafaro to get a title to give to Mr. Traficant after they cashed his check for the car to deliver to him, and Mr. Cafaro said that is apparently not going to be possible, we can't do it, we can't produce it, and I will talk to him about it.

Mrs. Biggert. What kind of car was that?

Mr. Detore. It was a -- it ended up being a prototype, I remember a fiberglass, either 2 door or 4 door convertible, which we found out when it broke down that it was actually bolted onto a frame of a car obtained from a junk yard.

Mrs. Biggert. So that was not the car on the top of page 14 that you talked about, or Mr. Traficant talked about he thought was only going to be \$1,000 that I rented to go to Louisiana, which turned out to be \$6,000, that J.J. wanted to give me the money and I would not accept it?

Mr. Detore. Yeah, I think he is talking about the rental car there.

Mrs. Biggert. This is a different car.

Mr. Detore. What happened was when the car broke down, Mr. Traficant was very angry and was planning on going someplace, and Cafaro said, well, can't he just take air travel there or is there another way he can get there? And he needed to drive there. And he said the least Cafaros could do is get a car. So I called J.J. Cafaro and I said how do you want to handle this? He said the car is as is. I will take care of what I need to take care of. It is his responsibility for a rental car. You can help him and arrange for it. And that is what I did.

Mrs. Biggert. So you went over that in the testimony?

Mr. Detore. Yes.

Mrs. Biggert. Okay. Then --

Mr. Detore. When I say I arranged it, it wasn't me. It was somebody else in the office.

Mrs. Biggert. Who won the contract, USAG or Cafaro, the laser technology?

Mr. Detore. I am not sure. I wasn't with the company at that time.

Mrs. Biggert. Okay. When you were seeking the contract, would you have thought that the -- you said that USAG was a shell company?

Mr. Detore. Correct.

Mrs. Biggert. Would you go after asking the Federal Government to grant a contract to a shell company?

Mr. Detore. No, you couldn't. I almost went into atmosphere over finding out that what had been -- what I had been advised of many times, the corporation had no legal status. And then they came back with an entity they referred to as CAT, Cafaro Advanced Technologies, of which they said they were going to base all new contracts on, everything else, and it just appeared to be another way to dilute and filter the money. It was very disconcerting.

Mrs. Biggert. Then back to Defendant's Exhibit 0, I think it is 12 times that Mr. Traficant talks about lying and somebody asking you to lie.

Let me just ask you, you know, do you pay your taxes?

Mr. Detore. Pardon me?

Mrs. Biggert. Do you pay your taxes?

Mr. Detore. Yes.

Mrs. Biggert. Are you truthful when you file your taxes?

Mr. Detore. My accountant said that if I got an audit, they would actually be doing me a favor because they would owe me money back.

Mrs. Biggert. Then why are you afraid of the IRS or of the government? Why would you be afraid of a charge of bank fraud?

Mr. Detore. It is not the fear of what is being alleged; it is the fear of the way it is being handled. When you spend 9 hours with somebody yelling at you and told you you have done all this wrong, and you have come in believing that you have immunity and you are providing information in cooperation with them, and then you are advised by your own attorney who appeared to the grand jury some 1 month before that the government was now out to get me at all costs, and you hear these threats of IRS, did I fear ultimately prevailing against me? No, I didn't. Did I fear having to hire attorneys, spend more money and having to defend myself?

At this point, I was so concerned with lack of trust in what was going on, you know, you get the point where you fear anything. You don't ever think yourself to be a paranoid individual, and I was the type of person that never believed anything I heard on television in reference to the Federal Government or things that happened. You become paranoid as heck. You know, I am coming to the point I would believe space aliens landed in the front yard and did something. It is a real travesty.

Mrs. Biggert. Thank you. No further questions.

The Chairman. Mr. Pastor.

Mr. Pastor. The first question is what do you gain by being here tonight and giving your testimony?

Mr. Detore. Nothing. I only hope that by being here today that I set an example for Americans. I don't come, you know -- and I don't mean it to offend anybody. I don't know about Mr. Traficant's dealings in Ohio. I have been in Ohio twice in my entire life. I can't discuss any of that. All I can discuss is the truth as I have seen it and what I know. And I think a major problem that has happened with our country is everybody, including some of my own attorneys, will go, oh, I'm not getting involved with that. That could mean trouble for me.

Well, you don't set an example for others and you don't set an example for your own children unless you are willing to step up, step out and do. I am here strictly against advice of any counsel. I am here against the advice of physicians. But I am at the point also where I would rather go down telling the truth than ever be shadowed in lies.

Mr. Pastor. What do you think you are going to lose by being here tonight?

Mr. Detore. Well, God only knows. I never thought I would ever spend anything I ever saved in my entire life. I have worked since 14, paid my way through college. My wife has paid her way. We don't take vacations. Both of us work all the time. I wouldn't expect I would be on the verge of losing my house, losing credibility and losing everything.

When you have a court that now tells you that you are going to have to wear an ankle bracelet in your house and you are going to be held under some sort of house arrest, for what? I have not violated my bond. I have told the courts exactly what is going on.

They even came back and said we don't even believe your note from the doctor to be true. That is just amazing. It is suggesting I stole the pad from the neurologist's office and wrote my own note? I don't know.

To tell you the truth, I would have thought I never had anything to lose from telling the truth. I tell you what, I have just about lost it all from telling the truth.

Mr. Pastor. Thank you, Mr. Chairman.

The Chairman. Mr. Hulshof.

Mr. Hulshof. Thank you. Mr. Detore, first let me say the fact that you are charged with a felony offense, at least for me, is no evidence of your guilt. What is the maximum sentence that you are facing in the Federal court?

Mr. Detore. To tell you the truth, I am not even aware.

Mr. Hulshof. Mrs. Biggert asked you some questions about the phone conversation that you had with Mr. Traficant. You actually knew that you were calling him back, correct? This was a page you were returning?

Mr. Detore. That is correct.

Mr. Hulshof. Was it an audio page or a page that had his number on it?

Mr. Detore. I think it just had his number.

Mr. Hulshof. You knew when you saw the number that was the number of Congressman Jim Traficant?

Mr. Detore. It was a number I didn't recognize.

Mr. Hulshof. I assume that the transcript is accurate.

Mr. Detore. I think so.

Mr. Hulshof. Mr. Traficant says hello. You say returning the page. And then the words yeah, how are you doing? And then immediately you recognize at least in the voice of Traficant, Mr. Traficant.

Mr. Detore. Yes.

Mr. Hulshof. Okay. Is it still your testimony under oath that you didn't know that this conversation was about to happen or that you had been given advance notice that Mr. Traficant was going to call you?

Mr. Detore. Not at all.

Mr. Hulshof. Is it just coincidence that, and I am not going to belabor the rental car, you very strongly stated your position, is it just coincidence the only car for Mr. Traficant to rent was a 1999 black Corvette with only 9,800 miles on it? They didn't have an Escort or midsize or compact?

Mr. Detore. Sure. It was -- he was upset because he was driving a convertible that he had planned on driving down south someplace, and I am not sure where he was going, and he wanted to find a convertible. Do you know how hard it is to find a convertible close to winter anywhere in Virginia? We must have called every place. I say me, it is not me, it is people in the office looking at this. What came from the car rental agency at Dulles Airport, they suggested we could find a convertible with this Millennium. The only thing they had, the cheapest thing they had -- they had Ferraris, they had all kinds every other things, the cheapest thing they had was a Corvette.

Mr. Hulshof. It was a brand new Vet. Go figure.

Mr. Detore. I don't think they told the truth and what they said they would rent it for. But that is his money.

Mr. Hulshof. What I am going to do for the remaining time, and you have been here for an extended period, and I think Mr. LaTourette is going

to ask some other question regarding some of your other testimony on the meals and so forth.

Mr. Lewis, would you please hand to Mr. Detore what has been received in evidence as Exhibit No. 40 and Exhibit No. 41.

Mr. Detore, again, I know again we are catching you at short notice, but if you would focus your attention at Exhibit No. 40, you will see a government exhibit number, it is 8-67 (1). What this purports to be in the upper left-hand corner if you will just follow along with me is a summary of expenses, Albert Lange, Jr., Schedule of payments made for James A. Traficant boat expenses.

You will recognize or at least you will see that over a 2-year period it has a date paid category between August of 1998 through September of 1999, how paid, the receipt, check numbers and the payees, and it indicates, do you see at the bottom there where it says expenses by category, and I am not talking about the slip rental or the electric and membership, but the total rental is roughly \$20,480.62? Do you see that at the bottom left-hand?

Mr. Detore. Yes.

Mr. Hulshof. I am not including the amounts of what it cost for Eastern Power Boat Club. But \$20,480.62?

Mr. Detore. Correct.

Mr. Hulshof. Put that aside. I want to focus your attention on Exhibit No. 41. You testified earlier you had significant knowledge about this boat and the expenses.

Exhibit No. 41 in the upper left-hand corner is John J. Cafaro and John J. Cafaro Company schedule of payments reimbursing James A. Traficant boat expenses. We have some different expenses, some different dates, different payers, different checks, in fact different accounts. In fact, you will notice that your name is listed under one of the payees for an amount of \$8,000, and the total amount under this list of expenses is \$26,472.

Am I to assume then that the total amount of money that was paid to Mr. Traficant for this boat, for the expenses, was roughly \$46,000, \$47,000?

Mr. Detore. No. I think these numbers are inaccurate, and I think the Federal testimony of Ernest DeGroot or his grand jury -- I don't know if he testified in the Federal hearing, but his grand jury testimony bears out that he only received somewhere in the area of \$8,000.

Mr. Hulshof. How much?

Mr. Detore. \$8,000. And he actually felt bad because he didn't

complete the work on the boat. I was also aware that monies that Mr. Lange had spent, that he lied to Mr. Cafaro and that \$8,000 that he had originally received actually was stolen by an individual named -- let me see if his name is on here, it is like Captain Seneno or somebody, and the group makes reference to that. The guy made off with \$8,000 that Lange had initially paid.

Mr. Hulshof. My time is about to expire, and I wanted to just give you a chance to at least shed some light for me on these two, but there is one I do want to ask your particular attention to. And, again Mr. Lewis, if you would hand to Mr. Detore Exhibits 33, 34, and I don't know if the back of the check is actually number 35 or not. If you hand him at least the interoffice memorandum, which is 33, the check ledger, which is 34, and then the back of the check which has Mr. Detore's endorsement.

Mr. Detore, it appears Mr. Lewis has handed you the book we have all been given as far as exhibits that had been introduced. Now, just briefly, Exhibit No. 33 says that this is a U.S. aerospace Group inter-office memorandum. It appears to be prepared by you, is that correct?

Mr. Detore. To tell you the truth, I have been asked about it before, and I don't remember preparing it. There is several things, not to belabor it, but these forms are automatically generated by computer out of the network. I programmed the computer. I did it for myself. Everybody else copied it. So it would automatically always generate my name on the form.

So it wasn't unusual for secretarial staff sending notes out for people to find my name on all kinds of things. But it is not out of the question that I wouldn't have made reference that Al Lange needed something. I don't think I would say "we."

Mr. Hulshof. Let me ask you this, because in the memorandum itself it says J.J., which everybody here has been referring to Mr. Cafaro has J.J., and then the text, we need to get a check, \$8,000, to complete the boat repairs. Please call if you have any questions.

Now, is it your testimony here tonight under oath that you did not generate that memorandum or cause that memorandum to be generated?

Mr. Detore. What causes me concern is it is not the way that I would have written the note, and that I also, if I had sent a fax, I normally initial next to my name or sign it someplace, so that the structure of the verbiage just doesn't seem like something I would do. But I certainly did a lot of times when Al Lange said J.J. Cafaro is supposed to be sending me X for the boat. I mean, this was after the boat was his property and he bought it and it was approved by House Ethics. To me it didn't make any difference if he spent a half million dollars on this boat.

Mr. Hulshof. But looking at all of the different exhibits with all of the different notations about boat expenses to reimburse Mr. Traficant, the only one that bears your name as a payee is in reference to Exhibit No. 33, this interoffice memorandum.

Mr. Detore. Correct.

Mr. Hulshof. So I would assume that something this unique; that is, a reimbursement to a sitting Member of Congress for expenses that were incurred --

Mr. Traficant. Objection. It was not a reimbursement to me. I never received any of that money. That was for someone who supposedly did work on the boat that now I found out was \$8,000 instead of 30.

Mr. Hulshof. My question will be amended by the Respondent's clarification. I would assume that something this significant, and especially the only time that you seem to have made that solicitation, and especially for an amount like \$8,000, is it something that has just slipped your mind, that you didn't do it, or you may have done it and just don't recall? What is your testimony tonight?

Mr. Detore. To tell you the truth, the clearest thing that I remember is one of the administrative staff from U.S. Aerospace coming to me with a check and saying it was sent in error; that Mr. Lange has been waiting for it; and they walked in with a \$8,000 check and I said what is this for?

For that reason, it doesn't seem to me that I would have sent a note to anybody or even been in that discussion, because I would have known an \$8,000 check coming to me, because I thought, oh, great, pennies from heaven. Maybe they are finally paying expenses they owe me. But they said Al Lange had to have it right away, and they spoke to accountants in Cafaro Company and they said endorse it over to Mr. Lange. So, unfortunately, it wasn't for me. I endorsed it to him and away it went.

Mr. Hulshof. Let me follow up and finish that, and I will yield my time. You notice on Exhibit 33 at the corner, right hand, there is a handwritten notation that has PD, which I would assume to be "paid" and a date 12-24-98, and then CH, which I assume to be "check number," 3588. Do you see that designation on the lower right-hand side?

Mr. Detore. Correct.

Mr. Hulshof. Then go to page 34 which has been received in evidence for purposes of this hearing. That actually is a check ledger. I would presume you recognize Mr. Cafaro's handwriting in that ledger? Or is that handwriting that is not familiar to you?

Mr. Detore. I don't believe that is his handwriting.

Mr. Hulshof. At least it is the check ledger or a copy thereof

showing check number 3588 to correspond to the memorandum. The payee is at least your name, Richard Detore, in the amount of \$8,000. Do you see that designation?

Mr. Detore. Yes, I do.

Mr. Hulshof. I think that exhibit also has the front of the check, and then, again, just for the clarification for the records, I don't know if this is actually numbered, Mr. Detore, the back of the check. Let's assume it is Exhibit No. 35 or 34-A.

But is this then an exact photocopy of the check? That is a fair and accurate depiction of your signature, is it not, as the --

Mr. Detore. Oh, yes, I endorsed this to him.

Mr. Hulshof. So you endorsed. Did you actually write the words "endorse to Al Lange?"

Mr. Detore. Correct. Actually, this has been brought up by the prosecutor. He had the front and says, aha. And I said no, you need to get the canceled check, because I endorsed that to Mr. Lange, because I remember the \$8,000 coming to me unexpected with one of the employees. But this ledger, this is not anything we ever had. This is all Cafaro Company.

Mr. Cafaro doesn't write his own checks. It is all handled by staff. They don't even tell you what they are doing.

Mr. Hulshof. So as far as the generation for any receipts for this \$8,000 reimbursement or check generally, as far as any receipts or any personal knowledge, your testimony tonight is that you have none; you generated no receipts, there is no additional paperwork that you generated as far as this \$8,000 that was written on the account and actually cashed or paid out?

Mr. Detore. Not that I am aware of, other than endorsing that check.

Mr. Hulshof. Thank you, Mr. Chairman.

The Chairman. Further questions? Yes, Mrs. Tubbs Jones.

Mrs. Tubbs Jones. Mr. Detore, have you had an opportunity to publicly tell, and I don't mean to call it a story, but to make the statement that you have made before this committee today prior to today, sir?

Mr. Detore. Only to House Judiciary and Government Reform, Government Oversight.

Mrs. Tubbs Jones. That was at a public hearing, sir?

Mr. Detore. No.

Mrs. Tubbs Jones. So this is the first time you had an opportunity to make this statement to the world?

Mr. Detore. Absolutely I did not tell, because the retaliation would be significant.

Mrs. Tubbs Jones. So would it be a benefit to you, having not had an opportunity to previously make this statement to anyone, to come here and make this statement today, sir?

Mr. Detore. To tell you the truth, I am scared to death. I don't know what the heck is going to happen now. But it is at a point where I believe people need to know. I don't have faith in the system, and I don't know where to go. I don't know what to do at this point.

Mrs. Tubbs Jones. Can you tell me who the three attorneys you had representing you, sir?

Mr. Detore. We had initially an individual named Larry Huntsman that was a civil attorney dealing with the Cafaro matter. We had John Nassikas and that was in reference to the meeting with the government in June. And I had Plato Cacheris afterward that did an investigation which said that there would never be an indictment. There was not even an issue to worry about.

. Mrs. Tubbs Jones. Of the \$450,000 that you spent, how much of it was given to Mr. Huntsman?

Mr. Detore. Mr. Huntsman's bills were probably about \$80,000 worth.

Mrs. Tubbs Jones. How about Mr. Nassikas?

Mr. Detore. Probably some \$40,000.

Mrs. Tubbs Jones. And the balance of \$300 some thousand went to Plato Cacheris?

Mr. Detore. No. Plato Cacheris cost me about maybe \$60,000. There was one other attorney after that. The only attorney that represented me in the criminal matter before the courts, John Dowd from Akin Gump. And there was excess of \$239,000 spent there. In reality, the billings were \$359,000.

The Chairman. I don't want to cut anybody off, but we do have a vote. It is a motion to rise. I would like to get finished with this witness before we go for this vote. I don't think it is right to hold him over.

So if you would make your questions as brief as possible, I think we have at least one other one. So if everybody would make their questions as briefly as possible, maybe we can -- and the answers as briefly as possible.

Mr. Traficant. Mr. Chairman, I move that the committee reconvene tomorrow with this witness and not rush this witness out of here because of the import.

The Chairman. No, I am going rule against your motion. We are going to finish with this witness. We are going to finish with him tonight. Mr. Traficant, I think we have been more than fair with you where this witness is concerned.

Mr. Traficant. I have never questioned your fairness. If you cut off the questions to this witness, he has put himself here in jeopardy.

The Chairman. All I am asking is that the members --

Mrs. Tubbs Jones. Mr. Chairman, how many more people are there to ask questions? Myself, Mr. Green and Mr. --

The Chairman. Three people, and we have 5, 10 minutes at the most. So you kind of take a third of that, that would be great.

Mrs. Tubbs Jones. You cut me off right in the middle of my examination. Let me figure out where I was going from here.

I believe my last question was, you paid Mr. Dowd and he is with what firm, sir?

Mr. Detore. He is with Akin Gump.

Mrs. Tubbs Jones. Akin Gump in what city?

Mr. Detore. D.C..

Mrs. Tubbs Jones. Some \$239,000; is that correct?

Mr. Detore. That is correct.

Mrs. Tubbs Jones. And this was an investigation?

Mr. Detore. No. No. That was for three motions in this case.

Mrs. Tubbs Jones. Okay. And currently he no longer represents you because?

Mr. Detore. He made a motion to withdraw from my counsel. What he stated was lack of payment, although I actually have an agreement with him for significantly less than that. And the judge -- I was actually told by Akin Gump that it was going to be resolved, no motion to withdraw would be submitted the courts. I was not aware it was submitted to the court, and the judge ruled on it one day without my appearance and released them from my counsel.

Mrs. Tubbs Jones. Were there any other documents submitted to you, Mr. Detore, with regards -- that have your signature or with regard to any of the claims that are made for this hearing or in the courtroom other than this \$8,000 check, sir? That you can recall?

Mr. Detore. Not that I am aware of. It might be something, but not that I am aware of.

Mrs. Tubbs Jones. Okay. Mr. Chairman, I have more questions, but in light of your request to limit my time --

Mr. LaTourette. I would make an inquiry, Mr. Chairman. I understand -- I would just ask, Ms. Tubbs Jones says she has more questions. Mr. Green, I would assume, gets 5 minutes. I would appreciate 5 minutes with the rather remarkable testimony this man has given.

I don't want to come back tomorrow, but I wouldn't mind voting and coming back.

Mrs. Tubbs Jones. I would like to support Mr. LaTourette and us going and voting and coming back.

The Chairman. I have an insurrection going here. We will go vote and come back.

Mr. Traficant. I move that the insurrection be sustained.

[Recess.]

The Chairman. The committee will come back to order. I was being rude to Mrs. Tubbs Jones when we left. I apologize for that rudeness, and I will give you some additional time.

Mrs. Tubbs Jones. Thank you, Mr. Chairman.

Mr. Detore, when you stated that you were asked to drop the civil suit

against Mr. Cafaro, who was your attorney at that time, sir?

Mr. Detore. It was Mr. Nassikas, and Mr. Huntsman was my civil attorney.

Mrs. Tubbs Jones. Well, you can choose to answer this or not. Were you advised to drop that suit by your attorneys?

Mr. Detore. Mr. Huntsman said it was absolutely out of the question and plain and simply couldn't even be brought up; and he suggested I seek other counsel. And Mr. Nassikas said he thought I ought to entertain what the government was suggesting.

Mrs. Tubbs Jones. Okay. And you did, in fact, drop that suit, is that correct?

Mr. Detore. Well, what they suggested, they wanted me to either settle the case or drop it. And the -- Mr. Nassikas -- and I have got his billing statements which show about five conversations with the prosecutor subsequent to my 9-hour meeting with them in which they discussed and followed up with a nonsuit in Virginia, Virginia law in reference to the civil case.

So he says I have come to an acceptable agreement with them which you can nonsuit as opposed to drop your case. So he thought that was a major victory for us.

I wanted -- I was only 1 month from going to trial, and I wanted to go to trial, because I figured if in fact I ever had to launch a defense for my criminal charges I would have the money from what was owed me from my employment agreement.

Mrs. Tubbs Jones. You did, in fact, then reinstate that same suit?

Mr. Detore. Correct. I have reinstated it in February.

Mrs. Tubbs Jones. Is Mr. Huntsman still your attorney when you did that?

Mr. Detore. No, it is a different firm, because I had to give up just a significant portion of it in contingency fees to get it picked up.

Mrs. Tubbs Jones. Who is that firm?

Mr. Detore. It is in Fairfax County, Virginia.

Mrs. Tubbs Jones. Are they still representing you, sir?

Mr. Detore. They represent the civil case.

Mrs. Tubbs Jones. Yes. At the first meeting you had with Assistant Attorney -- U.S. Attorney Morford, there was an allegation of bank fraud. What did that reference, sir?

Mr. Detore. I don't believe the allegation of bank fraud came out until the second meeting.

Mrs. Tubbs Jones. The second meeting then. What was it referencing,

sir?

Mr. Detore. He said that the Cafaros had given a story that they didn't actually sign my employment agreement and that the letter that they had sent verifying my income level to the bank was only to allow me through fictitious means to obtain a mortgage which otherwise I couldn't afford, which was utterly false.

Mrs. Tubbs Jones. Did you in fact -- what was your salary when you came to work for Cafaro?

Mr. Detore. It was -- salary was supposed to be \$240,000.

Mrs. Tubbs Jones. Was it, in fact, \$240,000?

Mr. Detore. No, they incidentally short-changed me in the first year, as they did with several other employees that had employment agreements similar to mine.

Mrs. Tubbs Jones. What was, in fact, your salary, sir?

Mr. Detore. They shorted me \$50,000 in the first year.

Mrs. Tubbs Jones. So it was \$190,000?

Mr. Detore. Correct.

Mrs. Tubbs Jones. And can you real quickly, because I know I don't have a lot of time, tell me again what your educational experience is, sir?

Mr. Detore. I attended the University of Delaware, degree in physics program. Extensive flying programs through extension through the colleges and universities with advanced aerodynamics. Advanced testing research. And then I have had extensive manufacturer -- most of the major manufacturers' schools for their aircraft.

Mrs. Tubbs Jones. Do you have certifications from these various schools, not degrees?

Mr. Detore. Absolutely. Full certifications from the schools and higher learning institutions for training for the aircraft.

Mrs. Tubbs Jones. I am moving fast, Mr. Chairman. Hold on.

You said you came to Capitol Hill and spoke to two committees but not in public. Who were those committees again, sir?

Mr. Detore. The House Judiciary and the Government Oversight.

Mrs. Tubbs Jones. Who in House Judiciary did you speak with?

Mr. Detore. It was Mr. Cannon and Mr. Coble. I am not sure which one is which committee.

Mrs. Tubbs Jones. Mr. Cannon and Mr. Coble.

Okay, and Government Oversight, who did you speak with? Was it staff you were speaking with, not actually Members of Congress?

Mr. Detore. No, actually the Members of Congress.

Mrs. Tubbs Jones. And Government Oversight?

Mr. Detore. I'm not sure who is on what committee, but it is just those two. I understand one was on the Judiciary and one was on the Government Oversight.

Mrs. Tubbs Jones. Again, can you tell us when that was?

Mr. Detore. Within the last 2 weeks. Before July 4th.

Mrs. Tubbs Jones. Just in the last month or so then?

Mr. Detore. Yes. And then before that, Congressman Curt Weldon, and that was right after 9/11. It was a day of the anthrax scare here. And he was concerned enough to stay, even while they were evacuating the Rayburn Building.

Mrs. Tubbs Jones. Isn't your statement, Mr. Detore -- just so I can get to the end of this -- that everything that you have stated here is the truth, the whole truth and nothing but the truth, sir?

Mr. Detore. Absolutely.

Mrs. Tubbs Jones. And you are -- have not been promised anything for your testimony?

Mr. Detore. The only thing --

Mrs. Tubbs Jones. Other than the threats you allege?

Mr. Detore. Yes. Nothing. Nothing.

Mrs. Tubbs Jones. And you have been granted no immunities from anyone?

Mr. Detore. None. Other than having immunity up front that was --

Mrs. Tubbs Jones. That was the last question. Who was your attorney when you were allegedly granted immunity?

Mr. Detore. Larry Huntsman, the civil attorney. He advised Prosecutor Morford that we would not give him any information, wouldn't discuss anything with him unless we were given direct and indirect immunity.

Mrs. Tubbs Jones. When the immunity was withdrawn, who represented you?

Mr. Detore. Nobody actually withdrew it. Even if I was to perjure myself, the only thing I could be charged with was perjury. The immunity would stand per the agreement. What has happened is the prosecutor has sought to deny that it was immunity for indirect derivative use. Although the agreements given to both Capri Cafaro and Albert Lang that they were given and conferred full immunity upon were the same original agreement I was given.

My agreement for derivative use was actually made stronger, and there was a clarification at the request of Attorney Huntsman in addition to

getting immunity for himself.

Mrs. Tubbs Jones. Now, you are not familiar yourself with these legal terminologies and the types of immunity, you were advised with regard to this?

Mr. Detore. I was advised. In my first meeting with Prosecutor Morford, he asked me what I understood; and I told him that I understood that I had immunity and that nothing I said, provided them, did, could be used against me in any way, shape or form.

Mrs. Tubbs Jones. And this is before you told him all of the things that you told us today?

Mr. Detore. Oh, absolutely.

Mrs. Tubbs Jones. I have no further questions.

The Chairman. Mr. LaTourette.

Mr. LaTourette. Thank you very much, Mr. Chairman.

Mr. Detore, I had understood to you say in response to somebody's questions that on this immunity discussion with Mr. Morford, that letters were generated and sent to either you or your counsel. Was that your testimony?

Mr. Detore. Well, they were sent to counsel, subsequently to me.

Mr. LaTourette. Do you have copies of those, sir?

Mr. Detore. Yes, I do.

Mr. LaTourette. Would you be willing to provide copies of those to the committee within a time specified by the Chair and ranking member?

Mr. Detore. Absolutely.

Mr. LaTourette. Now, if I understood your testimony correctly, you indicated that the disagreement that you had with Mr. Morford is that he wanted you to testify that you were standing outside of a door and you overheard a conversation that -- and the substance of the conversation, I may not have the words exactly right, but was that Mr. Traficant was doing favors for the company and the company was going to do favors for Mr. Traficant. Is that a fair --

Mr. Detore. That is essentially what it was. They really just kind of work on boxing you into what they want to say.

Mr. LaTourette. My question to you is, why -- how did they come to -- do you have any idea how it is that that story that they wanted your testimony -- did they indicate to you, for instance, that Mr. Lang or Mr. Cafaro or Ms. Cafaro said that they had such a conversation, oh, by the way, Detore was hanging out. Do you know how they even arrived at that story?

Mr. Detore. To tell you the truth, I am not really sure. I heard a

lot of "we think," "you should have" and "this is what you should have heard" and -- I was like, that is very bizarre, because I don't remember even being in a place like that to hear a conversation like that.

Mr. LaTourette. Clearly, I know this is somewhat -- but you never were present for such a conversation?

Mr. Detore. No. They actually described that this had happened on the Capitol, and that Mr. Cafaro and Mr. Lang was present, I was outside some door. I don't remember it happening like that ever, period.

Mr. LaTourette. Okay. And specifically, what are you charged with? What has the government charged you with?

Mr. Detore. I'm charged with -- I am the worst one for legal things. Like I said, I have never been involved in anything -- I guess as a co-conspirator on bribery against or to Mr. Congressman, Mr. Traficant.

Mr. LaTourette. Do you know what part of the bribery charges against the Congressman you are alleged to have conspired in?

Mr. Detore. Count III on this boat purchase, which House Ethics had preapproved. The meals, and then also this welder-generator that there is undisputed testimony, Federal testimony that the individual I said had it had it since day one. It was never given to Mr. Traficant. I don't have any idea what he would do with an aluminum welder. I couldn't use one.

Mr. LaTourette. The meals specifically, Exhibit 39 in our exhibit book details the meals. With one exception for something called Carmello's and I think another one, the American Cafe, all of the meals seem to have occurred at a place called Taverna Restaurant.

Mr. Detore. Correct.

Mr. LaTourette. Taverna Restaurant is located between 3rd and 4th Street on Pennsylvania Avenue; is that correct?

Mr. Detore. Correct.

Mr. LaTourette. Have you done a lot of lobbying, Mr. Detore?

Mr. Detore. None.

Mr. LaTourette. I can -- just as a tip. I happen to like the Taverna because I like Greek food. But I don't think you are going to bag a lot of Congressmen by taking them to the Taverna and feeding them souvlaki and gyros, would be my observation to you.

Mr. Detore. It was a matter of what was cheap and fast.

Mr. LaTourette. So you are going to bribe a Congressman, you might want to pick a better location.

Mr. Traficant. I like Taverna.

Mr. LaTourette. I like Taverna, too.

Again, does your -- the generator you have explained. The welder you

have explained. It was for this trailer construction. Aside from Mr. Hulshof's questions about this \$8,000 reimbursement which we have heard your testimony on, did you -- by the way, at that moment in time was Mr. Lang the owner of the Traficant boat at this time that this check --

Mr. Detore. Yes. It had been approved by Ethics.

Mr. LaTourette. I understand that. Is there any other involvement that you had with the transfer of the Traficant boat?

Mr. Detore. No other involvement, other than having to painfully live through his belly-aching about whatever he was doing with the boat.

Mr. LaTourette. Do you have -- as you sit here today before us -- and I want to commend you, because a lot of witnesses that are in the transcript have got immunity, they got plea deals, they are getting reduced sentences, they got something for what they are testifying to. So I want to commend you for coming and answering all of the questions put to you by counsel, Mr. Traficant and the committee.

Because I consider you to be a great -- this was stupid on your part in terms of -- from a criminal justice standpoint, but I want to commend you. I think that, in my mind at least, whether you have done what they said you have done or not, I commend you for being here today.

But as you sit here, do you know what conduct you engaged in that caused you -- the government to believe that you conspired with Mr. Traficant in a bribe scheme?

Mr. Detore. Other than contradicting someone that had taken a plea bargain from --

Mr. LaTourette. A convicted perjurer?

Mr. Detore. Right. And other than having knowledge of Cafaro's behaviors, which I think are significantly criminal and which the prosecutor never wanted to hear anything about, nothing. I mean, the greatest violation that I ever did was attempting to enhance safety. In reality, the system that we talked about, that is all of this great benefits were reaped upon us by the government, we were giving it to the Department of Defense.

Mr. LaTourette. I would just tell us as my last observation, Mr. Detore, that I -- this technology was included in a piece of legislation called AIR-21 that was passed by the House of Representatives. I voted for it. I would be surprised if there is any member of this committee who did not. The technology isn't the issue. It is whether a bribe was given.

I thank you for being here.

Mr. Detore. I have got 13,000 hours of flying. I have had friends in my class -- at least half of the members that were in my initial class are

dead because of accidents, controlled flight into terrain. It is a significant issue. And it is one of the few systems. Unfortunately, this has happened to it, and it is -- it will probably never surface. But it is a system that truly could save lives.

Mr. LaTourette. Thank you.

The Chairman. Mr. Green.

Mr. Green. Thank you, Mr. Chairman.

Again, following up on my colleague from Ohio, do you have a trial date set?

Mr. Detore. November 13th.

Mr. Green. Okay. And most of the negotiations was with Larry Huntsman. He is your attorney -- the immunity agreement?

Mr. Detore. The immunity agreement was Larry Huntsman, correct.

Mr. Green. And when did Larry Huntsman no longer become -- be your attorney?

Mr. Detore. Mr. Huntsman was a civil attorney. And what happened is another attorney that I had used for years named Jay Harney was called before the grand jury. At some time around the summer or spring of 2001, he came back terrorized and said that -- and I said, well, I don't care what they are telling you. I have an immunity agreement. He said, this is far worse.

He said, they -- he says, I went out there to talk about other issues and things to verify. He says, they are coming after you with issues that I have never heard of. He says, they are on you about mortgage and all of those different things. He says, you need to get a criminal attorney. And that was the attorney -- Nassikas was the one he suggested. As a matter of fact, he called him from his office; and he said, you need to go see him right now.

Mr. Green. And Nassikas was your criminal attorney up until June of this year?

Mr. Detore. Just up to that meeting. Then it got to the point where he called me so much -- I felt it very unusual that the prosecutor was calling him on a daily or an every-other-day basis to ask if I had thought about what I was going to say, and I was bothered. I thought that the prosecutor had a lot more to do than worry about what Richard Detore was going to say to that extent. I was concerned about what seemed to be a very close relationship.

So , by that time, I had spoken again with Mr. Huntsman who had come back from vacation. He advised, even the issues regarding the IRS, he said he had never heard of a subpoena in the blind and that the issues in regard

to dropping my case were totally, totally unethical and that I needed to get rid of that firm right away.

Mr. Green. Mr. Huntsman, who is a civil attorney, and you said that negotiated you an immunity agreement, but it was a criminal case. You were -- the immunity was based on criminal prosecution?

Mr. Detore. He had previously been either a prosecutor or something. He handled just civil cases at that time.

Mr. Green. Okay. You mentioned -- what was the first date that you were questioned by the Federal authorities?

Mr. Detore. Well, the first date is when they came to the door and they wanted to question me, and I didn't respond.

Mr. Green. When they -- under your testimony you talked about -- they said you are not going to get any help from the administration. What date was that?

Mr. Detore. That happened after Mr. Cafaro's plea bargain. Before that, all conversations --

Mr. Green. I need a date -- November, December, 2000.

Mr. Detore. June, July of 2001.

Mr. Green. Okay. June, July of 2001. In your testimony, it concerned me because you were parroting what Congressman Traficant said, that it seemed like that there was a conspiracy with Janet Reno in 2001. She was not our Attorney General at that time, and yet the FBI and the law enforcement was using her name?

Mr. Detore. That is correct.

Mr. Green. Can you imagine why they would do that?

Mr. Detore. I wasn't aware what they were talking about with her.

Mr. Green. The Attorney General wasn't going to protect you when she wasn't the Attorney General?

Mr. Detore. He didn't say that the Attorney General wasn't going to protect me. They said that the administration wasn't going to protect me.

Then they asked me if I had heard comments that the Congressman had made about the Attorney General, Reno; and I wasn't aware of them.

Mr. Green. But again in 2001, you know we changed administrations in 2001?

Mr. Detore. Correct.

Mr. Green. These agents, you know, I assume were career agents, and whether it was Attorney General Ashcroft or Reno, I guess that concerned me. Because one of the arguments our colleague, Mr. Traficant, has used is that it was a conspiracy by former Attorney General Reno. And now, you know, the threats weren't even made while she had any authority over you.

Does that surprise you? I know it shocks the hell out of me.

Mr. Detore. Everything throughout the whole case surprises me. I don't know what the core here is of what the motives are. I mean, I had never had an issue with the government all the way through that meeting. I mean, something turned after they took the plea agreement from Cafaro, because they caused an attorney of mine to go out and go before a grand jury.

Mr. Green. You mentioned a number of times about the boat purchase was approved by House Ethics. Do you have your own personal knowledge of that, or is it something someone told you?

Mr. Detore. Well, I had -- Paul Marccone had advised that it had been approved, former Chief of Staff for Congressman Traficant. He also testified to it in the Federal trial. And then I was also advised by J.J. Cafaro, in the presence of other people in my office, that House Ethics had approved the purchase of the boat.

Mr. Green. Well, Mr. Chairman, I am new on the committee, but I don't know of any procedure that we have that would approve -- if I called House Ethics and said, I am going to buy a boat or sell my boat or something like that, do we have any procedure for that ?

Mr. LaTourette. May I just respond?

Mr. Green. Because I am new on the committee.

Mr. LaTourette. So am I. But this matter came up the other day. I specifically asked this question, because it was Mr. Marccone's testimony. It was indicated to me that, given the state of the information introduced by counsel for the committee, that we are to assume that that is true.

Mr. Green. Okay, so I will -- I didn't see that in the transcript I read that was of yesterday's testimony. I just didn't know that we could get those type of opinions.

But, again, you were told that. That was the testimony. You understand it was in Federal court?

Mr. Detore. Sure. It was relayed to me through Paul Marccone from Congress. I mean, I had no reason to disbelieve him.

Mr. Green. Let me talk about the meals that were paid. I share my colleague from Ohio's -- you don't impress folks by taking them to Taverna.

But I noticed the laundry list. There were a number of meals. And I would assume -- 15 or 20 over a period of time. Did you pay for those?

Mr. Detore. They were reimbursed as business expenses by Cafaro Company. And it was actually advised by congressional staff to document who I was with, who the Member was with, number of people in attendance, and to always make sure that at no time that meal exceeded the \$50

threshold.

Mr. Green. Did anybody on the congressional staff tell you that there is a cumulative limit of a meals under our ethics provisions of \$50 twice during a year?

Mr. Detore. They said there was not as long as it did not exceed cumulatively some threshold of contribution amount or something, of what -- 2,000 or something per year.

Mr. Green. Again, being new on the committee, Mr. Chairman, that is not my understanding of our regulations and our ethics provisions. So, you know, my concern is, you have been advised by folks who may not be quoting you the House Ethics Rules correctly.

You also mentioned that Congressman Traficant paid for some of those meals?

Mr. Detore. That is correct.

Mr. Green. And one of our exceptions is that if you have an exchange, he can pay for your meal one time, and you can pay for it the other time. But do you know how many of these meals that you invoiced or that you paid for or --

Mr. Detore. Well, I think there is about 20 meals over a 2-year period of which I submitted for reimbursement for with the documentation who I was with. And there is probably a significant number of meals in which the Congressman paid for.

Mr. Green. Do you have any idea? You said 20. Do you know how many other meals you were at with Congressman Traficant?

Mr. Detore. Not off the top of my head. But to be honest with you, there were other Members there that paid for it.

Mr. Green. Other Members of Congress?

Mr. Detore. Yes. Correct. At times.

Mr. Green. No other questions, Mr. Chairman.

The Chairman. Mr. Berman.

Mr. Berman. I am just -- I am struck by the 20 dinners, more dinners than that since you paid for 20 and Mr. Traficant paid for a significant number of other ones. In the context of that, would it be fair to conclude that while this may have started as an -- this relationship may have started, as an issue, significantly more than 20 meals. Relationship starts in the context of working on this technology that Mr. Traficant is fighting to bring to the FAA and to our military services. Is it fair to assume that in the course of this relationship the two of you became friends as well as people who were working together on a common project?

Mr. Detore. I would classify him as a friend through business, a

relationship that I developed a respect for. And I need to say that a good percentage of these meetings was not about U.S. Aerospace or its technology. There could be a certain accident -- I had come before the committees and talked about Apache helicopter accidents and why they had certain issues, without getting into any classified -- that -- issues with TWA 800, different things that I would know as a pilot.

Quite frankly, it seemed to me as though Members -- and even going to Jim Hall of the NTSB who was with Mr. Traficant at one point -- seemed to be hungry for information from the actual user-operators of the aircraft, the accident of the aircraft in Little Rock, Arkansas, of the American Airlines aircraft. There was a constant -- seemed to be a lack of really understanding what was going on with the aircraft and wanting to know. So sometime you would be -- repetitively over a period of time, a month, you would be discussing the same thing again and again.

Mr. Berman. It just seems to me, though, that this is a large number of dinners together. I think you have indicated what may have started as a working together on a common project developed to a relationship which involved you enjoying being in his company, you developing respect and perhaps even affection for him as an individual, as a Congressman you admired, and that that became part of the reason for the frequency of the get-togethers. Is that an unfair conclusion?

Mr. Detore. I think it would be fairer to sum it up by I was told by Cafaro, in no uncertain terms, somebody from Congress calls, you go. The fact that it was at night was very bothersome to me, because I had young daughters. I didn't get to see them. Quite frankly, I'd just as soon have come over during the daytime and discuss the issues.

I don't take anything away from the Congressman, you know. It was the -- there was a point where he -- actually, my wife actually complained about the amount of time that I had to spend away. He actually called my wife and commended her for what I was doing in the interest of the Nation in trying to enhance safety.

Mr. Berman. All right. Well, then you are putting it in a different light for me, that Mr. Cafaro, as your boss, told you to respond when a Congressman called.

Mr. Detore. Absolutely.

Mr. Berman. That many of these dinners, if not most of them, were set up by Mr. Traficant, not by you?

Mr. Detore. A lot of the calls would come from his office in regards to a question or an issue or something that came out of a committee or a recent accident.

Mr. Berman. But you could give the staffer that called that information?

Mr. Detore. Well, they normally requested that I come over personally so he could get to ask me the question on whatever it was.

Mr. Berman. You could come over personally to answer that question. I am talking about these number of dinners, significantly more than 20. How did it end up at dinners?

Mr. Detore. How did it end up at dinners?

Mr. Berman. Yes.

Mr. Detore. Because it was always come over in between votes. That is how it would end up with dinner. I mean, it would be a case of -- you know, they would say we are started.

Mr. Berman. You would come over. Let's go eat.

Mr. Detore. I would come to the Capitol. They said, in between votes let's run and eat and then we will come -- a lot of the time he would get paged and go. I am still sitting there trying to collect the check and everything, and he would go back to the Capitol and vote, and I would go home.

Mr. Berman. Appreciate that. My information is that the Ethics Committee received a phone call from Mr. Marcone and that in the criminal trial this came out, spoke to an attorney at the Ethics Committee and told him that an employee of a company that they were working to get certified and working with legislatively wanted to buy the Congressman's boat and that this -- would this be okay by the ethics rules.

The attorney explained that as long as the individual paid fair market value and was not being given a special deal, it was okay. And that is the transcript page 1265.

According to Mr. Traficant's former Chief of Staff, Mr. Marcone, Traficant told him Al Lang wants to buy my boat. Later, Traficant told Mr. Marcone that Cafaro had previously offered him a check for \$26,000 for the boat. That is in the transcript, page 1266. Traficant said to Mr. Marcone that he turned it down and said he could not do at that way, that Lang had to buy the boat and that he was annoyed with Cafaro for trying to do it that way. In the context of everything else, Marcone was bothered by this.

This is Mr. Marcone's testimony. Were you familiar with that testimony?

Mr. Detore. I think I have seen it, yes.

Mr. Berman. Is Mr. Marcone -- did he make a plea agreement with the U.S. Government?

Mr. Detore. Not that I am aware of.

Mr. Berman. Did he get immunity?

Mr. Detore. Not that I am aware of.

Mr. Berman. Do you know of any reason to think why he would not be truthful when he testified at trial?

Mr. Detore. No, I believe him to be very truthful.

The Chairman. No further questions, this concludes your testimony; and we appreciate you being here. You have been here a long time. You have done a good job, and we thank you for your attendance. I know you made a special effort to be here today. I think it was important to Mr. Traficant, and I think it was important to the committee. So thank you very much for being here. You are excused.

It would be cruel and unusual punishment to suggest that we do the summations at this hour of the night. Mr. Traficant, you will have, I think, some tapes and/or other documents that you want to put into the record tomorrow -- I mean, at some point. I think we will provide a little time for you to do that in the morning. We will do our summations at that time.

Mr. Traficant. What time?

The Chairman. Well, let me ask --

Mr. Traficant. I would like it to be a later, Chairman, if we could. If it is no offense to the committee, to maybe get a little rest.

The Chairman. Okay. Let's say 10:00 tomorrow morning. We were going to do it at 9:00. But I think in light of this late hour, let's do it at 10:00 tomorrow morning.

The committee stands in recess until 10:00 tomorrow morning.

[Whereupon, at 12:00 a.m., the committee recessed, to reconvene at 10:00 a.m. on Wednesday, July 17, 2002.]